

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**PROVIDENCE, SC.**

**SUPERIOR COURT**

**PROVIDENCE COUNTY MOTION CALENDAR PROTOCOLS**

**RE: DISPOSITIVE MOTIONS**

**A. Dispositive Motions Filed Prior to September 8, 2020**

Dispositive motions filed and/or scheduled prior to September 8, 2020 that have not been heard and/or scheduled for a hearing prior to September 8, 2020 and which remain unresolved need not be refiled. Any party requesting that a hearing be scheduled on an unresolved dispositive motion previously filed and/or scheduled prior to September 8, 2020 shall submit by electronic mail a completed Motion Calendar Covid-19 Hearing/Conference Request Form to [provotions@courts.ri.gov](mailto:provotions@courts.ri.gov) (see applicable form attached).

Dispositive motions filed prior to September 8, 2020 which have been scheduled and/or given omnibus dates on or after September 9, 2020 need not be refiled, and, with respect to said motions not already assigned a specific hearing date, any party requesting that a hearing be scheduled on said motions shall make the request in the same manner as set forth in Section B below for scheduling dispositive motions for hearing. Any party requesting an extension of a filing deadline or a continuance of a hearing date with respect to said motions shall make the request in the same manner as set forth in Section B below for extensions and continuances.

**B. Dispositive Motions Filed On or After September 8, 2020**

**Filing and Scheduling Motions:**

From and after September 8, 2020, dispositive motions (pursuant to Super. R. Civ. P. 12 and 56) shall be filed and scheduled on the motion calendar. All dispositive motions shall be scheduled by the Motion Calendar Clerk. To schedule a dispositive motion, the moving party must email the Motion Calendar Clerk at [provotions@courts.ri.gov](mailto:provotions@courts.ri.gov) to determine the next available date. Upon receiving the next available date from the Motion Calendar Clerk, the moving party shall promptly file:

1. Omnibus assignment form (noting the next available date);
2. Motion;
3. Memoranda; and
4. Affidavits and other supporting documentation.

Undue delay in filing the dispositive motion papers upon receiving the next available date may result in that motion day's calendar being filled, requiring the moving party to seek a new next available date.

### **Objections and Replies:**

Objections to dispositive motions shall note the calendar date set forth on the omnibus form and be filed within thirty (30) days of the filing of the motion, together with all memoranda, affidavits and other supporting documentation.

The moving party's reply, if any, shall note the calendar date set forth on the omnibus form and be filed within ten (10) days of the filing of the objection. No further briefing is permitted without leave of Court. Parties wishing to supply further briefing shall request leave for same in the same manner as set forth below for Extensions and Continuances.

### **Bench Copies:**

Parties shall submit bench copies of all motions, objections, memoranda, affidavits and other supporting documentation at the time the same are filed with the Court, along with bench copies of the principal case law relied upon (which may be highlighted or otherwise marked for ease of reference); except that no case law respecting the standard of review is required, unless there is an unusual or novel issue raised with regard to the standard. During the Covid-19 crisis, bench copies may be submitted by regular or overnight mail, or by hand-delivery, to the Motion Calendar Clerk in Courtroom 2, Third Floor, Licht Judicial Complex, 250 Benefit Street, Providence, RI.

### **Extensions and Continuances:**

Parties shall request an extension of a filing deadline or continuance of a hearing date by emailing such request to the Motion Calendar Clerk at [provmotions@courts.ri.gov](mailto:provmotions@courts.ri.gov), as set forth below.

Requests for extensions of filing deadlines shall be made no fewer than seven (7) days prior to the filing deadline. Requests for continuances of hearing dates shall be made no fewer than fourteen (14) days prior to the hearing date. Extensions or continuances sought outside of these deadlines will not be allowed absent extraordinary circumstances.

**ALL REQUESTS FOR THE CONTINUANCE OF A DISPOSITIVE MOTION HEARING MUST BE APPROVED BY THE MOTION CALENDAR JUSTICE. ALL REQUESTS FOR EXTENSIONS OF FILING DEADLINES MUST BE APPROVED BY THE MOTION CALENDAR JUSTICE.**

Requests for extensions/continuances must:

1. Include in the subject line the case number and case name (listing the case number first) and "request for [extension-dispositive motion]/[continuance-dispositive motion]" or words to that effect;
2. Be copied to all parties in the case;
3. State the grounds for the requested extension or continuance; and
4. State whether the request is consented to or opposed.

The Motion Calendar Justice will reply to the request via email, copying all parties.

If an objection to the requested extension/continuance is filed, the motion shall be scheduled on the Non-Dispositive Motion Calendar in accordance with the Protocols for that Calendar.

**Scheduling Dispositive Motions for Hearing**

A party requesting that a hearing be scheduled on a dispositive motion shall submit by electronic mail a completed Motion Calendar Covid-19 Hearing/Conference Request Form to [promotions@courts.ri.gov](mailto:promotions@courts.ri.gov) (see applicable form attached). All dispositive motions involving self-represented litigants will be scheduled by the Motion Calendar Clerk as in-person hearings in Courtroom 2, 3<sup>rd</sup> Floor, Licht Judicial Complex, 250 Benefit Street, Providence, RI 02903, with notice being given to all parties.

**Settlements, Withdrawing Motions, Passing Motions and Failure to Appear:**

If a case in which a dispositive motion is pending settles, the parties must advise the Motion Calendar Clerk by email to [promotions@courts.ri.gov](mailto:promotions@courts.ri.gov) as soon as is possible.

If a moving party wishes to withdraw a motion or the parties agree to pass a motion, the Motion Calendar Clerk shall be notified by email at [promotions@courts.ri.gov](mailto:promotions@courts.ri.gov) as soon as possible.

Where the parties fail to provide notice of withdrawal or passing a motion as set forth above or fail to appear at the hearing without having made prior arrangements with the Justice presiding over the motion, the Justice presiding over the motion, at his/her discretion may pass the motion from the Calendar or may deem the parties to have rested on their papers and render a decision accordingly.

**Orders and Judgments:**

Orders and judgments shall be filed electronically following hearing and ruling on a motion; orders and judgments shall not be filed in advance of the hearing. The Court in its discretion may allow certain time-sensitive orders to be presented in hand to the Court or by email to the Motion Calendar Clerk.

All orders and judgments shall include the date the matter was heard, the nature of the motion being heard and the name of the Hearing Justice. Orders also must include a signature block for the party presenting the order/judgment and a certificate of service. Add /s/ and date lines.

The signature line for the Hearing Justice shall appear on the left side of the order/judgment below the word “Enter.” The signature line for the Clerk shall appear on the right side of the order/judgment below the word(s) “Order” or “By Order.” The parties shall not insert a date of entry in the order or judgment. The date of entry shall be affixed by the Clerk upon his/her entry.

Any party objecting to the form of an order/judgment shall file the objection within four (4) days of the filing of the order pursuant to Super. R. Civ. P. 77(f) and shall email a copy of the objection to the Motion Calendar Clerk at [provotions@courts.ri.gov](mailto:provotions@courts.ri.gov), with a copy to the Justice who presided over the motion.

**BY ORDER OF:**

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**Joseph A. Montalbano**  
**Associate Justice**  
**October 7, 2020**



**STATE OF RHODE ISLAND  
SUPERIOR COURT  
COVID – 19 HEARING/CONFERENCE REQUEST**

**PROVIDENCE COUNTY SUPERIOR COURT CIVIL MOTION CALENDAR**

Plaintiff	Case Number
Defendant	

1. Requesting Attorney's Contact Information

Name:

Email Address:

2. Pending Motions – Indicate whether the motion is dispositive or non-dispositive:

Dispositive

Non-dispositive

3. Please provide title of motion:

4. Hearing Request (pick one):

Motion may be decided on filings

Remote Hearing requested (Webex)

In-Person Hearing requested

5. Conferences (please state reason for conference):

6. Name and email addresses of other hearing/conference attendees: