

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

SUPERIOR COURT

MOTION CALENDAR PROTOCOLS

**A. NON-DISPOSITIVE MOTIONS FILED PRIOR TO SEPTEMBER 8, 2020:**

Non-dispositive motions filed and/or scheduled prior to September 8, 2020 that have not been heard and which remain unresolved shall pass without prejudice to the refile of said motions with notice to opposing counsel/*pro se* parties in accordance with Super. R. Civ. P. 7, regardless of whether or not a Covid-19 Conference/Hearing request form has been previously submitted.

**B. NON-DISPOSITIVE MOTIONS FILED ON AND AFTER SEPTEMBER 8, 2020**

**Filing Motions:**

Non-dispositive motions may be filed for hearing on any Thursday that the Court is in session, upon ten days' notice in accordance with Super. R. Civ. P. 6(c). Omnibus forms are not required.

**Scheduling Hearing Times – Pre-Hearing Email Notice:**

No later than **4:00 PM on the Tuesday immediately preceding the Thursday** on which a motion is scheduled to be heard, the **moving party** shall email the Motion Calendar Clerk at [provotions@courts.ri.gov](mailto:provotions@courts.ri.gov) to schedule the motion for hearing on one of the following calendars:

1. 9:30 AM – Motions to be decided on the filings/papers;
2. 10:30 AM – Motions where a remote hearing is requested by the filing of a Motion Calendar Covid-19 Hearing/Conference request form (*See* applicable form attached);
3. 2:00 PM – Motions where an in-person hearing has been requested (including all motions involving self-represented litigants), by the filing of a Motion Calendar Covid-19 Hearing/Conference request form (*See* applicable form attached);

The subject line of the email shall reference the case number and case name (listing the case number first). In the body of the email, the moving party shall **specifically identify** the motion being heard and indicate whether the matter is:

1. Formal/Uncontested;
2. Ready/Contested;
3. Order to enter by agreement of the parties;
4. Motion continued to a specific date by agreement of the parties; or
5. Motion to pass.

The movant shall notify the Motion Calendar Clerk electronically at [provotions@courts.ri.gov](mailto:provotions@courts.ri.gov) as soon as possible if a motion will pass, be resolved through an agreed Order to enter or if the parties do not request oral argument, in which case the motion will be decided on the papers.

**If no email is received by 4:00 PM on Tuesday, the motion shall be marked as scheduled at 4:00 PM and shall automatically pass.**

The pre-hearing scheduling emails shall be copied to all parties (including self-represented litigants (by regular mail if necessary)).

If any party disagrees with the substance of an email sent by the moving party, that party shall so indicate in an email to the Motion Calendar Clerk at the above email address with notice to the opposing party(ies), sent by 4:00 PM on the Wednesday immediately preceding the Thursday on which the motion is to be heard. In such event, the motion shall be considered Ready/Contested at an in-person hearing at **2:00 PM**.

### **Motions Involving Discovery Disputes:**

The parties shall in good faith try to resolve discovery disputes prior to filing discovery motions and shall discuss the dispute (voice to voice) prior to the hearing.

Motions for more responsive answers/documents, motions to strike or similar motions involving interrogatories, requests for admission, requests for production and/or depositions must identify the specific item in dispute and incorporate in the motion the substance of the discovery request, the discovery response and the further response requested, and must state with specificity the basis for the further response requested. If the nonmoving party objects to the motion, it must state its grounds for objection with the same specificity.

Discovery motions may address multiple parties and multiple discovery requests in a single motion, and a single order may be presented to memorialize all rulings made on a discovery motion.

### **Objections/Replies:**

All objections to motions shall be filed and served no later than three (3) calendar days prior to the hearing on the motion.

All replies must be filed and served at least one (1) calendar day prior to the hearing with a bench copy sent electronically to the Motion Calendar Clerk at [provotions@courts.ri.gov](mailto:provotions@courts.ri.gov)

### **Orders:**

Orders shall be filed electronically following hearing and ruling on a motion; Orders 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; for example, Orders or commissions to take discovery out of state.

If a motion is resolved by an agreement among the parties, the Order shall either be entitled “Consent Order” or the body of the Order shall include a statement that the Order is “by agreement of the parties . . .” Orders entered by agreement shall not indicate that the matter “was heard” by the Court; instead, the Order shall reflect that the motion was “scheduled for hearing” or words to that effect.

Orders for Rule of Court motions pursuant to Super. R. Civ. P. 7(b)(3) similarly shall not state the matter “was heard” and instead shall state that the matter “was scheduled for hearing” and shall clearly state that the matter is granted by “Rule of Court.”

Otherwise, all Orders shall indicate the date the matter was heard, the nature of the motion being heard and the name of the Hearing Justice.

All Orders must include a signature block for the party presenting the Order and a certificate of service (excepting Orders on motions to extend time for service of process or for alternative service).

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

All periods for compliance in an Order shall run from the date of the hearing on which a ruling is made, not the date of the entry of the Order. For example, a 30-day Order for more responsive discovery answers begins to run on the day of the hearing, not the day the Order is entered. To make this clear, the Order shall either specify the specific date for compliance or state clearly that compliance is required within thirty (30) days of the hearing on the motion.

Any party objecting to the form of an Order 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 the email address noted above.

**Bench Copies:**

Parties are requested to submit hard copies of motions and/or objections of a substantive nature, particularly where motions are contested. For example, bench copies of simple motions to compel, for conditional Orders, for final dismissal/default, to quash, for extensions of time or alternative service, etc., need not be submitted, but it is of assistance to the Court to receive motions to strike, for protective order, to compel more responsive answers/responses, to remove defaults and other substantial motions in hard copy (including any memoranda filed), with the hearing date clearly marked. For significant legal arguments, the parties are requested to also supply hard copies of the principal case law relied upon. 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.

**Continuances:**

All requests for the continuance of a non-dispositive motion must be approved by the Motion Calendar Clerk. Continuance requests should be emailed to [promotions@courts.ri.gov](mailto:promotions@courts.ri.gov)

**By Order of:**

/s/  
\_\_\_\_\_  
**Joseph A. Montalbano**  
**Associate Justice**

**Dated: September 24, 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: