

**STATE OF RHODE ISLAND**

**SUPERIOR COURT**

**CIVIL MOTION CALENDAR PROTOCOLS – ALL COUNTIES**

*Beginning June 26, 2023, the following protocols are hereby established regarding matters on the Civil Motion Calendar. These protocols supersede any prior protocols issued and will remain in full force and effect until further order of the Court.*

**I. NON-DISPOSITIVE MOTIONS**

**A. Filing Motions:**

**1. Providence County:**

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).

**2. Kent County:**

Non-dispositive motions may be filed for hearing on the second and fourth Monday of each month (excepting holidays), upon ten days' notice in accordance with Super. R. Civ. P. 6(c). If a motion calendar falls on a court holiday, the calendar will be heard the following business day.

**3. Washington County:**

Non-dispositive motions may be filed for hearing on the third Monday of every month, (excepting holidays), upon ten days' notice in accordance with Super. R. Civ. P. 6(c). If a motion calendar falls on a court holiday, the calendar will be heard the following business day.

**4. Newport County:**

Non-dispositive motions may be filed for hearing on the first Monday of every month, (excepting holidays), upon ten days' notice in accordance with Super. R. Civ. P. 6(c). If a motion calendar falls on a court holiday, the calendar will be heard the following business day.

## **B. Scheduling Hearing Times – Pre-hearing Email Notice**

### **1. Providence County:**

- (a) No later than **4:00 PM** two business days before the day on which a motion is scheduled to be heard<sup>1</sup> the **moving party** shall email the Motion Calendar Clerk at [ProvMotions@courts.ri.gov](mailto:ProvMotions@courts.ri.gov) to schedule the motion for hearing on one of the following calendar time slots:
- (i) 9:30 AM – Motions where a remote hearing is requested;
  - (ii) 2:00 PM – Motions where an in-person hearing has been requested (including all motions involving self-represented litigants);
  - (iii) 3:00 PM<sup>2</sup> – Motions to be decided on the filings<sup>3</sup>
- (b) The subject line of the email shall reference the case number and case name (listing the case number first in the following format: PC-2023-01234) and shall include the following information:
- (i) Contact information for all counsel and self-represented litigants;
  - (ii) Title of motion;
  - (iii) Status of the motion, e.g., pass, order to enter by agreement, continued by agreement, formal/uncontested, ready/contested;
  - (iv) Type of hearing requested:
    - Remote hearing
    - In-person hearing
    - Motion to be decided on the filings.
- (c) This pre-hearing scheduling email must be copied to all parties, including self-represented litigants. If there is no email address available, then the information must be sent by the most efficient means available to provide reasonable notice.
- (d) All matters involving self-represented litigants will be conducted in-person **with notice being given to all parties.**

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<sup>1</sup> For example, in Providence County, the moving party must email by 4:00 PM **on the Tuesday before the Thursday hearing date.**

<sup>2</sup> Note that this 3:00 PM time slot is *for administrative purposes only*. No hearing is actually held as the matters are reviewed by the Court and decided after a review of the court filings.

<sup>3</sup> The assigned Hearing Justice will determine which matters may be decided on the filings.

- (e) If no email is received by 4:00 PM two business days before the day on which a motion is scheduled to be heard, the motion shall automatically pass.

## 2. Kent County/Washington County/Newport County:

- (a) No later than **4:00 PM** two business days before the day on which a motion is scheduled to be heard, the **moving party** shall email the Motion Calendar Clerk at:
  - [KentMotions@courts.ri.gov](mailto:KentMotions@courts.ri.gov)
  - [WashingtonMotions@courts.ri.gov](mailto:WashingtonMotions@courts.ri.gov)
  - [NewportMotions@courts.ri.gov](mailto:NewportMotions@courts.ri.gov)indicating the status of the scheduled motion.<sup>4</sup>
- (b) The subject line of the email shall reference the case number and case name (listing the case number first in the following format: K/N/WC-2023-01234) and shall include the following information:
  - (i) Contact information for all counsel and self-represented litigants;
  - (ii) Title of motion;
  - (iii) Status of the motion, e.g., pass, order to enter by agreement, continued by agreement, formal/uncontested, ready/contested;
  - (iv) Whether the parties are requesting that motion be decided on the filings.<sup>5</sup>
- (c) This pre-hearing scheduling email must be copied to all parties, including self-represented litigants. If there is no email address available, then the information must be sent by the most efficient means available to provide reasonable notice.
- (d) All motions will be heard in-person unless the Hearing Justice, on his or her initiative or in response to a request by a party, determines otherwise. All motions will be heard at 9:30 AM.<sup>6</sup>
- (e) All matters involving self-represented litigants will be conducted in-person **with notice being given to all parties.**

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<sup>4</sup> In the Counties, the moving party must email by 4:00 PM **on the Thursday before the Monday hearing date.**

<sup>5</sup>The assigned Hearing Justice will determine which matters may be decided on the filings.

<sup>6</sup>This includes all requests for a remote hearing as well as a request that the Motion be decided on the papers.

- (f) If no email is received by 4:00 PM two business days before the day on which a motion is scheduled to be heard, the motion shall automatically pass.

**C. Resolved Motions (All Counties):**

1. The moving party shall notify the Motion Calendar Clerk at the applicable email address with notice to the opposing party(ies) as soon as possible if the motion will:
  - (a) pass,
  - (b) be resolved through an agreed order to enter, or
  - (c) if the parties do not request oral argument, in which case the motion will be decided on the filings.
2. 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 applicable email address with notice to the opposing party(ies), sent by 4:00 PM one business day before the day on which the motion is to be heard. In such event, the motion shall be considered ready/contested at an in-person hearing.

**D. Motions Involving Discovery Disputes (All Counties):**

1. The parties shall in good faith try to resolve discovery disputes prior to filing discovery motions and must discuss the dispute (voice to voice) prior to the hearing.
2. Motions for more responsive answers/documents, motions to strike or similar motions involving interrogatories, requests for admission, requests for production and/or depositions must
  - (a) identify the specific item in dispute
  - (b) incorporate in the motion the substance of the discovery request, the discovery response and the further response requested, and
  - (c) state with specificity the basis for the further response requested.
3. If the non-moving party objects to the motion, it must state its grounds for objection with the same specificity and follow the same format.
4. 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.

**E. Objections/Replies (All Counties):**

1. Objections: All objections to motions shall be filed and served no later than three (3) calendar days before the hearing on the motion.
2. Replies: Any replies must be filed and served at least one (1) calendar day before the hearing with a bench copy sent electronically to the Motion Calendar Clerk at the applicable email address.

**F. Bench Copies (All Counties):**

1. Parties are requested to submit two (2) hard copies of motions and/or objections of a substantive nature, particularly where motions are contested.
  - (a) 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.
  - (b) It is of assistance to the Court to receive motions to strike, for protective order, to compel more responsive answers/responses when there are several in dispute, to remove defaults and other substantial motions in hard copy (including any memoranda filed), as well as electronically, with the hearing date clearly marked.
5. For significant legal arguments, the parties are requested to also supply two hard copies of the principal case law relied upon.
6. The two hard copies may be submitted by regular or overnight mail or by hand-delivery addressed to the Motion Calendar Clerk of the applicable County.
7. For matters extensively briefed, it is also requested that the parties submit electronic copies in Word format to the Motion Calendar Clerk at the applicable email address in order to assist the Court in expediting the preparation of a bench memo.

**G. Motions to Assign (All Counties):**

All Motions to Assign to the Trial Calendar shall contain a certification from counsel that discovery is substantially complete.

**H. Continuances (All Counties):**

1. All requests for continuance of a non-dispositive motion must be approved by emailing the Motion Calendar Clerk at the applicable email address and include the specific date that is being requested.
  - (a) This email must be copied to all parties, including self-represented litigants. If there is no email address available, then the information must be sent by the most efficient means available to provide reasonable notice.
  - (b) This email must be sent no later than **4:00 PM** two business days before the day on which a motion is scheduled to be heard.
2. If the continuance is by agreement, counsel should indicate as such in the email, in which case, the Motion Calendar Clerk may approve such continuances.
3. If the request for a continuance is contested, the email should indicate the nature of the request and the stated reason for the objection. The Hearing Justice will approve or deny all contested requests for a continuance, which will be considered on the

original hearing date of the motion or sooner if there is sufficient time to schedule such a hearing.

**I. Ready Subject (All Counties):**

1. If counsel need to call a matter “ready subject” for any reason, all other counsel, self-represented litigants, and the Court should be advised of the reason and the expected time of arrival **as soon as possible**.

**J. Motions in Medical Malpractice Cases (All Counties):**

1. Motions filed in any medical malpractice case must consider the protocols established for the Medical Malpractice Scheduling Calendar.
2. Counsel and parties are expected to be familiar with those protocols.
3. Most significantly, and among other things, counsel and parties must be aware that any motion that will impact or interfere with the timelines set forth in any scheduling order put in place by the Judge handling the Medical Malpractice Scheduling Calendar must be referred to the Judge handling the Medical Malpractice Scheduling Calendar.
4. Counsel and parties are expected to bring to the attention of any Judge handling any motion in a medical malpractice case whether the motion under consideration will impact the Medical Malpractice Scheduling Calendar Protocols.

**II. DISPOSITIVE MOTIONS**

**A. Filing and Scheduling Dispositive Motions (All Counties):**

1. Dispositive motions (pursuant to Super. R. Civ. P. 12 and 56) shall be scheduled by the Motion Calendar Clerk. To obtain the next available hearing date for a dispositive motion,<sup>7</sup> the moving party must email the Motion Calendar Clerk at:  
[provmotions@courts.ri.gov](mailto:provmotions@courts.ri.gov);  
[kentmotions@courts.ri.gov](mailto:kentmotions@courts.ri.gov);  
[washingtonmotions@courts.ri.gov](mailto:washingtonmotions@courts.ri.gov);  
[newportmotions@courts.ri.gov](mailto:newportmotions@courts.ri.gov).
2. Upon receiving the next available hearing date from the Motion Calendar Clerk, the moving party shall promptly file and serve:
  - (a) Omnibus assignment form (noting the next available date);
  - (b) Motion;
  - (c) Memoranda; and
  - (d) Affidavits and other supporting documentation.

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<sup>7</sup> A minimum of sixty (60) days is required from the date of filing to allow counsel to submit any objections/replies prior to the hearing on the motion(s).

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

**B. Objections and Replies (All Counties):**

**1. Objections:**

- (a) Objections to dispositive motions shall note the hearing date set forth on the omnibus form;
- (b) Be filed within thirty (30) days of the filing of the motion; and
- (c) Include all memoranda, affidavits, and other supporting documentation.

**2. Replies:**

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

**C. Bench Copies (All Counties):**

**1. The moving party<sup>8</sup> shall:**

- (a) email to the Motion Calendar Clerk at the applicable email address all motions, objections, memoranda, affidavits, and other supporting documentation once all of the same have been filed with the Court;
- (b) submit two (2) hard copies (binders with tabs required) of all motions, objections, memoranda, affidavits, and other supporting documentation once all of the same have been filed with the Court; and
- (c) submit two (2) hard copies (binders with tabs required) 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.
- (d) The two hard copies may be submitted by regular or overnight mail or by hand-delivery addressed to the Motion Calendar Clerk of the applicable County.
- (e) The parties are requested to submit electronic copies in Word format to the Motion Calendar Clerk at the applicable email address in order to assist the Court in expediting the preparation of a bench memo.

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<sup>8</sup> This task is assigned to the moving party to ensure that all filings, once complete, can be brought to the Court in a single comprehensive package to avoid papers being lost and to make it convenient for the Court. If an opposing party's papers are voluminous, it is expected that the required extra "chamber's copies" should be mailed or delivered to moving party's counsel to compile into one comprehensive package to bring to the Court.

**D. Extensions and Continuances (All Counties):**

1. Parties shall request an extension of a filing deadline or continuance of a hearing date by emailing such request to the Motion Calendar Clerk **and** Hearing Justice at the applicable email address including the following information:
  - (a) The subject line of the email shall reference the case number and case name (listing the case number first in the following format: PC-2022-01234) **and** “request for [extension-dispositive motion]/[continuance-dispositive motion]” or words to that effect;
  - (b) Be copied to all parties in the case, including self-represented litigants. If there is no email address available, then the information must be sent by the most efficient means available to provide reasonable notice.
  - (c) State the grounds for the requested extension or continuance; and
  - (d) State whether the request is consented to or opposed.
2. The Hearing Justice or Motion Calendar Clerk will reply to the request via email, copying all parties. If necessary, the Hearing Justice may require the moving party to file a motion in accordance with the protocols for the Non-Dispositive Motion Calendar.
3. Requests for extensions of **filing deadlines** shall be made no fewer than seven (7) days prior to the filing deadline **and must be approved by the Hearing Justice**.
4. Requests for continuances of **hearing dates** shall be made no fewer than fourteen (14) days prior to the hearing date **and must be approved by the Hearing Justice**.
5. Extensions or continuances sought outside of these deadlines will not be allowed absent extraordinary circumstances.

**E. Hearings (All Counties):**

1. The Motion Calendar Clerk will schedule a time for the hearings on all dispositive motions.
2. All dispositive motions shall be in-person unless the Hearing Justice on his or her initiative or in response to a request from a party agrees to conduct a remote hearing. Notwithstanding the foregoing, all hearings involving self-represented litigants will be scheduled by the Motion Calendar Clerk as in-person hearings **with notice being given to all parties**.

**F. Settlements, Withdrawing Motions, Passing Motions and Failure to Appear (All Counties):**

1. If a case in which a dispositive motion is pending settles, the parties must advise the Motion Calendar Clerk by email at the applicable email address **as soon as is possible**.
2. 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 the applicable email address **as soon as is possible**.
3. 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 Court, the Hearing Justice presiding over the motion may deny or pass the motion or may deem the parties to have rested on the filings and render a decision accordingly.

### **III. ORDERS AND JUDGMENTS (ALL COUNTIES):**

#### **A. Filing of Orders:**

1. Orders shall be filed electronically within ten (10) of the hearing and ruling on a motion.
2. Orders shall not be filed in advance of the hearing.
3. 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.

#### **B. Orders by Agreement:**

1. If a motion is resolved by an agreement among the parties, the Order shall be entitled “Consent Order” and the body of the Order shall include a statement that the Order is “by agreement of the parties . . .”
2. 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.
3. Rule of Court Orders:
  - (a) 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.”
  - (b) Orders granted by “Rule of Court” shall be signed and entered by the Motion Calendar Clerk and not by the Hearing Justice presiding over the motion calendar.

**C. Form of Orders:**

1. All Orders shall include/indicate:
  - (a) Date the matter was heard or scheduled to be heard;
  - (b) Nature of the motion being heard;
  - (c) Name of the Hearing Justice;
  - (d) Electronic signature of the party presenting the Order;
  - (e) Certificate of service (excepting Orders on motions to extend time for service of process or for alternative service);
  - (f) Signature line for the Hearing Justice shall appear on the left side of the Order below the word “Enter”;
  - (g) Signature line for the Clerk shall appear on the right side of the Order below the word(s) “Order” or “By Order.”
  
2. The parties shall not insert a date of entry in the Order because the date of entry of the Order will be affixed by the Clerk upon entry.

**D. Objecting to Orders:**

1. 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
2. Shall email a copy of the objection to the Motion Calendar Clerk at the applicable email address.

**E. Compliance with Orders:**

1. 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.
2. 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.
3. 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.**

/s/

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**Alice Bridget Gibney**  
**Presiding Justice**

**Entered Date: June 21, 2023**