Rule 15. Motions

15.01 Form

Subdivision 1. Generally. An application to the court for an order shall be by motion. Motions may be made for any purpose authorized by statutes or these rules.

Subd. 2. Motions to Be in Writing. Except as permitted by subdivision 3, a motion shall be in writing and shall:

(a) set forth the relief or order sought;

(b) state with particularity the grounds for the relief or order sought;

(c) be signed by the person making the motion;

(d) be filed with the court;

(e) be accompanied by a supporting affidavit; and

(f) be accompanied by a memorandum of law, if appropriate.

The requirement of writing is fulfilled if the motion is stated in a written notice of motion. The parties may agree to written submission to the court for decision without oral argument unless the court directs otherwise.

Subd. 3. Exception to Requirement of Written Motion. Unless another party objects, a party may make an oral motion during a hearing. All oral motions and objections to oral motions shall be made on the record. When an objection is made, the court shall determine whether there is good cause to permit the oral motion and, before issuing an order, shall allow the objecting party reasonable time to respond.

15.02 Service and Notice of Motion

Subdivision 1. Upon Whom. The moving party shall serve the notice of motion and motion, along with any supporting affidavit or other supporting documentation or a memorandum of law, on all parties and any other persons designated by the court.

Subd. 2. How Made. Service of a motion by a Registered User of the E-Filing System upon another Registered User shall be made in compliance with Rule 14.03 of the General Rules of Practice for the District Courts. In all other circumstances, service of a motion shall be made by personal service, U.S. mail, or e-mail or other electronic means agreed upon in writing by the person to be served.

Subd. 3. Time.

(a) **Motion.** Except for motions pursuant to Rule 29, no motion shall be heard until the moving party serves the following documents on the other parties and files them with the court at least fourteen (14) days prior to the hearing:

(1) notice of motion and motion;

(2) proposed order;

(3) any affidavits and exhibits to be submitted in conjunction with the motion; and

(4) any memorandum of law the party intends to submit.

(b) **Response.** Any party responding to the motion shall serve the following documents on the moving party and other interested parties and shall file them with the court at least seven (7) days prior to the hearing:

(1) any memorandum of law the party intends to submit; and

(2) any relevant affidavits and exhibits.

(c) **Reply Memorandum.** The moving party may submit a reply memorandum, limited to new legal or factual matters raised by an opposing party's response to a motion, by serving a copy of such memorandum upon the party or parties and filing the original with the court administrator at least three (3) days before the hearing.

(Amended effective January 1, 2007; amended effective July 1, 2015.)

15.03 Ex Parte Motion

A motion may be made ex parte without a hearing when permitted by statute or these rules. Upon issuance of an ex parte order, a hearing shall be scheduled at the earliest possible date upon the request of a party.