## Rule 122. Continuance

If a trial setting has been established by scheduling order after hearing the parties, the court shall decline to consider requests for continuance except those made by motion or when a judge determines that an emergency exists. A single request for a reasonable continuance of a trial setting set by notice without hearing should be granted by the court upon agreement of all parties, provided that the request is made within 20 days after notice of the setting to the parties. All other requests for continuance shall be made by motion with notice to all parties.

**Cross Reference:** Minn. R. Civ. P. 40.

***Task Force Comment - 1991 Adoption***

*This rule reflects the result of extensive discussions by the Task Force. This rule is intended to create a uniform continuance practice statewide, consistent with the widely differing assignment practices. The rule creates a presumptive right to one continuance only in cases where a trial setting is made mechanically and without consultation of the parties and their lawyers and then only if all parties agree. If the setting has been made after hearing parties, there would be no presumed continuance. In any case, the court can deny requests for continuance.*