

## **LCR 5            SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

### **(d) Filing.**

#### **(1) *Time.***

(A) Briefs and all supporting documents shall be submitted on the following schedules, unless the court orders otherwise or a state-wide law or rule provides otherwise:

(i) Trial briefs. Trial briefs shall be filed and served at least two business days before trial.

(ii) Appeals from administrative agency action. The petitioner's brief shall be filed and served not later than 45 calendar days before oral argument. The respondent's brief shall be filed and served 25 calendar days before oral argument. The petitioner's reply brief shall be filed and served not later than 15 calendar days before argument.

(iii) Civil motions. Unless otherwise provided in these rules, briefs and all supporting materials for motions shall be filed and served before 5:00 p.m., at least six business days before the hearing. Opposing briefs and materials shall be filed and served before 12:00 noon, three business days before the hearing. Reply briefs shall be filed and served before 12:00 noon, two business days before the date scheduled for hearing.

(iv) Dispositive Motions. Motions for summary judgment (CR 56), motions filed under CR 12(b)(6), and motions filed under CR 12(c) shall be filed and served as provided in LCR 56, and shall be scheduled on the assigned judge's dispositive motion calendar. The moving party shall file the motion, brief, and all supporting materials on the same day on which the notice of hearing is filed. Dispositive motion hearings may be stricken without advance notice to the parties if the materials were not timely filed.

(v) Motions for Reconsideration. Motions for reconsideration shall be filed and served as provided in these local rules and state rules governing such motions (CR 59 and LCR 59).

(vi) Sexually Violent Predator Annual Review Hearings. Annual review hearings regarding sexually violent predators shall be briefed on a schedule provided by the court when the court approves scheduling the hearing under LCR 7(b)(6).

(vii) Ballot Title Appeals. Briefs in ballot title appeals shall be filed and served on the following schedule: the petitioner's opening brief is due by 5:00 p.m. three business days after the petition is filed, response briefs are due at noon six business days after the petition is filed, and the reply brief is due at noon seven business days after the petition is filed. The petition can serve as the opening brief if it clearly indicates in the petition that no opening brief will be filed.

(viii) Recall Petitions. Briefs in recall petitions shall be filed and served on the following schedule: the recall proponent's opening brief is due by 5:00 p.m. three business days after the petition is filed, response briefs are due at noon six business days after the petition is filed, and the proponent's reply brief is due at noon seven business days after the petition is filed. The petitioner may, but is not required to, file a brief with the petition.

**(k) Judge's Copy.** Except as provided in these rules, copies of all documents filed with the clerk over which a party seeks judicial review shall be provided to court administration at or before the time of filing. Judge's copies of ex parte matters at the Main Campus are not required or accepted by the court.

(1) *Generally.* Each judge's copy of a pleading shall be identified as the judge's copy and shall identify the date, time, and the judge before whom or the calendar on which the matter is scheduled to be heard, in substantially the following format in the top, left-hand corner of the first page. If the document does not meet these guidelines, it may not be delivered to the judge for consideration:

Hearing date: _____
Hearing time: _____
Judge/Calendar: _____

(2) *Attachments and Exhibits.* Judge's copies that contain attachments and exhibits that cannot be secured with a staple shall be placed in a three-ring binder, with tabs designating the attachments and exhibits.

(3) *Administrative Record.* A judge's copy of an opening brief that cites to an administrative record shall attach the portions of the administrative record that is cited. Judge's copies of subsequent briefs shall attach any additional portions of the administrative record that are cited.

(4) *Electronic Copy.* Parties may not submit electronic judge's copies of pleadings or attachments unless the court orders the parties to do so or other rules require electronic copies.

[Amended effective September 1, 1994; September 1, 1997; September 1, 2000; September 1, 2004; September 1, 2005; September 1, 2010; September 1, 2011; September 1, 2013; September 1, 2014; September 1, 2016; September 1, 2017; September 1, 2018; September 1, 2019; September 1, 2022; September 1, 2023.]