

Last reviewed and edited June 24, 2014  
Effective September 1, 2014

### **RULE 134. MOTION PRACTICE**

(a) **Motion Hearings.** Unless otherwise ordered by the court, motions that do not require testimonial evidence shall be considered and decided by the court, without hearing or oral argument, based on the motion filings, the pleadings, admissible appropriate record evidence, the court's file, and memoranda.

(b) **Summary Judgment Pre-filing Conference.** Unless otherwise ordered by the court, any party proposing to move for summary judgment on any claim or issue shall notify the court of the intent to file the motion through electronic communication at least 14 days before the filing of the proposed motion. Electronic transmittal of the notification shall comply with the BCD Procedural Rules, except that Rule 139(a)(2) does not apply.

If a summary judgment pre-filing conference was not scheduled pursuant to Rule 132(b), the court may schedule an in person or telephonic conference of counsel to discuss the proposed motion's parameters, including, but not limited to: the issue or claim to be addressed by the motion; the length of the statement of material facts and legal memoranda to be filed; possible stipulations to uncontested facts; the timing of the motion, opposition, and reply; and any other matter relevant to secure the just and speedy determination of the motion.

(c) **Unopposed Motions for Enlargement of Deadlines.** Unopposed motions pursuant to Rule 6(b)(1) that (a) do not expand the time for filing a jury trial demand or the completion of discovery, and (b) do not alter the dispositive motion deadline or the scheduled trial date, may be presented to the court electronically through a proposed order only. The proposed order shall state that all parties are aware of and do not oppose entry of the order. The presentation of an unopposed motion for the enlargement of deadlines does not mandate corresponding approval by the court.

Electronic transmittal of the order shall comply with the BCD Procedural Rules, except that Rule 139(a)(2) does not apply. Transmittal of the proposed order by an attorney or party constitutes a representation, subject to Rule 11, that all parties are aware of and do not oppose entry of the order.