

Motion

TYPICAL STEPS IN A MOTION WITH PERSONAL APPEARANCE AT A GENERAL SITTING

TYPICAL STEPS IN A MOTION WITHOUT PERSONAL APPEARANCE (in writing)

Who	Does what	Rule and Form	When
Moving party	Serves and files motion record containing a notice of motion, affidavit(s) in support and written representations*	Rules 359 , 362 , 363 and 364 and 369(1) Form 359	At any time
Responding party	Serves and files motion record** containing affidavit(s) and written representations*	Rule 365 and 369(2)	Within 10 days after being served with the moving party's motion record
Any party	May conduct cross-examinations on affidavits and file transcript of cross-examination (if any)	Rules 83 and 368	Before the Court deals with the motion
Moving party	May serve and file a reply	Rules 369(3)	Within 4 days of service of the responding party's motion record

Who	Does what	Rule and Form	When

Court hears and decides the motion

* Both the moving party and the responding party will need to serve and file a memorandum of fact and law instead of representations if the motion is for a summary judgment or summary trial, an interlocutory injunction, a determination of a question of law or a certification as a class proceeding or if the Court so orders: Rule 366

** A responding party who objects to the motion being submitted in writing indicates in its written representations or memorandum of fact and law the reasons why the court should not decide the motion in writing. The Court may decide to decide the motion in writing or schedule a time and place for its hearing.