I.R.C.P. 7.b.3. Time Limits for Filing and Serving Motions, Affidavits and Briefs.

Idaho Rules of Civil Procedure Rule 7(b)(3). Time Limits for Filing and Serving Motions, Affidavits and Briefs.

Unless otherwise ordered by the court, which order may for cause shown be made on ex parte application, or specified elsewhere in these rules:

(A) A written motion, other than one which may be heard ex parte, and notice of the hearing thereon shall be filed with the court, and served so that it is received by the parties no later than fourteen (14) days before the time specified for the hearing.

(B) When a motion is supported by affidavit(s), the affidavit(s) shall be served with the motion, and any opposing affidavit(s) shall be filed with the court and served so that it is received by the parties no later than seven (7) days before the hearing.

(C) It shall not be necessary to file a brief or memorandum of law in support of a motion, but the moving party must indicate upon the face of the motion whether the party desires to present oral argument or file a brief within fourteen (14) days with the court in support of the motion.

(D) If the moving party does not request oral argument upon the motion, and does not file a brief within fourteen (14) days, the court may deny such motion without notice if the court deems the motion has no merit. If argument has been requested on any motion, the court may, in its discretion, deny oral argument by counsel by written or oral notice to all counsel before the day of the hearing, and the court may limit oral argument at any time.

(E) Any brief submitted in support of a motion shall be filed with the court and served so that it is received by the parties at least fourteen (14) days prior to the hearing. Any responsive brief shall be filed with the court and served so that it is received by the parties at least seven (7) days prior to the hearing. Any reply brief shall be filed with the court, and served so that it is received by the parties, at least two (2) days prior to the hearing.

(F) If the office of the presiding judge or magistrate in any action is outside of the county in which an action is pending, the party serving any motion, affidavit, or brief shall simultaneously send a copy to the presiding judge or magistrate, which shall be in addition to the filing of the originals with the court of record.

(Amended effective July 1, 1977; amended March 24, 1982, effective July 1, 1982; amended March 23, 1983, effective July 1, 1983; amended June 15, 1987, effective November 1, 1987; amended April22, 2004, effective July 1, 2004; amended March 17, 2006, effective July 1, 2006.)

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