I.A.R. 32. Motions - Time for Filing - Briefs

Idaho Appellate Rule 32. Motions - Time for Filing - Briefs.

(a) Motions to Dismiss. A motion for involuntary dismissal of an appeal with prejudice for failure to comply with these rules must be filed at least 21 days before oral argument on the merits; provided, a motion to dismiss an appeal for failure to timely physically file a notice of appeal or to dismiss a petition for rehearing for failure to timely physically file a petition for rehearing may be made at any time.

(b) Voluntary Motions to Dismiss. Any appealing party may move the court to dismiss the party's appeal with prejudice at any time, before or after oral argument. The court may tax costs and attorney fees as though the non-appealing party had prevailed.

(c) Other Motions. All other motions permitted under these rules, other than a motion to dismiss, may be made at any time, before or after oral argument.

(d) Briefs or Statements to Accompany Motions. All motions shall include or be accompanied by a brief, statement, or affidavit in support thereof and service shall be made upon all parties to the appeal. Any party may file a brief or statement in opposition to the motion within 14 days from service of the motion. Any application for an extension of time to perform an act under this rule must be accompanied by an affidavit setting forth the reasons or grounds in support thereof. If the opposing party has been contacted and has no objection to the motion the following certificate may be attached:

CERTIFICATE OF UNCONTESTED MOTION

The undersigned does hereby certify that he or she has contacted opposing counsel(s) and is authorized to represent that opposing counsel(s) has(have) no objection to this motion.

Dated and certified this _____ day of _____, 20___.

_____

(e) Size and Number of Copies. All motions, notices, affidavits, statements, motion briefs, or any other documents filed with the court should be typed on 8 1/2 x 11 inch paper. The body of all such

documents may be typed with double line spacing or one-and-one-half (1 1/2) line spacing. An original and six copies of each motion, brief, statement, affidavit or memorandum shall be filed with the clerk of the Supreme Court. Prisoners incarcerated or detained in a state prison or countyjail may file documents that are legibly hand-printed in black ink, in whole or in part, that otherwise conform to the requirements of these rules.

(f) Oral Argument. All motions will be considered and disposed of without oral argument unless otherwise ordered by the Supreme Court.

(Adopted March 25, 1977, effective July 1, 1977; amended March 31, 1978, effective July 1, 1978; amended April 18, 1983, effective July 1, 1983; amended March 23, 1990, effective July 1, 1990; amended January 30, 2001, effective July 1, 2001; amended March 21, 2007; effective July 1, 2007.)

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