



## **I.R.C.P. 7. Pleadings Allowed; Form of Motions and Other Papers**

### **Idaho Rules of Civil Procedure Rule 7. Pleadings Allowed; Form of Motions and Other Papers.**

**(a) Pleadings.** Only these pleadings are allowed:

- (1) a complaint;
- (2) an answer to a complaint;
- (3) an answer to a counterclaim designated as a counterclaim;
- (4) an answer to a counterclaim designated as a counterclaim;
- (5) a third party complaint;
- (6) an answer to a third party complaint; and
- (7) if the court orders one, a reply to an answer.

### **(b) Motions and Other Papers.**

(1) *In General.* A request for a court order must be made by motion. That motion must:

- (A) be in writing unless made during a hearing or trial;



(B) state with particularity the grounds for the relief sought including the number of the applicable civil rule, if any;

(C) state the relief sought; and

(2) *Proposed Order* A proposed form of order, if included, must be a separate document.

(3) *Filing and Serving Motions, Affidavits and Briefs; Time Limits.*

(A) A written motion, affidavit(s) supporting the motion, memoranda or briefs supporting the motion, if any, and, if a hearing is requested, the notice of hearing for the motion, must be filed with the court and served so as to be received by the parties at least 14 days prior to the day designated for hearing.

(B) Affidavit(s) opposing the motion and opposing memoranda or briefs, if any, must be filed with the court and served so as to be received by the parties at least 7 days before the hearing.

(C) The moving party may file a reply brief or memorandum, which must be filed with the court and served so as to be received by the parties at least 2 days prior to the hearing.

(D) The moving party must indicate on the face of the motion whether oral argument is desired. If a brief or memorandum is not filed with the motion, the motion must indicate on the face of the motion whether the party intends to file a brief or memorandum supporting the motion.

(E) If the moving party does not request oral argument or does not timely file a supporting memorandum or brief, the court may deny the motion without further notice if it determines the motion does not have merit.

(F) If oral argument has been requested on any motion, the court may deny oral argument by written or oral notice from the court at least 1 day prior to the hearing. The court may limit oral argument at any time.

(G) If the office of the presiding judge is outside of the county in which the action is pending, the parties must simultaneously provide a copy of any notice, motion, affidavit, brief, or other document relating to a motion to the presiding judge in addition to filing the materials with the court of record.



(H) Any exception to the time limits in this rule may be granted by the court for good cause shown. If time does not permit a hearing or response on a motion to extend or shorten time, the court may rule without opportunity for response or hearing.

(I) The time limits in this rule do not apply to motions and other matters if a different time limit is provided by statute or by another rule of civil procedure.

([Adopted March 1, 2016, effective July 1, 2016](#) [1].)

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### Links

[1] <https://isc.idaho.gov/./rules/IRCP/03012016-Adoption-Newly-Formatted.pdf>