I.R.C.P. 72. Order to Show Cause

Idaho Rules of Civil Procedure Rule 72. Order to Show Cause.

(a)   Procedure. An application for an order to show cause must be by verified complaint, or accompanied by an affidavit, stating the facts and grounds on which the application is based. If the court finds that an application makes a prima facie showing for an order commanding a person to do or refrain from doing specific acts or to pay a sum of money, the court must enter an order to show cause to the opposing party to comply with the request or show cause before the court at a time and place certain why the order should not be entered. An order to show cause must be served on the party to whom it is directed, or the party's attorney of record in the action, at least 7 days before the date of the show cause hearing in the same manner as a notice for hearing of a motion. If the party to whom the order to show cause is directed opposes the entry of the order, the court must hear the show cause proceeding. Any proceeding for contempt must be brought pursuant to Rule 75.

(b)   Notice of Intent to Present Evidence and Duty to Produce Designated Person.

(1)   Any party may elect to produce testimony and evidence at the hearing, or to cross-examine the adverse party and affiants by giving notice to the court and the adverse party at least 24 hours before the hearing. The notice must designate the persons sought to be cross-examined. The party against whom relief is sought must be given written notice of the requirements of this subdivision when served with the order to show cause.

(2)   If a party timely gives notice of the intent to cross-examine, the adverse party must have the persons designated in the notice present at the hearing, unless otherwise ordered by the court. If the adverse party or the party's affiants are not excused by the court and fail to appear as requested in the notice, the court may impose sanctions including awarding attorney fees to the requesting party.

(Adopted March 1, 2016, effective July 1, 2016.)