

mailed, or deposited in counsel's box.

RULE 7
CIVIL MOTION PRACTICE

- 7.1 **Motions.** All motions, unless made during a hearing or at trial, shall be in writing and shall be filed with the clerk. An original shall be filed and shall be accompanied by or contain a brief or memorandum suggesting the reasons and authorities in support.

A party opposing a motion other than one to dismiss, one for summary judgment, or post judgment relief under Chapter 60, Article 16 shall, within ten (10) days after service of the motion upon it, file an original with the clerk and serve upon all other parties a written response to the motion containing a short, concise statement of his opposition to the motion, and if appropriate, a brief or memorandum in support thereof. A party shall have twenty-one (21) days to respond to a motion to dismiss or for summary judgment. The party may, within ten (10) days after the service of such a response, file an original with the clerk and serve upon all other parties a copy of a written reply memorandum. No other replies will be allowed. Any such motion, not responded to may be granted *sua sponte*.

- 7.2 **Hearings.** No contested hearing shall be scheduled on any regular docket without the specific approval of the Judge who has been assigned to hear that particular case. If oral argument or a fact hearing is allowed by the Court, after request by counsel, the Court will set the matter specially for hearing. At any time after the expiration of the initial response time to a motion when no request for a hearing or oral argument has been granted, the motion shall be deemed finally submitted for decision.

Exceptions. The exceptions to the above are as follows:

- (1) Initial applications to the court for additional time to plead which do not request extensions in excess of thirty (30) days will be ruled on instantly without supporting memoranda and without awaiting responses from adverse parties.
- (2) Motions which show on their face factual authorities sufficient to support the relief requested do not require additional memoranda. (Motions and supporting memoranda may be combined and where combined should be so labeled.)
- (3) Motions accompanied by an agreed order will be ruled on without further supporting or responsive memoranda.
- (4) Preliminary domestic motions may be supported and opposed by

affidavits in lieu of or in addition to other memoranda.

- (5) Contested motions for change of an ex-parte temporary custody order.

- 7.3 **Chambers Copies.** A copy of every civil brief, motion and response and reply filed with the clerk must be simultaneously mailed or delivered to chambers of the judge assigned to hear the case.
- 7.4 **Time Computations.** The provisions of K.S.A. 60-206 shall govern the computation of the time periods set forth in this rule.
- 7.5 **General.** Any motion may be dismissed by the Court for failure to comply with the requirements of this rule.

RULE 8 MOTIONS TO RECONSIDER

A motion to reconsider is in substance, if not form, a motion to alter or amend under K.S.A. 60-259(f). A party may file a motion asking the judge to reconsider an order or decision, in writing, within ten (10) days after the filing of the Journal Entry or Order, unless time is expanded by the court. A motion to reconsider should be based upon an (1) intervening change in controlling law, (2) the availability of new evidence, or (3) the need to correct clear error or prevent manifest injustice.

RULE 9 PLEADINGS

All pleadings and other papers in any case or proceeding with the Clerk of the Court shall have 2 inches of blank space in the upper right hand corner for use by the Clerk for filing stamping.

All pleadings, precipices, and correspondence shall contain the case number and the division involved.

All pleadings, briefs, and other papers prepared by attorneys or litigants for filing in the court shall, unless the judge specifically permits otherwise, be typed with black ink on one side only on standard size paper (8 ½ x 11) which includes the name, address, and telephone number and Supreme Court Registration Number of the attorney filing said documents. Typing shall be double-spaced except that single spacing may be used for subparagraphs, legal descriptions of real estate, itemizations, quotations, and similar subsidiary portions of the instrument.

