

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1050

Amending Civil Rule 77 concern-
ing motions.

IT IS ORDERED:

1. Civil Rules 77(d) through (h) are amended to provide:

(d) Reply and supplemental materials and memoranda, if any, may be served and filed by the moving party within three days of the date of the service of the opposition to the motion.

(e) Oral Argument.

[(d)] (1) If either party desires oral argument on the motion, that party shall file a notice of hearing within five days after service of a responsive pleading or the time limit for filing such a responsive pleading, whichever is earlier.

(2) The notice of hearing shall set forth the date, time, and place of the hearing and shall include a certificate by counsel that he or she has attempted to resolve the matter with opposing counsel and that in his or her opinion oral argument is necessary. Such conferral with opposing counsel by mail or telephone is sufficient.

(3) The hearing date shall be set not less than seven nor more than 14 days from

the date of filing of the notice of hearing. In cases of motions to dismiss, motions for summary judgment and motions for judgment on the pleadings, the hearing date shall be set not less than ten days and not more than 20 days from the date of filing of the notice of hearing.

[(e)] (4) The amount of time to be allowed for oral argument shall be set by the judge. Except on motions to dismiss; motions for summary judgment; motions for judgment on the pleadings; other dispositive motions; motions for delivery and motions for attachment, oral argument shall be [GRANTED] held only in the discretion of the judge.

[(f) REPLY AND SUPPLEMENTAL MATERIALS AND MEMORANDA, IF ANY, MAY BE SERVED AND FILED BY THE MOVING PARTY WITHIN THREE DAYS OF THE DATE OF THE SERVICE OF THE OPPOSITION TO THE MOTION.]

[(g) IF ORAL ARGUMENT IS NOT HEARD, THE COURT SHALL PROMPTLY RULE ON THE MOTION AND COMPLY WITH ADMINISTRATIVE RULE 3.]

[(h)] (5) The presiding judge in each judicial district shall establish regular times and places, at intervals sufficiently frequent for the prompt dispatch of business, at which oral argument may be heard on motions; but any

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judge, at any time and on such notice, if any, as [HE] the judge considers reasonable, may order the hearing of motions at times other than on motion days.

[(g)] (f) If oral argument is not heard, the court shall promptly rule on the motion and comply with Administrative Rule 3.

2. Paragraphs (i) through (n) are relettered (g) through (l), respectively.

DATED: September 5, 1990

EFFECTIVE DATE: January 15, 1991

Chief Justice Matthews

Justice Rabinowitz

Justice Burke

Justice Compton

Justice Moore