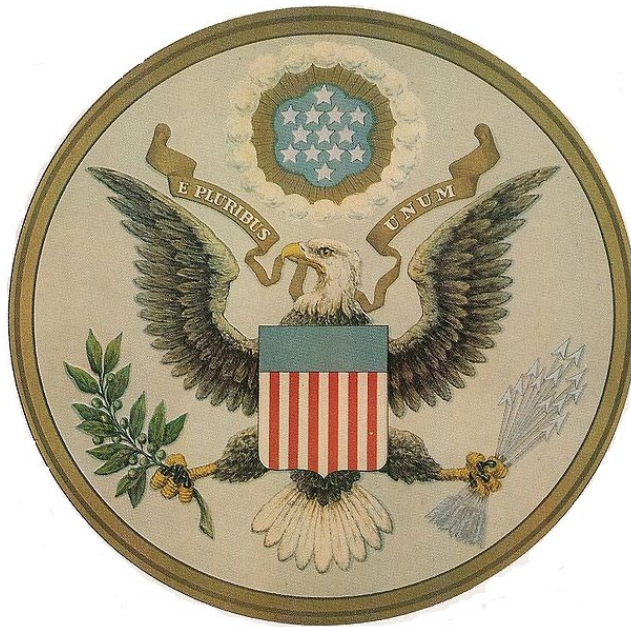


UNITED STATES DISTRICT COURT
DISTRICT OF MAINE



GUIDANCE FOR MOTION PRACTICE
IN THE DISTRICT OF MAINE

Christa K. Berry, Clerk of Court

March 2022

Bangor
(207) 945-0575

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• **What is a motion and how do I make or respond to one?**

A motion is a written request filed by any party to a lawsuit asking the judge for some sort of action in the case. Motions are the primary way to ask the court to act in a case.

Local Rule 7 – Motions and Memoranda of Law – also provides detailed information regarding motion practice.

Every motion should include the case caption, the specific action requested (what you want the court to do) and the reason for the request. Motions must be submitted separately from other filings and contain the word “motion” in the title. The motion should incorporate a memorandum of law, which is a brief written summary in support of your request. If you are arguing a legal matter, you should include citations to supporting authorities, such as rules, statutes (laws), or case law that supports your position.

There are two types of motions, dispositive and non-dispositive.

Dispositive Motions	A dispositive motion asks to resolve entirely one or more claims in the case. The most common types of dispositive motions are motions to dismiss and motions for summary judgment. Dispositive motions and responses to dispositive motions are limited to 20 pages. Replies to dispositive motions are limited to 7 pages.
Non-Dispositive Motions	Non-Dispositive motions are all other motions filed during the course of the case. Common examples are motions to extend time to file documents and motions to exceed page limits. Non-

	Dispositive motions and responses to Non-Dispositive motions are limited to 10 pages. Replies to Non-Dispositive motions are limited to 7 pages.
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Note: You do not need to make a motion for clerical things such as changing your address on the docket or requesting copies. Motions can delay resolution of your case and divert the attention of the parties and the court from preparing for trial.

- **How do I respond or reply to a motion?**

The party who files a motion is called the moving party. A party who does not want the motion to be granted is called the opposing party. The Local Rules establish time frames for the opposing party to respond to a motion and for the moving party to file any reply. Like a motion, the response must have an attached memorandum of law with citations to any supporting authorities, such as rules, statutes (laws), or case law that supports your position. See Local Rule 7 – Motions and Memoranda of Law for more detailed information regarding motion practice.

Response	When a motion is filed by a moving party the opposing party has 21 days from the date the motion was filed with the court to file any response to the motion. If no response is filed within the 21 days, the opposing party is deemed to have waived objection.
Reply	Once the response is received by the Court, the filer of the motion will have 14 days to file any reply. The reply is the final filing permitted before the motion is submitted to the judge for consideration.

- **What if I need more time to file something?**

If you need additional time to file a document, you must file a written motion with the court. Requests for more time cannot be made verbally in person or over the phone. It is important to file your written motion before the current due date for the document expires.

- **If there is a deadline set in my case and I have requested an extension, but the motion has not yet been ruled on, what should I do?**

If your motion to extend time was received and filed by the court, then you are protected from making the filing that is the subject of your motion until your motion to extend time is ruled on by the judge.

- **How long will it take to get a ruling on my motion?**

The Clerk's Office is unable to predict or advise on when rulings will be made by the judge.