

# MEMO

To: Attorneys practicing in the 57<sup>th</sup> Circuit Court  
Re: Summary disposition motion practice  
Date: June 24, 2008

1. MCR 2.116(G) requires that a summary disposition motion, supporting brief, and any affidavits must be filed and served at least 21 days before the hearing date.
2. A reply brief by the moving party is not provided for in the rules. Such a brief, if filed after the nonmoving party's response, will almost always be untimely. **Such a reply brief will not be considered.**
3. Likewise, a supplemental brief by the nonmoving party, after the deadline for the response, will not be considered.
4. If there are late-breaking developments, or a response contains something not anticipated by the moving party, the options are to either address such matters at oral argument, or adjourn the hearing, and file a supplemental brief sufficiently in advance of the new hearing to comply with the time deadline in the rules.
5. The 20-page combined limit for motions and briefs in MCR 2.119(A)(2) is routinely violated by reply or supplemental briefs. This will no longer be tolerated.
6. Absent leave of the Court, posthearing submissions are not permitted.
7. If a lengthy document has been provided as an exhibit by another party, (i.e., deposition transcript, medical record, etc) **do not attach an identical copy of the same exhibit** to your brief. Instead, reference the exhibit already provided.
8. The Court's Civil Scheduling Order provides that all motions must be heard prior to the date of the final pretrial/settlement conference. **Secure a hearing date well in advance**, to assure compliance with the Scheduling Order. Do not wait until the last minute, as summary disposition hearing slots may not be available on the Court's calendar.
9. If you have reserved a summary disposition hearing slot, and the case settles or you decide that the motion will not be filed, please inform the court staff promptly, so the time slot can be made available to others.

If there are any questions, please contact the Court.