

Instructions For Notice Of Motion Form

ND Legal Self Help Center Staff and Court employees can't help you fill out forms, or create documents for you. If you're unsure how to proceed, consult a lawyer.

ND Legal Self Help Forms aren't official forms. Judges and courts aren't required to accept them. There's no guarantee Center forms will be accepted. Use at your own risk.

Don't include these instruction sheets when you serve or file the completed form.

The "Motion" Section of the [Guide to a Civil Action, or Civil Case](#) on the ND Legal Self Help Center webpage has additional information and resources.

Use the [Making a Motion in a Civil Action, or Civil Case Checklist](#) to help you make your Motion.

A Notice of Motion document is **ONE** of a **set** of required documents that make up a written Motion:

- **Notice of Motion;**
- Motion;
- Brief in Support of Motion;
- Affidavit in Support of Motion or Declaration in Support of Motion; and
- Other supporting documents.

A **Notice of Motion** is a written advisory that tells all parties that a request for an order will be made to the court. The Notice of Motion tells all parties whether the motion will be decided on the documents alone, or if a hearing is requested.

If a hearing is requested, the Notice of Motion includes the date, time, and location, and whether the hearing is to present evidence, to present oral arguments or both.

- Presenting evidence, also called an evidentiary hearing, involves each party giving evidence, such as witness testimony and documents, to the court during the hearing.
- Oral arguments are spoken statements by each party to defend their legal position. Oral arguments are limited to the legal reasons each party included in their written Motion or Answer to Motion Briefs.

The party making a Motion to the court, or the "moving party," must serve a Notice of Motion on all other parties. The Notice of Motion is served with the Motion, Brief in Support of Motion, Affidavit(s) or Declaration(s) in Support of Motion, and any other supporting documents.

Note: If the moving party schedules a hearing to present evidence, also called an evidentiary hearing, all parties must be served 21 days **before** the date of the hearing.

Top of Form:

- Complete the top of the Notice of Motion exactly as it appears in the Plaintiff's Complaint.
- Fill in the case number. You **can't** make a Motion without a case number.
- Fill in the type of Motion on the lines under "**Notice of Motion For.**"
- List the names of all the other parties on the "**To:**" line. If a party is represented by a lawyer, list the name of the lawyer.

Paragraph 1: Notice of Oral Arguments OR Notice of Decision on Briefs

Motions may be decided after a hearing, **OR** decided entirely on the documents submitted by the parties. You, the moving party, must choose if you want a hearing or a decision made only on documents for Paragraph 1.

- If you, the moving party, scheduled a hearing on the Motion, put a checkmark (✓) in the first checkbox () in Paragraph 1.
 - Indicate with a checkmark (✓) whether the scheduled hearing is:
 - To present evidence;
 - To present oral arguments; or
 - To present both (checkmark (✓) both boxes).
 - Fill in the type of Motion.
 - Contact the [clerk of court](#) where the civil case is filed to schedule a date and time for the hearing. Fill in the following:
 - Name of the judge (or referee);
 - Date of the hearing; and
 - Time of the hearing.
 - If the hearing will be held by **Zoom Video Conference**, explain what the opposing party must do to attend the hearing by Zoom.
 - If the hearing will be held in person, indicate the County Courthouse where the hearing will be held. Also include the street address and city.

If you, the moving party, request that the court decide the Motion on Briefs, put a checkmark (✓) in the checkbox in Paragraph 1 (*located on page 2*).

- Fill in the type of Motion.

If you request a decision on Briefs, the **opposing party can still request an oral argument or an evidentiary hearing on the Motion.**

Sign and Date the Notice of Motion:

You, the moving party, must sign and date the Notice of Motion.

Serve and File the Notice of Motion, Motion, Brief in Support of Motion, Affidavit(s) in Support of Motion or Declaration(s) in Support of Motion and any Other Supporting Documents:

A copy of the Notice of Motion **must be served on all other parties**. A copy of the Motion, Brief in Support of Motion, Affidavit(s) in Support of Motion, or Declaration(s) in Support of Motion, and any other supporting documents **must be served with the Notice of Motion**.

The [Service](#) link on the ND Legal Self Help Center webpage has information about service after a civil case has been started.

The original Notice of Motion must be filed with the clerk of court where the existing case is filed. The original Motion, Brief in Support of Motion, Affidavit(s) in Support of Motion, or Declaration(s) in Support of Motion, any other supporting documents, and proof of service must be filed with the Notice of Motion.

The “Filing Documents with the District Court” Section of the [Guide to a Civil Action, or Civil Case](#) on the ND Legal Self Help Center webpage has additional information and resources.

****Disclaimer: The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided by the Center isn't intended for legal advice but only a general guide to the civil court process. The Center can't guarantee that all judges and courts will accept forms available through the Legal Self Help Center. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of competent legal counsel licensed in the state. Use at your own risk. ****

State Of North Dakota

In District Court

County Of _____

_____ Judicial District

Plaintiff,
vs)
)
)

Defendant.)

Case No. _____

Notice Of Motion For

To: _____
(List names of parties to receive notice of motion)

1. (Choose **One** checkbox () for Paragraph 1. Paragraph 1 continues on next page.)

You Are Hereby Given Notice that a hearing (select all checkboxes (✓) below that apply. You must select at least one checkbox):

- to present evidence
- for oral arguments

will be held on the Motion for _____

before the Honorable _____, District Court Judge/ Judicial

Referee at Date: _____ Time: _____ a.m./ p.m.

The hearing will be held by **Zoom Video Conference**, not at the courthouse. To attend the hearing (explain): _____

The hearing will be held in-person **at the** _____ **County**
Courthouse at (address) _____

or

You Are Hereby Given Notice that the Motion for _____

_____ will be decided on briefs unless a hearing is timely requested by a party or required by the Court under Rule 3.2 of the North Dakota Rules of Court.

2. Please Take Further Notice that you shall have fourteen (14) days after service of a brief supporting the enclosed motion within which to serve and file an answer brief and other supporting papers and that upon the filing of briefs, or upon expiration of the time for filing, the motion is deemed submitted to the Court, unless a party timely requests a hearing.

3. Please Take Further Notice that a request for a hearing must be made not later than seven (7) days after expiration of the time for filing the answer brief and that the party requesting a hearing shall secure a time for the hearing and shall serve notice of the time for the hearing upon all other parties.

Dated _____

(Moving Party Signature)

(Moving Party Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)