

STATE OF NORTH DAKOTA  
COUNTY OF \_\_\_\_\_

IN DISTRICT COURT

\_\_\_\_\_  
(Plaintiff) )  
PLAINTIFF, )  
Vs )  
\_\_\_\_\_  
(Defendant) )  
DEFENDANT, )

Case No. \_\_\_\_\_

Motion \_\_\_\_\_  
\_\_\_\_\_

1. \_\_\_\_\_ (Name), Plaintiff/  
Defendant (choose one), in the above-captioned civil case, makes this motion to the Court for  
an order of the Court under (specify the North Dakota laws and/or rules) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

2. Wherefore, Plaintiff/Defendant (choose one) respectfully moves the Court to  
(specify relief sought) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

3. This motion is based on the brief and affidavit in support of this motion, which are  
served and filed with the motion.

Respectfully submitted,

\_\_\_\_\_  
*Signature of Moving Party*

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City, State, Zip Code*

\_\_\_\_\_  
*Phone Number*

## INSTRUCTIONS FOR MOTION FORM

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Do not include these instruction sheets when you serve or file your completed motion.

The “Motion” Section of the [GUIDE TO A CIVIL ACTION](#) on the ND Legal Self Help Center website has additional information and resources.

A motion is a written request to the court for an order in an existing case. A motion **cannot be used** to start a new civil action.

The party making the motion is called the “Moving Party.” The party answering the motion is called the “Opposing Party.”

**A 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; and
- Other supporting documents.

A motion is a short, written request to the court that includes references to the specific rules and laws that support the request.

**Research North Dakota court laws and rules.** A motion to the court must include the legal authority that supports the motion request. The motion document lists the laws, North Dakota Supreme Court case law, and court rules, or a combination of all three, upon which the motion is filed. You must explain how and why the law, case law, or court rule supports your request in a separate document, the brief in support of motion.

(The North Dakota Century Code, and North Dakota Supreme Court case law, and North Dakota court rules are also found in print in many North Dakota public and academic libraries.)

- The North Dakota Century Code** is found online at [www.legis.nd.gov/general-information/north-dakota-century-code](http://www.legis.nd.gov/general-information/north-dakota-century-code). The Century Code contains the laws enacted by the North Dakota Legislature.

- North Dakota Supreme Court case law** is found online at [www.ndcourts.gov/](http://www.ndcourts.gov/). When the decision of a case is appealed from a North Dakota District Court to the North Dakota Supreme Court, the Supreme Court writes their opinion to explain how and why they interpreted the laws or rules to decide the case the way they did. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.
- North Dakota court rules** are found online at [www.ndcourts.gov/legal-resources/rules](http://www.ndcourts.gov/legal-resources/rules). Court rules govern how a dispute makes its way to court and how the dispute is conducted.

**Caption (Top of Form):**

- Complete the caption of the Motion exactly as it appears in the Plaintiff's complaint.
- Fill in the case number, if known. If the action has not been filed, the case number will be assigned by the clerk of court when the action is filed.
- Fill in the title of the type of motion you are making to the court.

**Paragraph 1:**

- Fill in the full, legal name of the moving party.
- List the North Dakota rules and/or laws that support the moving party's request(s). (The moving party must determine the North Dakota rules and/or laws that support their motion.)

**Paragraph 2:**

- List what you would like the Court to order, based on the rules and/or laws listed in Paragraph 1.

**Paragraph 3:**

- This paragraph tells the court that the moving party has prepared, served and filed a brief in support of motion and the moving party's affidavit in support of motion.
- The moving party must create, serve and file a notice of motion, a motion, a brief in support of motion, and the moving party's affidavit of motion.
- If the brief and moving party's affidavit refer to information in other affidavits or exhibits, the other affidavits or exhibits must be served and filed with the motion documents.

## Date and Signature:

- If the moving party is self-represented, the self-represented party must date and sign the brief in support of motion.

If the moving is represented by a lawyer, the lawyer must date and sign the brief in support of motion.

**WARNING:** By signing your name you are telling the Court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth, if you are misleading the Court, or if you are serving or filing this document for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

- Fill in the printed name, address and telephone number of the party (or lawyer) who signed the motion.

If you have a physical address and a mailing address, type or write both addresses using the lines provided, and the space next to the address lines.

Lawyers must also include an email address and their State Board of Law Examiners identification number.

## Service:

In general, copies of documents filed, or intended to be filed, with the court must be provided to the other parties in the civil action. This is called service.

There are specific requirements for serving documents after a civil action has started. [Rule 5](#) of the North Dakota Rules of Civil Procedure gives the requirements for service after a civil action has started.

Proof of service is an important step in the legal process. The court will not act on papers filed with the court until proof of service is filed.

For information about service and proof of service in a civil action, go to the [Service](#) link on the ND Legal Self Help Center website.

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*\*\*\*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 is not intended for legal advice but only a general guide to the civil court process. The Center cannot guarantee that all judges and courts will accept forms available through the Self Help Center. The Center is not responsible for any consequences that may result from the information provided. The information cannot replace the advice of competent legal counsel licensed in the state. Use at your own risk.\*\*\**