

1 **1-007.1. Motions; how presented.**

2 A. **Requirement of written motion.** All motions, except motions made during
3 trial, or as may be permitted by the court, shall be in writing and shall state with particularity
4 the grounds and the relief sought.

5 B. **Unopposed motions.** The movant shall determine whether a motion will be
6 opposed. If the motion will not be opposed, an order approved by all parties shall
7 accompany the motion.

8 C. **Opposed motions.** The motion shall recite that the movant requested the
9 concurrence of all parties or shall specify why no such request was made. The movant shall
10 not assume that the nature of the motion obviates the need for concurrence from all parties
11 unless the motion is a:

- 12 (1) motion to dismiss;
- 13 (2) motion for new trial;
- 14 (3) motion for judgment as a matter of law;
- 15 (4) motion for summary judgment;
- 16 (5) motion for relief from a final judgment, order or proceeding pursuant
17 to Paragraph B of Rule 1-060 NMRA.

18 Notwithstanding the provisions of any other rule, the movant may file with any
19 opposed motion a brief or supporting points with citations or authorities. If the motion
20 requires consideration of facts not of record, the movant shall file copies of all affidavits,

**DISTRICT COURT CIVIL
RULE 1-007.1**

**Supreme Court Approved
November 1, 2019**

1 depositions or other documentary evidence to be presented in support of the motion.
2 Motions to amend pleadings shall have attached the proposed pleading. A motion for
3 judgment on the pleadings presenting matters outside the pleading shall comply with Rule
4 1-056 NMRA. A motion for new trial shall comply with Rule 1-059 NMRA.

5 D. **Response.** Unless otherwise specifically provided in these rules, any written
6 response and all affidavits, depositions or other documentary evidence in support of the
7 response shall be filed within fifteen (15) days after service of the motion. If a party fails to
8 file a response within the prescribed time period the court may rule with or without a hearing.

9 E. **Separate counter-motions and cross-motions required.** Responses to
10 motions shall be made separately from any counter-motions or cross-motions.

11 F. **Reply brief.** Any reply brief shall be filed within fifteen (15) days after
12 service of any written response.

13 G. **Request for hearing.** A request for hearing shall be filed at the time an
14 opposed motion is filed. The request for hearing shall be substantially in the form approved
15 by the Supreme Court.

16 H. **Notice of completion of briefing.** At the expiration of all response times
17 under this rule, the movant or any party shall file a notice of completion of briefing. The
18 notice alerts the judge that the motion is ready for decision.

19 [As amended, effective December 4, 2000; March 15, 2005; as amended by Supreme Court
20 Order No. 08-8300-32, effective November 17, 2008; as amended by Supreme Court Order

1 No. 19-8300-017, effective for all cases pending or filed on or after December 31, 2019.]

2 **Committee commentary.** — If a party does not respond to a motion within fifteen
3 days as required by Paragraph D of this rule, the moving party may submit a proposed order
4 to the judge or the judge sua sponte may enter an appropriate order. Although the specific
5 provisions of Rule 1-058(C) NMRA are not applicable, if a party submits a proposed order
6 to the court, a copy of the proposed order must be served on all other parties. *See* Rule 1-005
7 NMRA of these rules, Rules 16-303 and 16-305 of the Rules of Professional Conduct and
8 Rule 21-300 NMRA of the Code of Judicial Conduct. After assuring the non-responding
9 party has received notice of the proposed order, the judge may enter an appropriate order.

10 The notice of completion of briefing required under Paragraph H of this rule shall be
11 filed upon the expiration of the applicable deadline for filing responses and replies under
12 Paragraphs D or F of the rule. The Judicial Districts may adopt local rules to incorporate
13 additional filing requirements to coincide with the filing of the notice of completion of
14 briefing. *See, e.g.*, LR13-404(A) NMRA (adopting motion package procedure). The district
15 court may defer ruling on the request for hearing until the court receives the notice of
16 completion of briefing. After the court announces its decision, the court shall comply with
17 the requirements of Rule 1-058 NMRA.

18 [As amended by Supreme Court Order No. 08-8300-32, effective November 17, 2008.]

19