

STATE OF MICHIGAN  
36TH DISTRICT COURT

MOTION SCHEDULING  
& ORDER FORM  
(PRAECIPE)

CASE NO.

Court Address: 421 Madison, Detroit, MI 48226 Telephone No. (313) 965-2206

Plaintiff's Name(s), Address(es) and Telephone No(s).

Defendant(s)' Name(s), Address(es) and Telephone No(s).

Plaintiff's Attorney, Bar No., Address, and Telephone Number

Defendant's Attorney, Bar No., Address, and Telephone No.

1. Motion Title: \_\_\_\_\_
2. Moving Party: Plaintiff or Attorney/Defendant or Attorney: \_\_\_\_\_
3. Please place on the motion Review/Decision calendar of Judge \_\_\_\_\_ for date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_
4. I certify that the opposing party was served with a copy of the Motion on \_\_\_\_ / \_\_\_\_ / \_\_\_\_
5. I certify that I have made personal contact with opposing party regarding concurrence in the relief sought in this motion and concurrence has been denied.

**NOTE: BE ADVISED THAT THE ABOVE MOTION REVIEW/DECISION DATE DOES NOT AFFECT ANY PRIOR SCHEDULED HEARING(S) OR JUDICIAL ORDER(S).**

By: \_\_\_\_\_  
Defendant's or Plaintiff's Signature or Attorney

**ORDER**

IT IS ORDERED THAT THIS MOTION IS:  DENIED  GRANTED IN PART/DENIED IN PART  GRANTED  
 AND IT IS FURTHER ORDERED AND ADJUDGED

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Bar No.

**CERTIFICATE OF MAILING**

I certify that on this date, this order was served on the parties by ordinary mail at the addresses shown above.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## Instructions for Motion Review & Order/Praecipe Form:

1. The party filing the motion must choose a review/decision date that complies with the notice requirements as follows:
  - a. For general motions served by mail, the opposing party must be served with a copy of the motion and a notice of the review date at least 9 days before the review date.
  - b. For general motions served personally, the opposing party must be served at least 7 days before the review date.
  - c. For motions that seek dismissal of the case or a judgment in favor of the plaintiff, the review decision date must be at least 28 days after filing and the other party must be served with a copy of the motion and notice of the review date at least 21 days before the review date.
2. The review date must be on a **Tuesday**.
3. There is no oral argument on motions unless requested by the party and granted by the assigned judge.

The following Local Court Rule applies to motions filed in **General Civil cases ONLY**:

Local Court Rule 2.119

Motion Practice for Motions in General Civil Cases

- (A) **Applications of the Michigan Court Rules.** The provisions of the Michigan Court Rules relating to motions apply to motions filed in general civil cases in the 36th District Court unless they are in conflict with this rule. This rule does not apply to motions filed in Small Claims, Real Estate, Traffic or the Criminal cases. Judge's copies of motions and responses shall be filed with the clerk at the same time as the originals.
- (B) **Motion Praecipe Forms.** A motion praecipe form as provided by the Clerk of the Court must be attached to the Judge's Copy of all motions filed.
- (C) **No Oral Argument. Decision/Review Date. Notice.** There is no oral argument on motions unless granted by the assigned judge. The moving party shall choose a decision/review date that shall constitute "the time set for hearing" under MCR 2.199(C) and MCR 2.116(B)(2) for purposes of the time required for adequate notice to the opposing party. All decision/review dates shall be on a Tuesday. The moving party must provide notice of the decision/review date to the opposing party or attorney and the notice must advise the opposing party that there is no oral argument on motions unless a request for oral argument is granted by the assigned judge.
- (D) **Certification of Attempt to Obtain Concurrence.** The attorney for the moving party or the moving party must sign a certification on the praecipe form that they have contacted the opposing party or attorney and asked for concurrence in the relief sought by the motion and that it has been denied or that it has not been agreed to.
- (E) **Responses. Notation of Decision/Hearing Date.** Any response to a motion must comply with the Michigan Court Rules and must be filed no later than 3 days before the decision/review date. Any pleading, brief or other document relating to a pending motion must indicate the decision/review date of the motion to which it relates on the upper right and corner of the front page of each document or pleading.

The staff of the 36th District Court cannot give legal advice. If you have questions, you should consult an attorney.

**03/06/2002**