

RULE 109. FAILURE TO APPEAR; SANCTIONS

If, after proper notice and without good cause, a party fails to appear at a case management, pretrial or status conference, mediation or a hearing, the court may take appropriate action, including but not limited to, issuing an interim, status conference or pretrial order, or a default or a default judgment as provided in Rule 117. If, after proper notice and without good cause, the moving party fails to appear at a case management, pretrial or status conference, mediation or a hearing, the moving party's complaint, motion or other pleading may be dismissed by the court with or without prejudice. Costs may be awarded as allowed by these rules, as well as the cost of mediation, and reasonable attorney fees.

Advisory Note - July 2016

The placement of the words "without good cause" was altered in an attempt to improve the readability of the rule.

Advisory Notes June 2008

Rule 109 outlines the actions a court may take if a party fails to appear at a proceeding. It follows FAM DIV III.H.1. The rule refers to Rule 117 regarding default judgments.