

Last reviewed and edited November 3, 2020
Includes amendments effective November 30, 2020

RULE 134. MOTION PRACTICE

(a) Motion Hearings. Unless otherwise ordered by the court, motions that do not require testimonial evidence shall be considered and decided by the court, without hearing or oral argument, based on the motion filings, the pleadings, admissible appropriate record evidence, the court's file, and memoranda.

(b) Summary Judgment Pre-filing Conference. Unless otherwise ordered by the court, any party proposing to move for summary judgment on any claim or issue shall notify the court of the intent to file the motion at least 14 days before the filing of the proposed motion.

If a summary judgment pre-filing conference was not scheduled pursuant to Rule 132(b), the court may schedule an in person or telephonic conference of counsel to discuss the proposed motion's parameters, including, but not limited to: the issue or claim to be addressed by the motion; the length of the statement of material facts and legal memoranda to be filed; possible stipulations to uncontested facts; the timing of the motion, opposition, and reply; and any other matter relevant to secure the just and speedy determination of the motion.

(c) Unopposed Motions for Enlargement of Deadlines. Unopposed motions pursuant to Rule 6(b)(1) that (a) do not expand the time for filing a jury trial demand or the completion of discovery, and (b) do not alter the dispositive motion deadline or the scheduled trial date, may be presented to the court through a proposed order only. The proposed order shall state that all parties are aware of and do not oppose entry of the order. The presentation of an unopposed motion for the enlargement of deadlines does not mandate corresponding approval by the court.

Transmittal of the proposed order by an attorney or party constitutes a representation, subject to Rule 11, that all parties are aware of and do not oppose entry of the order.

Advisory Note - November 2020

Due to the adoption of the Maine Rules of Electronic Court Systems and the institution of the EFS, the provisions in Rule 134(b) and (c) regarding electronic transmittal have been removed.