

**Rule 78. Motion Part**

(a) Motion Part - Establishment. A Motion Part is established for hearing and determining all motions in actions which have not been assigned to a judge or proceedings which are not otherwise provided for in these rules.

(b) Motion Part - Referral. The clerk shall refer motions ready for disposition to the Motion Part judge for hearing and determination. The Motion Part judge shall: determine the motion; or refer the motion to another judge who previously determined a related motion in the action; or refer the matter to the chief judge with a recommendation that the action be assigned to a judge.

(c) Motion Part - Emergency Matters.

(1) An emergency matter is one which because of special circumstances requires extraordinary priority and immediate disposition.

(2) The Motion Part judge will be available, on call, to hear and determine an emergency matter at any time.

(3) The clerk shall refer to the Motion Part judge any emergency matter arising in an unassigned action, or in an assigned action when the assigned judge is unavailable.

(4) The Motion Part judge shall dispose of the emergency matter only to the extent necessary to meet the emergency, and the action shall otherwise be contained for disposition by the judge to whom the action has been or will be assigned.

(5) If the Motion Part judge decides that an emergency matter should not be determined, for lack of emergency or other reason, he shall refer the matter for determination in the ordinary course.

**PRACTICE COMMENT:** A party may seek expedited consideration under Rule 3(g). For possible applicability of other scheduling rules, see practice comment to Rule 3(g).

(As amended Sept. 30, 2003, eff. Jan. 1, 2004.)