

**Rule 78. Motion Part**

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

(b) Motion Part - Referral. The clerk must refer motions ready for disposition to the Motion Part judge for hearing and determination. The Motion Part judge will: determine the motion; or refer the motion to another judge who previously determined a related motion in the case; or refer the matter to the chief judge with a recommendation that the case be assigned to another 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 will refer to the Motion Part judge any emergency matter arising in an unassigned case, or in an assigned case when the assigned judge is unavailable.

(4) The Motion Part judge will dispose of the emergency matter only to the extent necessary to meet the emergency, and the case will otherwise be retained for disposition by the judge to whom the case 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, the judge must 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; Nov. 25, 2008, eff. Jan. 1, 2009.)