

Alabama Rules of Appellate Procedure

Rule 27.

Motions.

(a) *Content of motions; response; reply.* An application for an order or other relief shall be made by filing a motion for such order or relief with certificate of service on all other parties, unless another form is elsewhere prescribed by these rules. The motion shall contain or be accompanied by any matter required by a specific provision of these rules governing such a motion, shall state with particularity the grounds on which it is based, and shall set forth the order or relief sought. If a motion is supported by briefs, affidavits or other papers, they shall be served and filed with the motion. Any party may file a response in opposition to a motion, other than one for a procedural order (for which see subdivision (b)), within 7 days (1 week) after service of the motion; but the court may shorten or extend the time for responding to any motion.

(b) *Determination of motions for procedural orders.* Notwithstanding the provisions of the preceding paragraph as to motions generally, motions for procedural orders, including any motion for an enlargement of time prescribed by these rules or by order of the court for doing any act or to permit any act to be done after the expiration of such time, may be acted upon at any time, without awaiting a response thereto. Any party adversely affected by such action may request reconsideration, vacation or modification of such action.

(c) *Oral argument not permitted.* Except in unusual cases by special order of the court, no oral argument shall be heard on any motion.

(d) *Form and length of motions and memoranda in support of or in opposition thereto.* A motion and any memorandum in support of or in opposition to the motion shall comply with the provisions of Rule 32(b)(5) governing form; a motion shall not exceed 10 pages and any memorandum in support of or in opposition thereto shall not exceed 15 pages, as also provided in Rule 32(b)(5). A sufficient number of copies shall be filed with the original with the clerk of the appellate court to provide each Judge or Justice of the court with one copy, but the court may require that additional copies be furnished.

[Amended 11-20-2001, eff. 6-1-2002.]

Committee Comments

This rule provides the method whereby all papers not otherwise specified in the rules are to be filed with the court. It envisions a simple typewritten motion,

in sufficient copies for all judges of the court to which the motion is directed, and proof of service on all parties. Certain motions are permitted to be acted upon by the court without awaiting a response from opposing parties, and these are enumerated in subdivision (b). However, all such motions are subject to review at the request of a party for reconsideration, vacation or modification.

Subdivision (c) generally disallows oral argument on motions. To have oral argument on a motion, a party is required to seek an order from the court.

The form of motions is set out in Rule 32(b).

Note from the reporter of decisions: The order amending Rule 5, Rule 21(d), Rule 27(d), Rule 28, Rule 32, Rule 39(d), Rule 39(f), Rule 39(h), and Rule 40(g), effective June 1, 2002, is published in that volume of *Alabama Reporter* that contains Alabama cases from 798 So.2d.