

Rule 127. Motions

Unless another form is prescribed by these rules, an application for an order or other relief shall be made by serving and filing a written motion for the order or relief. The filing of a motion shall not stay any time period or action specified in these rules unless ordered by the appellate court. The motion shall state with particularity the grounds and set forth the order or relief sought. If the motion is supported by briefs, affidavits, or other documents, they shall be served and filed with the motion. Any party may file a response within 5 days after service of the motion. Any reply shall be served within 3 days, at which time the motion shall be deemed submitted. Each document shall be filed with proof of service. Oral argument will not be permitted except by order of the appellate court.

As permitted by Rule 6.01(a)(2) of the Rules of Civil Procedure, the time periods in this rule do not include intermediate Saturdays, Sundays, or legal holidays.

(Amended effective for appeals taken on or after January 1, 1992; amended effective July 1, 2014; amended effective January 1, 2020; amended effective March 1, 2024.)

Advisory Committee Comment - 2014 Amendments

Rule 127 is amended only to change references to "papers" to "documents." This change is not intended to change the interpretation of the rule, other than to recognize that not all appellate court filings are in paper format. The time to reply to a response to a motion is increased from 2 to 3 days.