

Rule 5.05 - Continuance of Hearing

- (A) The granting or denying of any continuance of any hearing shall be at the sole discretion of the Court. Hearings scheduled with counsel will not be continued absent extraordinary circumstances.
- (B) No event will be continued without contemporaneously reassigning a definite date for the event being continued.
- (C) **Motion.** Motions to continue a hearing not made at a hearing must be in writing and state the following
 1. The reason for the request.
 2. The number of previous continuances requested, at whose request, and whether granted.
 3. Whether opposing counsel/litigant was contacted and whether he/she objects or consents to the continuance.
 4. Whether the client is aware of the request (when motion is made by an attorney) and whether the client consents, or if this cannot be obtained, an explanation of why consent cannot be obtained.
- (D) **Conflicting Hearing.** If the reason for continuance is a conflict of hearing assignment date, a copy of the time-stamped order/notice for the conflicting assignment shall be attached and the attorney shall affirmatively state that the conflicting assignment will be proceeding to the best of the attorney's knowledge.
- (E) **Time.**
 1. Conflicting assignment: motion must be filed no later than (7) seven days after the filing of the Notice of Hearing.
 2. For all other reasons, the motion shall be filed within (7) seven days of the identification of the circumstances.
 3. Absent extraordinary circumstances, the motion shall be filed no less than (7) seven days prior to the scheduled hearing date.
- (F) **Proposed Order.** The motion must be accompanied by a proposed order containing a notice of the new hearing date and signature line entering of the new date. If the motion is granted, the Court will serve the entry on the moving party and all other parties listed in the certificate of service.
- (G) **Persistent Continuance or Extensions.** Attorneys who persistently request continuances and extensions may be ordered to submit detailed calendar information for the purpose of scheduling or may be limited in the number of matters for which the attorney may enter appearance, or may be required to provide substitute counsel.
- (H) **Notification.** If the motion is granted, it is the obligation of the moving party to notify all case connected individuals including the opposing counsel/self-represented litigant, Guardian ad litem, CSEA, and any witnesses of the moving party. The non-moving party shall be responsible to notify his/her witnesses.