

Instructions For Motion Form

ND Legal Self Help Center Staff and Court employees can't help you fill out forms, or create documents for you. If you're unsure how to proceed, consult a lawyer.

ND Legal Self Help Forms aren't official forms. Judges and courts aren't required to accept them. There's no guarantee Center forms will be accepted. Use at your own risk.

Don't include these instruction sheets when you serve or file the completed form.

The "Motion" Section of the [Guide to a Civil Action, or Civil Case](#) on the [ND Legal Self Help Center webpage](#) has additional information and resources.

Use the [Making a Motion in a Civil Action, or Civil Case Checklist](#) to help you make your Motion.

A **Motion** is a written request to the court for an order in an existing case. A Motion **can't be used** to start a new civil action, or civil case.

The party making the motion is called the "Moving Party." The party answering the Motion is called the "Opposing Party."

A Motion document is one of a set of required documents that make up a written Motion:

- Notice of Motion;
- **Motion;**
- Brief in Support of Motion;
- Affidavit in Support of Motion or Declaration in Support of Motion; and
- Other supporting documents.

A Motion is a short, written request to the court that includes references to the specific North Dakota rules and laws that support the request.

Research North Dakota court laws and rules. A Motion to the court must include the legal authority that supports the motion request. The Motion document lists the laws, North Dakota Supreme Court case law, and court rules, or a combination of all three, upon which the Motion is filed.

You **must explain** how and why the law, case law, or court rule supports your request in a separate document, the Brief in Support of Motion.

(The North Dakota Century Code, and North Dakota Supreme Court case law, and North Dakota court rules are also found in print in many North Dakota public and academic libraries.)

- [The North Dakota Century Code](#) contains the laws enacted by the North Dakota Legislative Process.
- [North Dakota Supreme Court case law](#): when the decision of a case is appealed from a North Dakota state district court to the North Dakota Supreme Court, the Supreme Court writes their opinion to explain how and why they interpreted the laws or rules to decide the case the way they did. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.
- [North Dakota court rules](#) govern how a dispute makes its way to court and how the dispute is conducted.

Caption (Top of Form):

- Complete the caption of the Motion exactly as it appears in the Plaintiff's Complaint.
- Fill in the case number. You **can't** make a Motion without a case number.
- Fill in the type of Motion you're making to the court.

Paragraph 1:

- Fill in your full, legal name. Checkmark (✓) if you're the Plaintiff or Defendant.
- List the North Dakota rules and/or laws that support your, the moving party's, request(s). (You **must determine** the North Dakota rules and/or laws that support your Motion.)

Paragraph 2:

- List what you would like the Court to order, based on the rules and/or laws listed in Paragraph 1.

Paragraph 3:

- This paragraph tells the court that you, the moving party, has prepared, served and filed a Brief in Support of Motion **and** your Affidavit in Support of Motion or Declaration in Support of Motion.
- You, the moving party, **must create**, serve and file a Notice of Motion, Brief in Support of Motion, and your Affidavit in Support of Motion or Declaration in Support of Motion.

- If your Brief and your Affidavit or Declaration refer to information in other Affidavits, or Declarations, or exhibits, the other Affidavits, Declarations, or exhibits **must be served and filed** with the Motion documents.

Date and Signature:

- You, the moving party, must date and sign the Motion.

Warning: By signing your name, you're telling the Court that you're telling the truth and that you have a good faith reason for your requests. If you aren't telling the truth, if you're misleading the Court, or if you're serving or filing this document for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

- Fill in your printed name, address, telephone number, and email address.

If you have a physical address **and** a mailing address, type or write both addresses using the lines provided, and the space next to the address lines.

Service:

In general, copies of documents filed, or intended to be filed, with the court must be provided to the other parties in the civil case. This is called service.

There are specific requirements for serving documents after a civil case has started. [Rule 5](#) of the North Dakota Rules of Civil Procedure gives the requirements for service after a civil case has started.

Proof of service is an important step in the legal process. The court **won't act** on papers filed with the court until proof of service is filed.

For information about service and proof of service in a civil case, go to the [Service](#) link on the ND Legal Self Help Center webpage.

****Disclaimer: The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided by the Center isn't intended for legal advice but only a general guide to the civil court process. The Center can't guarantee that all judges and courts will accept forms available through the Legal Self Help Center. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of competent legal counsel licensed in the state. Use at your own risk.****

State Of North Dakota

In District Court

County Of _____

_____ Judicial District

_____))
 Plaintiff,)
 vs)
)
 _____)
 Defendant,)

Case No. _____

Motion _____

1. _____ (Name), Plaintiff/
Defendant (choose one), in the above-captioned civil case, makes this Motion to the Court for
 an order of the Court under (specify the North Dakota laws and/or rules) _____

 _____.

2. Wherefore, Plaintiff/Defendant (choose one) respectfully moves the Court to
 (specify relief sought) _____

 _____.

3. This motion is based on the Brief and Affidavit in Support or Declaration in Support of
 this Motion, which are served and filed with the Motion.

Dated _____.

Signature of Moving Party

Printed Name

Address

City State Zip Code

Phone No.:

Email: