

**Instructions for filing a
Motion
in the Minnesota Court of Appeals
Cov lus qhia zwm tsab
Ntawv Thov
hauv Minnesota Cov Tsev Hais Plaub
Txiaiv Txim Dua**

These instructions, the *Motion* form, and the *Affidavit in Support of Motion* form (available at <http://mncourts.gov/CourtOfAppeals.aspx#Tab08Resources>) are provided for the benefit of self-represented litigants.

Muaj cov lus qhia no, tsab *Ntawv Thov*, thiab *tsab Ntawv Pov Thawj Txhawb Kev Thov* (nyob rau ntawm <http://mncourts.gov/CourtOfAppeals.aspx#Tab08Resources>) rau cov neeg sawv cev rau tus kheej sib hais plaub ntug.

Requirements for motions in the Minnesota Court of Appeals and Minnesota Supreme Court are listed in [Minn. R. Civ. App. P. 127](#). If you are filing a motion to request an extension of the deadline for your brief, [Minn. R. Civ. App. P. 131.02](#) also applies. Teev muaj cov kev txwv ntawm cov ntawv thov hauv Minnesota Cov Tsev Hais Plaub Txiaiv Txim Dua thiab Minnesota Lub Tsev Hais Plaub Qib Siab ntawm [Minn. R. Civ. App. P. 127](#). Yog tias koj xav zwm ntawv thov ncuu sij hawm rau hnuv xaus rau kev zwm koj cov lus nthuav, [Minn. R. Civ. App. P. 131.02](#) puav leej muaj feem xyuam.

These instructions provide a basic guide to filing a motion. However, the exact wording of your motion is up to you. You may need to consult an attorney about how to word your motion and what additional documents might be helpful to include with it.

Cov lus qhia no yuav muaj cov kev coj qhia ua ntawv thov. Tiam sis, koj cov ntsiab lus teev thov kiag yog nyob ntawm koj. Tej zaum koj yuav tau tham nrog ib tus kws lij choj txog kev teev koj cov ntsiab lus thov thiab cov ntaub ntawv txhawb uas yuav tau muab nrog.

For additional assistance filing a motion, contact the State Law Library at (651) 297-7651. Please note that court employees can give general information about court rules, forms, and procedures, but they cannot give legal advice.

Xav tau kev pab ua tsab ntauv thov, hu rau lub Xeev Chaw Qiv Ntauv Lij Choj (State Law Library) ntawm (651) 297-7651. Thov faj seeb tias cov neeg ua hauj lwm hauv tsev hais plaub qhia tau tej ncauj lus dog dig txog tsev hais plaub cov cai, cov ntauv teev, cov txheej txheem, tiam sis lawv muab tsis tau tswv yim kev cai lij choj.

Step 1: Fill out the *Motion* form/Kauj Ruam 1: Teb rau tsab *Ntauv Thov*

If you need to make any request of the court while your appeal is pending, you must serve and file a signed, written request asking the court for the relief you need. This formal request is called a “motion.”

Yog koj xav thov lub tsev hais plaub thaum tseem thov kev txiav txim dua rau koj, koj yuav tsum muaj ib tsab ntauv uas koj xa thiab kos npe rau mus thov lub tsev hais plaub txog qhov kev tso pa uas koj xav tau. Txoj kev thov raws kev raws cai no yog hu ua “kev thov.”

The forms in the attached packet are worded in both English and the translated language. But your answers on the form must be provided in English. If you are unable to fill out your forms in English yourself, you will need to arrange for someone to assist you to word your answers in English.

Cov ntauv rhais nrog pob ntauv no yog sau ua Lus Askiv thiab hom lus txhais tib si. Tiam sis koj cov lus teb rau tsab ntauv yuav tsum yog teb ua Lus Askiv. Yog koj teb tsis tau koj cov Ntauv ua Lus Askiv koj tus kheej, koj yuav tau npaj kom muaj leej twg pab koj sau koj cov lus teb ua Lus Askiv.

The motion must state (1) what you are requesting and (2) the reason(s) for that request. The requirements for a motion are found in [Minn. R. Civ. App. P. 127](#). You may need to consult an attorney about what types of requests the court will consider during your appeal, how to word your motion, and whether to attach any other documents with your motion.

Cov lus thov yuav tsum teev txog (1) yam koj xav thov thiab (2) qhov (cov) laj thawj thov txog. Cov kev ceev ntawm txoj kev thov muaj nyob rau ntawm [Minn. R. Civ. App. P. 127](#). Koj yuav tau tham nrog ib tug kws lij choj txog cov hom kev thov uas lub tsev hais plaub yuav kam muab coj los xav txog thaum txiav txim dua rau koj, kev teev koj cov ntsiab lus thov, thiab seb puas ntxiv lwm cov ntaub ntauv txhawb rau koj cov lus thov.

If you are filing a motion to request an extension of the deadline to file your brief, [Minn. R. Civ. App. P. 131.02](#) describes additional requirements for that type of motion.

Yog tias koj ua ntawv thov ncuaj sij hawm rau hnub xaus xa koj cov lus nthuav, [Minn. R. Civ. App. P. 131.02](#) yuav piav qhia lwm cov kev txwv ntxiv rau hom kev thov ntawd.

- Fill out the *Motion* form. Describe what you are asking the court do and why. List the court rules that apply to your requests.

Teb rau tsab *Ntawv Thov*. Piav qhia seb koj xav kom lub tsev hais plaub ua dab tsi rau koj thiab yog vim li cas. Teev qhia tsev hais plaub cov kev cai uas muaj feem xyuam rau koj cov lus thov.

- Sign and date the *Motion* form.

Kos npe thiab rau hnub tim rau tsab *Ntawv Thov*.

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| <p>Step 2: Fill out the <i>Affidavit in Support of Motion</i> form Kauj Ruam 2: Teb rau tsab <i>Ntawv Pov Thawj Txhawb Kev Thov</i></p> |
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An *Affidavit* is a sworn statement of facts. If you are filing a motion requesting an extension of the deadline for your brief, you are required to include an *Affidavit in Support of Motion* stating specific facts as to why you are unable to file the brief on time. [Minn. R. Civ. App. P. 131.02, subd. 2.](#)

Tsab *Ntawv Pov Thawj* yog cov npe lus tseeb uas lees teev. Yog koj ua tsab ntawv thov ncuaj sij hawm xaus rau koj qhov lus nthuav, koj yuav tsum tau ua tsab *Ntawv Pov Thawj Txhawb Kev Thov* uas teev cov ntsiab lus tseeb tias vim li cas koj thiaj tsis muaj peev xwm zwm tau cov lus nthuav raws sij hawm. [Minn. R. Civ. App. P. 131.03, subd. 2.](#)

For other types of motions, an *Affidavit in Support of Motion* is not strictly required by court rule, but is still helpful to provide the court more information to decide your motion. You may wish to consult an attorney about how to word your *Affidavit in Support of Motion*.

Rau lwm cov kev thov, lub tsev hais plaub tsis yuam kom yuav tsum muaj tsab *Ntawv Pov Thawj Txhawb Kev Thov*, tiam sis nws yeej tseem pab qhia tau ncauj lus ntxiv pab rau lub tsev hais plaub txiav txim txog koj txoj kev thov. Koj yuav tau tham nrog ib tug kws lij choj txog kev teev koj cov lus hauv koj tsab *Ntawv Pov Thawj Txhawb Kev Thov*.

You may have someone other than yourself fill out an *Affidavit in Support of Motion*, if that person knows about the facts supporting the reasons for the request in your motion. If you decide to include more than one *Affidavit in Support of Motion*, you will need to make extra copies of the form (only one person can sign each *Affidavit*).

Tej zaum koj yuav tau cia lwm tus neeg dua li koj tus kheej los teb rau tsab *Ntawv Pov Thawj Txhawb Kev Thov*, yog tias tus neeg ntawd paub cov ntsiab lus tseeb txhawb rau cov laj thawj uas koj tau muaj txoj kev thov. Yog koj txiav txim muaj ntau tshaj ib tsab *Ntawv Pov Thawj Txhawb Kev Thov*, koj yuav tau luam ntau tsab ntawv (tsuas yog ib tug neeg kos npe rau ib tsab *Ntawv Pov Thawj*).

Step 3: Serve your *Motion* and *Affidavit* on the opposing parties
Kauj Ruam 3: Xa koj tsab *Ntawv Thov* thiab tsab *Ntawv Pov Thawj Txhawb* mus rau cov tog neeg tod

Any time you submit a document to the Clerk of the Appellate Courts for filing, a copy must also be provided to all other parties at or before the time of filing. This is called “service.”

Txhua lub sij hawm uas koj xa ib tsab ntawv mus rau Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua kom zwm, yuav tsum luam ib tsab xa mus rau tag nrho lwm cov tog neeg thaum lub sij hawm los yog ua ntej lub sij hawm zwm. Qhov no yog hu ua “kev xa.”

General Instructions for “Service”/Cov Lus Qhia Dog Dig Txog “Kev Xa”

If a party has an attorney, you must serve the attorney rather than the party. If a party does not have an attorney, you may serve that party directly.

Yog ib tog neeg muaj tus kws lij choj, koj yuav tsum xa mus rau tus kws lij choj, tsis yog tog neeg ntawd. Yog tias ib tog neeg tsis muaj tus kws lij choj, yuav tsum xa ncaj qha rau tog neeg ntawd.

You can serve **by mail** by depositing the documents, correctly addressed, in the U.S. Mail, with adequate first-class postage. You can serve documents by mail yourself.

For simplicity, these instructions assume that you are serving the other parties by mail.

Koj xa tau **hauv chaw xa ntawv** los ntawm txoj kev muab cov ntawv xa rau qhov chaw nyob yog, nrog Teb Chaws Asmeskas Chaw Xa Ntawv, nrog qhov nqi xa yog rau thawj qib. Koj mus xa tau cov ntawv koj tus kheej.

Kom yooj yim, xam tau cov lus qhia no tias koj yuav xa raws chaw xa ntawv rau lwm cov tog neeg.

However, there are other methods of service:

Tiam sis, muaj lwm cov hom kev xa:

(1) In person (“personal service”): Have another person hand-deliver the document. The person who hand-delivers the document must be 18 years or older and not a party to the appeal. You cannot serve a party in person yourself. **Raws tim ntsej tim muag** (“nqa mus cev”): Muaj lwm tus neeg nqa tsab ntawv mus cev. Tus neeg uas nqa daim ntawv mus cev kiag yuav tsum muaj hnuv nyoog 18 xyoo los yog laus dua thiab tsis yog tog neeg thov kev txiav txim dua. Koj nqa tsis tau mus cev rau tog neeg ntawd koj tus kheej.

(2) Electronically: If you filed electronically using the appellate courts’ e-filing system, E-MACS, you can serve the respondents electronically as well, if the respondents are registered in E-MACS.

Raws tshuab hluav taws xob: Yog tias koj zwm raws tshuab hluav taws xob uas yog siv cov tsev hais plaub txiav txim dua txoj kev xa hauv tshuab hluav taws xob E-MACS, koj xa tau hauv tshuab hluav taws xob mus rau cov neeg teb plaub foob thiab, yog tias cov neeg teb plaub foob rau muaj npe hauv E-MACS.

(3) If the recipient consents to another method of delivery, such as email or fax, you could also use that method for service.

Yog tus neeg txais tso cai rau lwm hom kev xa, xws li xa hauv email los yog hauv xov tooj, koj siv tau hom kev xa ntawv.

For additional instructions on service, see [Minn. R. Civ. App. P. 125.02 and 125.03](#).

Xav paub ntxiv txog cov kev xa ntawv, xyuas [Minn. R. Civ. App. P. 125.02 thiab 125.03](#).

Make a copy of the *Motion* and *Affidavit* for yourself and for each opposing party. If you are the appellant, make a copy for each respondent in your appeal. If you are the respondent in the appeal, make a copy for each appellant in your appeal.

Muab tsab *Ntawv Thov* thiab tsab *Ntawv Pov Thawj Txhawb* luam cia rau koj tus kheej thiab rau ib tog neeg twg. Yog tias koj yog tus neeg thov kev txiav txim dua, luam ib tsab rau ib tug neeg teb plaub ntug twg hauv txoj kev txiav txim dua rau koj. Yog tias koj yog tus neeg teb plaub ntug, luam ib tsab rau ib tug neeg thov kev txiav txim dua twg hauv txoj kev txiav txim dua rau koj.

- Mail a copy of the *Motion* and *Affidavit* to each opposing party (or their attorney, if they have an attorney).

Luam xa tsab *Ntawv Thov* thiab tsab *Ntawv Pov Thawj Txhawb* mus rau ib tog neeg sab tod twg (los sis rau lawv tus kws lij choj, yog tias lawv muaj kws lij choj).

Step 4: Proof of Service/Kauj Ruam 4: Pov Thawj Kev Xa Ntawv

Every document submitted to the Clerk of the Appellate Courts for filing must be accompanied by a form stating that the document was served on the other parties to the appeal. This is called “proof of service.”

Txhua tsab ntawv uas xa mus rau Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua yuav tsum muaj pov thawj tias yeej tau muab tsab ntawv ntawd xa mus rau lwm cov tog neeg txog kev txiaiv txim dua. Qhov no yog hu ua “pov thawj kev xa ntawv.”

General Instructions for “Proof of Service” Cov Lus Qhia Dog Dig Txog “Pov Thawj Kev Xa Ntawv”

If you serve papers by mail, in person, or by another delivery method (with the consent of the recipient), “proof of service” is required along with any document you file.

Yog koj xa ntaub ntawv raws kev nqa mus cev, xa hauv chaw xa ntawv los yog siv lwm txoj kev xa ntawv (nrog rau tus neeg txais txoj kev tso cai), koj yuav tsum tau zwm ib "tsab ntawv pov thawj kev xa ntawv" nrog tej ntaub ntawv koj zwm.

The easiest method for proof of service is to fill out a *Certificate of Service*. A *Certificate of Service* does not need to be signed in front of a notary.

Qhov pov thawj kev xa ntawv yooj yim tshaj plaws yog ua *Tsab Ntawv Pov Thawj Kev Xa Ntawv*. Tsis tag yuav muab *Tsab Ntawv Pov Thawj Kev Xa Ntawv* kos npe rau ntawm ib tug tim khawv saib.

You may file one *Certificate of Service* listing multiple documents, but only if you serve those documents on the same date and on the same parties.

Koj zwm tau ib *Tsab Ntawv Pov Thawj Kev Xa Ntawv* uas teev muaj ntau tsab ntawv, tiam sis tsuas yog koj xa cov ntawv ntawd mus tib hnuv thiab xa rau tib co tog neeg xwb.

For additional instructions on proof of service, see [Minn. R. Civ. App. P. 125.04](#).

Xav paub ntxiv txog pov thawj kev xa, xyuas [Minn. R. Civ. App. P. 125.04](#).

For simplicity, these instructions assume that you are serving the other parties by mail.

You will need a *Certificate of Service by Mail*, which must include, from top to bottom:

Kom yooj yim, xam tau cov lus qhia no tias koj yuav xa raws chaw xa ntawv rau lwm cov tog neeg.

Koj yuav tau muaj ***Tsab Ntawv Pov Thawj Kev Xa hauv Chaw Xa*** yuav tsum muaj, saum toj rau nram hav:

- The parties' names and case file number/Cov tog neeg cov npe thiab tus zauv cim rooj plaub;
- County where the form was signed/Lub cheeb koog uas kos npe rau tsab ntawv;
- The name of the person who served the documents;
Tus neeg uas xa cov ntawv lub npe;
- The titles of the documents that were served;
Cov npe ntawm cov ntaub ntawv xa;
- The date the documents were served/Hnub uas xa cov ntaub ntawv;
- The names of the parties who were served and the addresses to which the documents were mailed to those parties;
Cov tog neeg uas yuav txais cov ntawv cov npe thiab cov chaw nyob uas yuav muab cov ntawv xa rau cov tog neeg ntawd;
- The signature of the person who served the documents, the date the form was signed, and the county and state where the form was signed.
Tus neeg xa cov ntawv lub npe kos, hnub kos npe rau tsab ntawv thiab lub cheeb koog thiab lub xeev uas tsab ntawv kos npe nyob rau.

Print out a ***Certificate of Service by Mail*** form, which is available at http://mncourts.gov/mncourtsgov/media/Appellate/Court%20of%20Appeals/Certificate_of_Service_by_Mail.pdf

Luam tawm tsab Ntawv Pov Thawj Kev Xa Ntawv hauv Chaw Xa Ntawv, uas muaj nyob rau ntawm

http://mncourts.gov/mncourtsgov/media/Appellate/Court%20of%20Appeals/Certificate_of_Service_by_Mail.pdf

The person who served the documents by putting them in the mail must complete and sign the form titled ***Certificate of Service by Mail***.

Tus neeg uas xa cov ntaub ntawv hauv chaw xa ntawv yuav tsum teb kom tiav thiab kos npe rau tsab ntawv muaj npe hu ua ***Ntawv Pov Thawj Kev Xa hauv Chaw Xa Ntawv***.

Step 5: File the *Motion, Affidavit, and Certificate of Service by Mail*

Kauj Ruam 5: Zam tsab *Ntawv Thov, Natwv Pov Thawj, thiab Ntawv Pov Thawj Kev Xa Ntawv hauv Chaw Xa Ntawv*

“Filing” means submitting or delivering documents to the Office of the Clerk of the Appellate Courts. Filing the *Motion* is how you let the Court of Appeals know you are making a request.

“Kev zwm” txhais tau tias muab cov ntaub ntawv xa los yog nqa mus rau lub Chaw Ua Hauj Lwm ntawm Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua. Kev zwm tsab *Ntawv Thov* yog txoj kev koj qhia rau Cov Kev Hais Plaub Txiaiv Txim Dua paub tias yog koj thov dab tsi.

If you have electronically filed other paperwork in your appeal, you must also electronically file your *Motion, Affidavit, and Certificate of Service by Mail*. If you did not electronically file the other paperwork in your appeal, choose your method of filing: Yog koj twb tau zwm lwm cov ntaub ntawv rau txoj kev txiaiv txim dua rau koj hauv tshuab hluav taws xob lawm, koj yuav tsum tau zwm koj tsab *Ntawv Thov, Ntawv Pov Thawj, thiab Ntawv Pov Thawj Kev Xa Ntawv hauv Chaw Xa Ntawv* hauv tshuab hluav taws xob thiab. Yog tias koj tsis tau zwm lwm cov ntaub ntawv rau txoj kev txiaiv txim dua rau koj hauv tshuab hluav taws xob, xaiv koj txoj kev zwm ntaub ntawv:

General Instructions for “Filing”/Cov Lus Qhia Dog Dig Txog “Kev Zwm”Xaiv koj txoj kev zwm (xyuas cov lus qhia nram no).

Parties **without an attorney** may file documents by any of the following three methods: Cov tog neeg **tsis muaj kws lij choj** zwm tau cov ntaub ntawv raws peb txoj kev nram no:

- 1) **Mailing** the documents to the Clerk of the Appellate Courts, addressed to:
Kev xa hauv chaw xa ntawv mus rau Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua, sau kiag mus rau:
Clerk of the Appellate Courts
305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155
- 2) **Hand-delivering** them to the Clerk of the Appellate Courts during business hours (8:00 a.m. to 4:30 p.m. weekdays), or
Kev nqa kiag mus cev rau Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua thaum cov sij hawm lag luam qhib (8:00 teev sawv ntxov txog 4:30 tav su, cov hnuv ua hauj lwm), los yog

- 3) **Submitting them electronically** through the appellate courts' e-filing system, E-MACS. Once you start to e-file in an appellate case, you must continue to e-file throughout the case – you cannot choose later to file in person or by mail. (**Note: All attorneys are required to use E-MACS and cannot file documents by mail or by hand-delivery to the Clerk of the Appellate Courts.**)

Kev xa hauv tshuab hluav taws xob hauv cov tsev hais plaub txiav txim dua txoj kev zwm ntaub ntawv saum huab cua, E-MACS. Thaum twg koj pib zwm ntaub ntawv thov kev txiav txim dua rau ib rooj plaub hauv tshuab hluav taws xob, koj yuav tsum zwm hauv tshuab hlawv taws xob mus thawj rooj plaub – koj hloov tsis tau yav tom ntej mus zwm tim ntsej tim muag los yog zwm hauv chaw xa ntawv. (**Faj seeb: Tag nrho cov kws lij choj yuav tsum tau siv E-MACS thiab zwm tsis tau ntaub ntawv raws kev xa hauv ntawv los yog raws kev nqa mus cev rau Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua.**)

For information about electronic filing and to submit documents electronically, go to the Clerk of the Appellate Courts' webpage (www.mncourts.gov/Clerk-of-Appellate-Courts.aspx#tab05AppellateFiling). For additional instructions on filing, see [Minn. R. Civ. App. P. 125.01](#).

Xav paub txog kev zwm thiab xa ntawv hauv tshuab hluav taws xob, mus rau Tus Kws Lis Ntaub Ntawv hauv Cov Tsev Hais Plaub Txiaiv Txim Dua qhov vas sab (www.mncourts.gov/Clerk-of-Appellate-Courts.aspx#tab05AppellateFiling). Xav paub ntxiv txog kev zwm ntawv, xyuas, [Minn. R. Civ. App. P. 125.01](#).

The Clerk's Office cannot accept filings by fax or email.

Tus Kws Lis Ntaub Ntawv Lub Chaw Hauj Lwm txais tsis tau cov ntawv uas zwm hauv xov tooj los yog hauv chaw sau ntawv email.

- If you are filing by mail or hand-delivery, make one copy of the *Certificate of Service by Mail*. Keep the copy for your records.

Yog koj zwm hauv chaw xa ntawv los sis nqa mus cev rau, luam ib *Tsab Ntawv Pov Thawj Kev Xa Ntawv hauv Chaw Xa Ntawv*. Khaws cia ib tsab ntawv nrog koj cov ntaub ntawv teev cia.

- File the *Motion*, *Affidavit*, and *Certificate of Service by Mail* with the Clerk of the Appellate Courts using the method you chose above.

Siv txoj kev xa ntawv saum no zwm tsab *Ntawv Thov*, *Ntawv Pov Thawj*, thiab *Tsab Ntawv Pov Thawj Kev Xa Ntawv hauv Chaw Xa Ntawv* mus rau tus Kws Lis Ntaub Ntawv Hauv Cov Tsev Hais Plaub Txiaiv Txim Dua.

What Happens Next/Yuav Muaj Dab Tsi Tom Ntej?

Any party in your appeal may file a *response* to your motion within 5 days after you serve them with your motion. If you would like to reply to the response, you may file a *reply*, which must be served within 3 days of the response. [Minn. R. Civ. App. P. 127](#). Txhua tog neeg hauv txoj kev txiav txim dua rau koj yuav zwm tau *ntawv teb* rau koj txoj kev thov ua ntej 5 hnuv txij li hnuv koj xa koj tsab ntawv thov mus txog lawv. Yog koj xav teb rau cov lus teb, koj zwm tau *lus teb*, uas yuav tsum muab xa kom txog ua ntej 3 hnuv txij li txais tau daim ntawv teb. [Minn. R. Civ. App. P. 127](#)

The court will consider your *Motion* and will grant or deny your *Motion* in writing. Lub tsev hais plaub yuav muab koj tsab *Ntawv Thov* los xav thiab yuav sau ntawv qhia kev pom zoo los sis tsis pom zoo rau koj tsab *Ntawv Thov* .