

Filing a Motion in District Court

Court personnel cannot provide you with legal advice. The following are general instructions to follow if you are preparing a motion to be scheduled for a hearing. It should be noted that laws are different for various proceedings. **Please refer to www.mncourts.gov to obtain detailed instructions related to the specific motion in which you intend to file.**

1. Prior to submitting motion paperwork, a motion date must be obtained from court administration. To obtain a motion date, please contact the court location in which your case was initiated.

Apple Valley Hastings West St. Paul
952-891-7243 651-438-8199 651-554-6200 (then press 3)

2. Then you must complete a motion form. You must sign the motion and the Affidavit(s). Copies of these materials and detailed instructions can be found in law libraries, some public libraries, and on www.mncourts.gov. On the motion form, print or type the case file number, case type, name of the plaintiff(s), and the name of the defendant(s). If you have other legal papers from the same case, you can copy the information from them. It must be copied exactly.

3. After completing the motion and your attachments, you must have a copy of the motion and attachments served on the opposing party(ies). A requirement of having your motion heard by a Judge is making sure that the other side has notice of the hearing date, time and place. Making sure that every party involved has copies of the motion papers with this information and the attachments is called service of process and is governed by the Minnesota Rules of Civil Procedure Rule 4 and 5, the Minnesota General Rules of Practice Rule 115 and the Minnesota State Statutes (laws).

4. You must file the original motion and supporting documents (attachments) and affidavit of service at the court location in which your case was initiated. You must pay a motion fee when filing these documents with the court. Please note that you must also pay the filing fee if it has not been previously paid. See our Filing Fees tab for current motion and filing fees.

5. Come to your scheduled hearing prepared and bring your witnesses and original documents.

CIVIL COURT MATTER

NOTICE OF MOTION AND MOTION AFFIDAVIT IN SUPPORT OF MOTION AND AFFIDAVIT OF SERVICE

**COURT PERSONNEL AND THE COUNTY
ATTORNEY'S OFFICE CANNOT HELP YOU FILL
OUT THE FORM(S) IN THIS PACKET.**

IMPORTANT NOTICES

The Court expects every person who appears in court without an attorney to know and follow the law. If you act as your own attorney, you must do what an attorney would do.

You should see an attorney if you don't know how to answer the questions on these forms or if you think the other party will hire an attorney.

As you fill out the form(s) in this packet you must follow the instructions.

Type your answers or print neatly using dark ink.

Step 1

Fill out the “Notice of Motion and Motion” form

Fill out the Notice of Motion and Motion form included in this packet. This form tells the Court and the other party what you are asking for from the court, and the date and time of the hearing, which must be obtained from the Court Administrator’s office.

FILL IN THE TOP PART OF THE FORM (this is known as the “caption”):

NOTE: The information to fill in the top part of the form can be found at the top of any existing document/order from your file. Be sure to copy the information EXACTLY as it is in your existing file.

- Print the name of the county where your case is located, the number of the judicial district for that county, and the case number which is also called the “court file number”.
- On the line marked “Plaintiff” print the name of the Plaintiff (person(s) who brought the law suit).
- On the line marked “Defendant” print the name of the Defendant (person(s) who is being sued).
- On the “To” line, print the full name and street address of the other party (or their attorney’s name and address if the other party is represented by an attorney)

DO NOT FILL IN THE DATE, TIME AND LOCATION OF THE HEARING YET. YOU WILL DO THAT AS PART OF STEP 3.

FILL OUT THE REST OF THE FORM:

The form provides for you to make two requests for relief. If you are making more than two requests for relief, please include additional pages.

You must date and sign the Notice of Motion and Motion on the 2nd page, including address and telephone number.

Step 2

Fill out “Affidavit in Support of Motion” form

Fill out your “Affidavit in Support of Motion” form which tells the Court and the other party what you are asking for from the court and WHY you are asking for it.

- Fill in the top part of the form (caption) the same way you did on the Notice of Motion and Motion form.
- Fill in your name and restate what you are requesting from the court.
- Sign and date the Affidavit in Support of Motion.

By signing your name you are telling the court that you are telling the truth and that you have a good faith reason for your requests. If you are filing these documents just to harass the other party or without good legal reason, or if you mislead the court, the court can make you pay money to the other party.

Step 3

Obtain from the court administration’s office a hearing date and time for the Notice of Motion and Motion

Contact the Court Administrator’s Office at the location where your court file is located. Tell the Deputy Court Administrator you need to schedule a motion hearing and what the motion is for. See a list of court locations on the last page.

Hearing dates must be at least 14 days from filing and service for non-dispositive motions and 28 days from filing and service for dispositive motions.

Using the information you receive, fill in the date and time of the hearing on the Notice of Motion and Motion form.

(Dispositive motions are motions which seek to dispose of all or part of the claims or parties, except motions for default judgment. They include motions to dismiss a claim or party and motions for summary judgment. All other motions are considered Non-dispositive motions)

Step 4
Make copies of forms
And serve the other party

- Make copies of the “Notice of Motion and Motion” and your “Affidavit in Support of Motion” forms and all attachments.
- Keep one copy of each form for yourself (make sure to bring your copies with you to court on the day of your hearing)
- Mail one copy of each form to the other party(ies).

Step 5
Serve copies on other party and
Filing out the “Affidavit of Service by Mail”

- Copies of all the forms must be mailed to the other party(ies) by first class mail at their last known address. If the other party has retained an attorney, the copies must be mailed to the attorney. This must be done by a person who is not a party to the case and is at least 18 years old or older.
- After the forms have been mailed, the person who mailed the documents must fill out the Affidavit of Service by Mail.
- They must fill out the State and County of their residence, their name, and complete all spaces in the form.
- Sign and date the “Affidavit of Service by Mail”.
- After it has been completed and signed make one copy of the Affidavit of Service by Mail for your records.

Step 6
Filing the Forms with the Court
And paying the motion fee

- At least 14 days before the hearing date for non-dispositive motions or 28 days before the hearing date for dispositive motions, mail or hand deliver the originals of the forms to the Court Administrator’s office.
- You must pay the motion fee together with your initial filing fee (if not already paid) payable to “Dakota County District Court”.

Step 7
Receive the Other Person's Response

If the other person is going to respond to your motion, by law he or she must respond at least seven days prior to the hearing for non-dispositive motions and nine days prior to the hearing for dispositive motions. The other person will respond by mailing or delivering a written response to you. If the other party's response is not at least seven days before the hearing for non-dispositive motions and nine days for dispositive motions, the court has the option of not looking at or considering the other person's papers during the court hearing.

Step 8
Appear in Court

Whether the other person does or does not respond in writing, YOU must go to court on the date set for the hearing. Be sure to be on time. Bring with you to the hearing your copies of the papers and any exhibits/documents relating to your case.

Dakota County Court Locations

Contact the Court Administrator and send your papers to the location where your file was originally opened:

Government Center
1560 W. Highway 55
Hastings, MN 55033
(651) 438-8100

Western Service Center
14955 Galaxie Ave
Apple Valley, MN 55124
(952) 891-7256

Northern Service Center
1 Mendota Road W
West St. Paul, MN 55118
(651) 554-6200

State of Minnesota

District Court

County _____

Judicial District: _____
Court File Number: _____
Case Type: Civil

Plaintiff

**NOTICE OF MOTION
AND MOTION**

VS.

Defendant

To: _____
(Name and address of party to be served)

Please take notice that on _____ at _____ o'clock ____ m. at
(Date) (Time)

(Courthouse location)

I will ask the court for the following relief:

1. _____

2. _____

3. For such other and further relief as the court deems fair, just and equitable.

4. Verification and acknowledgements:

- a) The information contained in this document is true and correct to the best of my knowledge.
- b) I have not been determined by any court to be a frivolous litigant and I am not the subject of an order precluding me from serving or filing this document.
- c) I am not serving or filing this document for any improper purpose, such as to harass the other party or to cause delay or needless increase in the cost of litigation or to commit a fraud on the court.
- d) I understand that the court can order me to pay money to the other party, including the reasonable expenses incurred by the other party if the above statements are not true.

The grounds for this motion are as stated in the attached Affidavit. All responsive pleadings shall be served and mailed to or filed with the court administrator no later than seven (7) days prior to the scheduled hearing for non-dispositive motions or nine (9) days prior to the scheduled hearing for dispositive motions. The Court may, in its discretion, disregard any responsive pleadings served or filed with the court administrator less than five days prior to such hearing in ruling on the motion or matter in question. If the responding party wants to raise new issues, other than responding to the issues in this motion, the responding party must serve a notice of motion and motion, any affidavits and supporting exhibits, and any memorandum of law, at least ten (10) days before the hearing.

Dated: _____

Signature

Address

City & State

Telephone

State of Minnesota

County _____

District Court

Judicial District: _____
Court File Number: _____
Case Type: Civil

Plaintiff

**AFFIDAVIT IN SUPPORT
OF MOTION**

VS.

Defendant

I, _____, state under oath that:

I make this affidavit in support of my motion to _____

I am asking for the following relief (list what you are asking for from the court):

because (state why you are asking for help from the court):

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Minn. Stat. §358.116.

Dated: _____

Signature

Address

City & State

Telephone

