

**BAY MILLS INDIAN COMMUNITY
TRIBAL COURT**

On order of the Court, pursuant to its authority under Sec. 105 of the Tribal Code of the Bay Mills Indian Community, the following Rule of the Bay Mills Indian Community Tribal Court is adopted and promulgated.

Rule 105.5 MOTIONS IN CIVIL PROCEEDINGS.

505.1 Motion Defined. For purposes of this Rule, a “motion” is a written or oral application by a party to the proceeding requesting the Tribal Court to make a specified ruling or order.

505.2 Motion Format.

- A. *Motion Made at Hearing.* During any hearing, a party may make an oral motion, provided that the request is made while the proceeding is being recorded.
- B. *All Other Motions.* Motions must be made in writing, and must state the following:
 - 1. The names of the parties to the case and the case number.
 - 2. The relief or court action desired.
 - 3. A clear statement of the facts supporting the motion.
 - 4. A clear statement of the reasons for requesting the court action.
 - 5. A statement indicating that a copy of the motion has been provided to all other parties, or a request that the Court provide notice to all other parties.
- C. *Memorandum in Support of Motion-Permitted.* A party may include a memorandum, letter, or brief in support of his or her motion. A memorandum must explain why the Court should grant or deny the motion, and is limited to ten (10) pages, double-spaced, with one-inch margins. Documents or photographs may be attached to the memorandum, and shall not be considered as part of the page limit. In order to be considered by the Court, the supporting memorandum must be filed at the same time as the motion.

505.3 Response to Motion by Other Parties. Any other party in the case may file a response to the motion, indicating whether it is supported or opposed, and following the format specified in §505.2(B), above. The response may also include a memorandum, letter, or brief explaining the grounds for the position taken in response, subject to the same page limits and content as is specified in §505.2(C), above.

505.4 Hearings on Motions; Notice.

- A. *Hearing Date.* A hearing shall not be held for at least 21 days from the date a motion is filed.
- B. *Issuance of Notice of Hearing Date.* The Clerk shall issue notice of a hearing to all parties within three (3) business days of receiving the motion.
- C. *Deadline for Filing Response to Motion.* A party opposing the motion must file any response in opposition at least five (5) business days prior to the hearing. Failure to provide a written response does not preclude the other parties from objecting to the motion at the time and date of the scheduled hearing, if the Tribal Court determines that the interests of justice would be best served by permitting the objection to be heard and considered.

505.5 Modification of the Hearing and Notice Deadlines. Upon good cause presented to the Court in writing in a particular case, the Court may modify the deadlines and page limits set forth above. Any action by the Court to modify these requirements must be issued in the form of an order.

Dated this 26th day of September, 2014.

BY THE COURT:


BRYAN A. NEWLAND, Chief Judge

Bay Mills Indian Community Tribal Court Rule 105.5

CERTIFICATION

I, the undersigned, as Secretary of the Bay Mills Indian Community Executive Council, do hereby certify that the attached Tribal Court Rule 105.5 was adopted and approved at a meeting of the Bay Mills Executive Council held at Bay Mills, Michigan, on the 13th day of October, 2014, with a vote of 3 in favor, 0 opposed, 1 absent, and 1 abstaining. As per the provisions of the Bay Mills Constitution, the President must abstain except in the event of a tie.



Anthony J. LeBlanc, Secretary
Bay Mills Indian Community
Executive Council