

**Rule 4.02**  
**MOTION PRACTICE**

The provisions of this rule shall apply to all written motions.

1. The original of each motion, and all affidavits and other supporting evidentiary documents shall be filed as required by the Administrative Procedures for Mississippi Electronic Courts ~~with the clerk in the county where the action is docketed. The moving party at the same time shall mail a copy thereof to the judge presiding in the action at the judge's mailing address. A proposed order shall accompany the court's copy of any motion which may be heard *ex parte* or is to be granted by consent.~~ Responses and supporting evidentiary documents shall be filed in the same manner.
2. ~~In circuit court a~~A memorandum of authorities in support of any motion to dismiss or for summary judgment shall be filed as required by the Administrative Procedures for Mississippi Electronic Courts ~~mailed to the judge presiding over the action at the time that the motion is filed.~~ Respondent shall reply within ten (10) days after service of movant's memorandum. A rebuttal memorandum may be submitted within five (5) days of service of the reply memorandum. Movants for summary judgment shall also file ~~with the clerk~~ as a part of the motion an itemization of the facts relied upon and not genuinely disputed and the respondent shall indicate either agreement or specific reasons for disagreement that such facts are undisputed and material. ~~Copies of motions to dismiss or for summary judgment sent to the judge shall also be accompanied by copies of the complaint and, if filed, the answer.~~
3. Accompanying memoranda or briefs in support of other motions are encouraged but not required and shall be filed as required by the Administrative Procedures for Mississippi Electronic Courts. Where movant has served filed a memorandum or brief, respondent may serve file a reply within ten (10) days after service filing of movant's memorandum or brief. A rebuttal memorandum or brief may be served filed within five (5) days of service filing of the reply memorandum.
4. ~~No memorandum or brief required or permitted by this rule shall be filed with the clerk.~~ Memoranda or briefs shall not exceed 25 pages in length. If any memorandum, brief or other paper submitted in support of a legal argument in any case cites or relies upon any authority other than a Mississippi or federal statute, Mississippi or federal Rule of Court, United States Supreme Court case, or a case reported in the Southern or Federal

Reporter series, a copy of such authority must accompany the brief or other paper citing it.

5. All dispositive motions shall be deemed abandoned unless heard at least ten days prior to trial.