

**DRAFT**  
**06/01/06**

**Proposed New Rule 21**

An application to the court for an order and notice of any hearing thereon, not presented during a hearing or trial, shall be served upon all other parties not less than ten (10) days before the time specified for the hearing, together with any supporting briefs, affidavits, or other materials, except:

- (1) as otherwise provided for by these rules;
- (2) upon agreement of the parties;
- (3) upon written motion and leave of court for cause shown; or
- (4) upon order of the court, for cause stated and entered of record.

Any desired written response, together with any supporting briefs, affidavits, or other materials, shall be filed and served upon all other parties not less than three (3) days before the time specified for the hearing.

The term "hearing" as used in this rule includes any disposition by the court of the application, whether upon written submission or oral hearing.

