

# GETTING A MOTION SET BY THE DISCOVERY COMMISSIONER

**Before sending a Motion over to be set by the Discovery Commissioner, be sure it contains (at a minimum) the following:**

1. Notice of Motion [E.D.C.R. 2.20 (a)];
2. Affidavit of moving counsel [E.D.C.R. 2.34 (d)];
3. Points and authorities [E.D.C.R. 2.20 (a)];
4. Original plus 2-3 copies (we keep 1 copy when setting date)

**NOTE: Do Not serve a motion on opposing counsel prior to getting the date and time of hearing from the Discovery Commissioner's office.**

If requesting an **Order Shortening Time**, be sure to include the following (in addition the items listed above):

1. OST section with signature block for Discovery Commissioner to sign [E.D.C.R. 2.34 (c)];
2. Appropriate affidavit supporting need for OST (E.D.C.R. 2.26). You May include this information in the 2.34 affidavit mentioned above.

**PLEASE NOTE:** If **OST** is **granted** setting the hearing in less than 10 days, you must have personal service (not mailed) of motion. ROC or FAX service (E.D.C.R. 2.26 and 7.26).

Motion (with copies) to be dropped off in the Discovery Commissioner's "**RUNNER DROP OFF**" box on the **5<sup>th</sup> Floor** for assigning a **date and time** on motion and conforming copies [E.D.C.R. 2.34 (c)].

Runner should return either the **same day or next morning** and check the "**RUNNER PICK-UP**" box (also on the **5<sup>th</sup> floor**).

**PLEASE NOTE:** **due to the number of motions handled by our office daily, we are unable to call offices when motions are ready to be picked-up.**

Runner then takes motion to the Clerk's Office **Master Calendar** window on the 3<sup>rd</sup> floor to have **filed**.

**Serve** copy(ies) on opposing counsel (E.D.C.R. 7.26).

**IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE DISCOVERY COMMISSIONER'S OFFICE AT 671-4486.**