

INSTRUCTIONS FOR ASKING THE COURT TO RE-SCHEDULE (CONTINUE) A HEARING
CAO Cv Instruction 04-08

To ask the Court to re-schedule your hearing, you will need the following forms;

- CAO CV 4-8, Motion and Affidavit to Continue
- CAO CV 4-14, Notice of Hearing
- CAO CV 4-15, Consent to Continue Hearing
- CAO CV 4-9, Order on Motion to Continue

The person asking for the change must give notice to the Court and all other parties. The “Motion” tells the court what you want the Court to do. The “Affidavit” must state good reasons to change the hearing date.

Contact the Judge’s clerk to find out when your Motion can be scheduled, and fill in the date and time on the Notice of Hearing form. Serve a copy of the Motion and Affidavit and the Notice of Hearing on all other parties and file the originals with the Court. These documents must be delivered to all other parties at least 14 working days before the date set for hearing your Motion.

Generally if all parties agree in writing to reschedule, and the Judge agrees, you can avoid a hearing on your Motion. (That hearing can be cancelled or “vacated.”) Each party can sign a Consent to Continue Hearing. You then file the Consent(s) with the Court. Prepare the Order and give that to the clerk when you file the Consent(s).

Even if you all agree, a Judge may not be willing or able to change the scheduled hearing date. **UNLESS YOU RECEIVE WRITTEN NOTICE RE-SCHEDULING THE HEARING, YOU MUST APPEAR AT THE TIME THE HEARING WAS ORIGINALLY SCHEDULED.**