

United States Court of Appeals FOR THE SECOND CIRCUIT

Each motion must be accompanied by a supporting affidavit (Local Rule 27(a)).

Use short title

Docket Number
NOTICE OF MOTION
state type of motion
for _____

MOTION BY: *(Name, address and tel. no. of law firm and of attorney in charge of case)*

OPPOSING COUNSEL: *(Name, address and tel. no. of law firm and of attorney in charge of case)*

Has consent of opposing counsel:

- A. been sought? Yes No
- B. been obtained? Yes No
- Has service been effected? Yes No
- Is oral argument desired? Yes No

(Substantive motions only)

Requested return date:
(See Second Circuit Rule 27(b))

- Has argument date of appeal been set:
- A. by scheduling order? Yes No
 - B. by firm date of argument notice? Yes No
 - C. If Yes, enter date: _____

Judge or agency whose order is being appealed:

EMERGENCY MOTIONS, MOTIONS FOR STAYS & INJUNCTIONS PENDING APPEAL

- Has request for relief been made below? Yes No
(See F.R.A.P. Rule 8)
- Would expedited appeal eliminate need for this motion? Yes No
- If No, explain why not:

Will the parties agree to maintain the status quo until the motion is heard? Yes No

Brief statement of the relief requested:

Complete Page 2 of this Form

By: *(Signature of attorney)*

Appearing for: *(Name of party)*

Appellant or Petitioner:
 Plaintiff Defendant
Appellee or Respondent:
 Plaintiff Defendant

Signed name must be printed beneath

Date

ORDER

Kindly leave this space blank

IT IS HEREBY ORDERED that the motion be and it hereby is **granted** **denied**

Date

Circuit Judge

Previous requests for similar relief and disposition:

Statement of the issue(s) presented by this motion:

Brief statement of the facts *(with page references to the moving papers)*:

Summary of the argument *(with page references to the moving papers)*:

RULES OF THE UNITED STATES COURT OF APPEALS for the SECOND CIRCUIT
supplementing
Federal Rules of Appellate Procedure

Local Rule 27. Motions:

- (a) Form of Notice of Motion and Supporting Papers for Motions and Opposition Statements.
 - (1) Notice of Motion: The moving party shall submit the Notice of Motion in the format approved by the court with such changes as the Chief Judge may from time to time direct.
 - (2) Supporting Papers for Motions and Opposition Statements:
 - (a) All motions must be accompanied by an affidavit containing factual information only. Affidavits containing legal arguments will be treated as memoranda of law.
 - (b) Memoranda of law shall not exceed ten typewritten double-spaced 8-1/2 x 11 inch pages except by permission of the court.
 - (c) Copy of the lower court opinion or agency decision shall be included as a separately identified exhibit by a moving party seeking substantive relief.
 - (d) Exhibits attached should be only those necessary for the determination of the motion.
 - (3) Number of copies: Four copies shall be filed with the original.
 - (4) Non-compliance Sanctions: If the moving party has not complied with this rule, the motion may be dismissed by the clerk without prejudice to renew upon proper papers. If application is promptly made, the action of the clerk may be reviewed by a single judge. If the responding party fails to comply with this rule, the court may refuse to hear that party at oral argument. The court may impose costs and an appropriate fine against either party for failure to comply with this rule.

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Federal Rules of Appellate Procedure

Rule 27(d). Form of papers; number of copies. All papers relating to motions may be typewritten. Three copies* shall be filed with the original, but the court may require that additional copies be furnished.

* (Note: Local Rule 27 (3) supercedes and requires four copies.)

Docket No.

United States Court of Appeals
FOR THE SECOND CIRCUIT

NOTICE OF MOTION

Attorney(s) for Petitioner
Office & Post Office Address & Telephone Number