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From: Elaine Geist <elaine.geist@aderant.com>
Sent: Thursday, December 07, 2017 9:50 AM
To: RulesComment
Subject: Comment re Superior Court Rule 12(g) (Appendix I)

Good morning,

We are writing to comment on the proposed amendment to Superior Court Rule 12(g) (Appendix I), currently out for comment until December 7, 2017.

Superior Court Rule 12(g)(3)(a) as proposed states in part, "The non-moving party shall have 30 days to object to a motion for summary judgment, unless another deadline is established by order of the court." [Emphasis added.]

Specifically, our concern regarding the underlined portion of the rule cited above is that the event that triggers the requirement to object to the motion for summary judgment is somewhat ambiguous. For example, is the deadline triggered by the date of filing of the motion for summary judgment, from the date of service of the motion for summary judgment, or perhaps from the date of the motion for summary judgment itself?

In order to avoid confusion, we suggest that the rule be modified to clarify when the 30-day period to object begins. For example, the rule could be revised to state:

The non-moving party shall have 30 days after service of a motion for summary judgment to object, unless another deadline is established by order of the court.

Thank you for your time and consideration of this issue.

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