

Alternate Amendments:

- (1) Amend Rule 6(d) to read:

(d) For Motions, Returns, Replies and Supporting Documents. ~~For Motions--Affidavits.~~ A written motion other than one which may be heard *ex parte*, and notice of the hearing thereof, shall be served not later than ten days before the time specified for the hearing, unless a different period is fixed by these rules or by an order of the court. Such an order may for cause shown be made on *ex parte* application. When a motion is to be supported by affidavit, the affidavit shall be served with the motion; and, except as otherwise provided in Rule 59(c), additional or opposing affidavits may be served not later than two days before the hearing, unless the court permits them to be served at some other time. The moving party may serve reply affidavits at any time before the hearing commences. In all cases where a motion shall be granted on payment of costs or on the performance of any condition, or where an order shall require such payment or performance, the party whose duty it shall be to comply therewith shall have 20 days for that purpose, unless otherwise directed in the order. Motions, returns to motions, replies to returns and other supporting documents shall be served and filed within the times specified by Rule 7(b).

- (2) Amend Rule 7(b), SCRCF, to read:

(b) Motions and Other Papers.

(1) An application to the court for an order shall be by motion which, unless made during a hearing or trial in open court with a court reporter present, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. ~~The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion.~~

(2) A written motion shall be accompanied by a supporting memorandum which shall be served and filed with the motion. Unless otherwise directed by the court, a supporting memorandum is not required if a full explanation of the motion required by (5) below is contained within the motion and a memorandum would serve no useful purpose. Where appropriate, motions shall be accompanied by affidavits or other supporting documents. The memorandum and any supporting

affidavits or other documents shall be served and filed with the motion.

(3) A return to the motion may be served and filed within ten (10) days of the service of the motion. The return may be accompanied by a supporting memorandum, affidavits or other supporting documents. If so, the memorandum and any supporting affidavits or documents shall be served and filed with the return . The court may require a return and a supporting memorandum or other documents to be served and filed. If a memorandum is filed, its content shall comply with the requirements of (5) below.

(4) If a return is made to the motion, the moving party may serve and file a reply no later than two (2) days prior to the hearing. Replies, however, are discouraged. The reply may be accompanied by a supporting memorandum, affidavits or other supporting documents. If so, the memorandum and any supporting affidavits or documents shall be served and filed with the reply. The court may require a supporting memorandum or other documents to be served and filed. A supporting memorandum for a reply need not contain all of the information required by (5) below.

(5) A supporting memorandum shall contain:

(A) A concise summary of the nature of the case:

(B) A concise statement of the facts that pertain to the matter before the court;

(C) The argument (brevity is expected) relating to the matter before the court for ruling with appropriate citations;

(D) Where the memorandum opposes a motion for summary judgment, a concise statement of the material facts in dispute shall be set forth;

(E) Any special content required by that may be required by these rules or law based on the nature of the motion.

(6) The copy of a motion, return or reply filed with the court shall be accompanied by a proof of service showing that the

document and any memorandum or supporting documents have been served on the opposing party.

(7) Hearing on Motion. Except for written motions that can be heard *ex parte* or where a different period is fixed by these rules or by an order of the court, no hearing shall be held on a motion until at least 20 days after the service of the motion on the opposing party. The clerk shall notify the parties of the hearing date. Unless a hearing is required by these rules or other law, nothing in this rule shall be construed as preventing the court from ruling on a motion without a hearing.

~~(2)~~**(8)** The rules applicable to captions, signing, and other matters of form of pleadings apply to all motions and other papers provided for by these rules.