

RULE 78. [RESERVED]

Advisory Committee's Notes May 1, 2000

Rule 78 is abrogated because its establishment of motion days is no longer necessary and not consistent with present practice. This rule was designed for a time when specific motion days were scheduled by the court and then attorneys would notice motions for hearing on those days.

Reporter's Notes December 1, 1959

This rule is substantially the same as Federal Rule 78. It contemplates the continued use of the so-called secondary circuit. Motion day will probably vary from month to month depending upon the availability of a justice. During term time in each county, motion day might well be set for a particular day of the term as at present. Also there will be occasions under the rules, the same as at present, where the need for prompt action will necessitate seeking out a justice residing either in or outside the county.