

161—4.9(17A) Motions.

4.9(1) *Form.* No technical form for motions is required. However prehearing motions must be in writing, state the grounds for relief, and state the relief sought. Any motion for summary judgment shall comply with the Iowa Rules of Civil Procedure. Motions made during the hearing may be stated orally upon the record.

4.9(2) *Response.* Any party may file a written response to a motion within 14 days after the motion is served, unless the time period is extended or shortened by the rules of the commission or the presiding officer. The presiding officer may consider a failure to respond within the required time period in ruling on a motion.

4.9(3) *Oral argument.*

- a.* The presiding officer may schedule oral argument on any motion.
- b.* Oral arguments on motions shall be held in Des Moines or by telephone conference call, unless the presiding officer orders otherwise.
- c.* A record of arguments will be made at the discretion of the presiding officer. A record may be made by tape recording or by certified shorthand reporter.
- d.* The expense of transcribing a record of the oral argument or any part thereof shall be charged to the requesting party.

4.9(4) *Motions regarding hearing.*

- a.* Motions pertaining to the hearing, except motions for summary judgment, must be filed and served at least ten days prior to the date of hearing unless there is good cause for permitting later action or the time for such action is lengthened or shortened by rule of the agency or an order of the presiding officer.
- b.* Motions regarding sequestration of witnesses need not be made ten days prior to the hearing.

4.9(5) *Motions for summary judgment.* Motions for summary judgment shall comply with the requirements of Iowa Rule of Civil Procedure 237 and shall be subject to disposition according to the requirements of that rule to the extent such requirements are not inconsistent with the provisions of this rule or any other provision of law governing the procedure in contested cases.

Motions for summary judgment must be filed and served at least 45 days prior to the scheduled hearing date, or other time period determined by the presiding officer. Any party resisting the motion shall file and serve a resistance within 15 days, unless otherwise ordered by the presiding officer, from the date a copy of the motion was served. The time fixed for hearing or nonoral submission shall be not less than 20 days after the filing of the motion, unless a shorter time is ordered by the presiding officer. A summary judgment order rendered on all issues in a contested case is subject to rehearing pursuant to rule 4.30(17A) and appeal pursuant to rule 4.23(17A).