



A Guide to Motions for Unrepresented Parties

What are Motions?

Motions are formal requests directed to the Hearing Examiner that seek a legal ruling or decision.

When Can Motions be Filed?

Generally, motions can be filed at any stage of the investigative and hearing processes. Certain motions are filed according to a schedule set by the Hearing Examiner. Other motions can be filed at any time.

Are Motions Required to be in Writing?

In most cases, yes. Oral motions may be permitted per the discretion of the Hearing Examiner during the hearing or pre-hearing conferences.

Are Motions Required to Follow a Particular Form?

Yes. Please refer to Appendix B of the Standing Practice Order linked at the end of the document for further instructions.

Must Parties Include Anything with Their Motion?

Yes. Parties must include a “certificate of service” at the end of, or as an attachment to, all motions. A certificate of service includes a statement that the motion was served on all parties to the case. The certificate of service must set forth the date and method of service. Copying all parties of record on electronic correspondence (“CC”) shall be an acceptable form of service.

Do I Have to Notify the Other Party Before Filing a Motion?

Sometimes, in the case of certain discovery motions. Please refer to “A Guide to Discovery for Unrepresented Parties for Cases Placed on the Public Hearing Docket” for more information.

Parties must always serve their motion, no matter the type, on the other party at the same time they file the motion with the Office of the Hearing Examiner. Filings with the Office of the Hearing Examiner can be made electronically by sending them to ra-hradjudication@pa.gov.



Can I Respond to a Motion Filed by the Other Party?

Yes. The non-moving party is encouraged to file a response to the motion. The form of a response should mirror the form of a motion. That is, the response should include a caption and a certificate of service, along with the party's arguments in support of their position, as well as appropriate citations.

Am I Required to Respond to a Motion?

In most instances, parties are not required to respond to motions, even though responses are encouraged. However, parties are always required to follow the orders of the Hearing Examiner. For that reason, if the Hearing Examiner has ordered a party to file a response to a particular motion, the party must do so within the allotted time provided.

How Much Time Do I Have to File a Response?

Unless the Hearing Examiner specifically states otherwise, parties have 15 calendar days to file their response to a motion. If the 15th day falls on a weekend or federal holiday, the response is due on the next business day.

Can I Respond to the Other Party's Response?

Maybe. The Hearing Examiner will determine whether it is necessary and appropriate to file a reply to the non-moving party's response. Parties may also obtain permission from the Hearing Examiner to file a reply through a written motion. The form of a reply should mirror the form of a motion.

How Will I Know if the Hearing Examiner Has Ruled on a Motion?

In most instances, the Hearing Examiner will issue a written order that memorializes their decision to grant, deny, or partially grant/deny a motion. Orders will always be served on both parties. In some instances, such as during a hearing, orders are issued orally.

Can I Challenge an Order Denying My Motion?

In some circumstances. This issue is governed by the Pennsylvania Rules of Appellate Procedure (42 Pa. C.S. 702) and any party wishing to challenge an Order must comply with the aforementioned rule.

Resources:

- Standing Practice Order: [25.01.14 spo final.pdf](#)