



ADMINISTRATIVE RULES OF MONTANA



37.62.923 EXTENSIONS OF TIME AND CONTINUANCES

- (1) Because CSSD contested cases must proceed on an expedited basis, requests for extensions of time and continuances are disfavored and shall not be routinely granted. Extensions of time and continuances will be granted only upon a showing of extraordinary circumstances beyond the party's control which will cause substantial prejudice to the party if the extension or continuance is not granted.
- (2) A request for an extension of time may be filed with the OALJ at any time prior to the day an activity or time frame is set by order, rule or statute for completion. The request shall contain:
 - (a) a statement of the reason for the extension of time;
 - (b) a statement showing extraordinary circumstances beyond the party's control which will cause substantial prejudice to the party if the extension or continuance is not granted; and
 - (c) a statement indicating the positions of every other party regarding the request for an extension of time.
- (3) Uncontested requests for extensions of time or continuances which include the above statements may be granted by the OALJ. If the request is contested for any reason the request will be submitted to the ALJ for determination as if the request were a motion under ARM 37.62.919. If the ALJ does not render a decision on the request by the day the activity or time frame is due to be completed, the request shall be deemed denied.
- (4) All uncontested requests for extensions of time or continuances must be accompanied by an appropriate proposed order with sufficient copies for the OALJ to mail to all parties.
- (5) An order for extension of time to file papers, briefs and other materials will include a provision for extending the time for other parties to file and serve opposing briefs and reply briefs and other responding materials.

Authorizing statute(s): 17-4-105, 40-5-202, 40-5-262, 40-5-272, 40-5-273, 40-5-405, 40-5-713, 40-5-825, 40-5-906, MCA

Implementing statute(s): 17-4-105, 40-5-157, 40-5-202, 40-5-208, 40-5-226, 40-5-233, 40-5-261, 40-5-271, 40-5-273, 40-5-414, 40-5-431, 40-5-703, 40-5-710, 40-5-821, 40-5-822, 40-5-823, 40-5-824, 40-5-906, MCA

History: NEW, 2000 MAR p. 3547, Eff. 12/22/00; AMD, 2020 MAR p. 966, Eff. 5/30/20.