

### **Rule 383. Motions for Supervisory Orders**

**(a)** A motion requesting the exercise of the Supreme Court's supervisory authority shall be supported by explanatory suggestions and shall contain or have attached to it the lower court records or other pertinent material that will fully present the issues, authenticated as required by Rule 328.

**(b)** The motion, explanatory suggestions, and all supporting documents must be served upon the other parties, including the nominal party or parties, and proof of service filed at the time the motion is filed.

**(c)** A person whose act is the subject of this proceeding shall be designated as a respondent. A respondent need not respond to the motion unless instructed to do so by the court, and failure to respond will not admit any of the allegations contained in the motion. The prevailing party or parties below shall file appropriate documents for that respondent but shall not file any document in the name of the respondent.

**(d)** The prevailing party below shall have 7 days after personal or e-mail service of the motion, or 14 days after mailing of the motion if service is by mail, or 14 days after delivery of the motion to a third-party commercial carrier if service is by delivery to a third-party commercial carrier, or within such further time as the court or a judge thereof may allow, to file any objections to the motion, and service shall be made upon the movant and proof of service filed with the clerk of the court.

**(e)** Illegible documents shall not be filed.

**(f)** Oral argument shall be permitted only if requested by the court.

Adopted August 9, 1983, effective October 1, 1983; amended February 27, 1987, effective April 1, 1987; amended December 17, 1993, effective February 1, 1994; amended March 1, 2001, effective immediately; **amended December 29, 2009, effective immediately; amended February 10, 2014, effective immediately; amended March 14, 2014, effective immediately; amended Dec. 9, 2015, eff. Jan. 1, 2016; amended June 22, 2017, eff. July 1, 2017.**

#### **Committee Comments**

This procedure is intended to discourage a practice which has developed since 1971 by which parties petition for leave to file a petition for *mandamus* or, *in the alternative*, for a supervisory order, in cases in which *mandamus* would be an inappropriate remedy.