

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 2042

Amending Civil Rule 77(a)(3) and
(c)(1)(iii) exempting a self-
represented party from filing a
proposed order; correcting
subparagraph lettering.

IT IS ORDERED:

Civil Rule 77 is amended to read as follows:

Rule 77. Motions.

(a) **Service.** * * * *

(b) **Requirements.** There shall be served and filed with the motion:

(1) legible copies of all photographs, affidavits and other documentary evidence which the moving party intends to submit in support of the motion;

(2) a brief, complete written statement of the reasons in support of the motion, which shall include a memorandum of the points and authorities upon which the moving party will rely; and

(3) an appropriate order for the court's signature in the event that the motion is granted, except a self-represented party is not required to file a proposed order.

(4) In addition, if a motion is filed and served on a defendant before an answer to the complaint is due under the rules, the motion must be accompanied by a notice advising the defendant

of the right to file a written opposition to the motion, the time within which the opposition must be filed under Civil Rule 77(c)(2)(i), and the place where it must be filed.

(c) **Opposition.** Unless otherwise ordered by the court or otherwise stipulated by the parties with court approval, opposition to the motion or other application shall be made as follows:

(1) *Form.* Each party opposing the motion or other application shall serve and file either:

(A)(i) legible copies of all photographs, affidavits and other documentary evidence upon which the party intends to rely; and

(B)(ii) a brief, complete written statement of the reasons in opposition to the motion, which shall include an adequate answering brief of points and authorities; and

(C)(iii) an appropriate order for the court's signature in the event that the motion is denied, except a self-represented party is not required to file a proposed order; or

(D)(iv) a written statement that the party does not oppose the motion.

(2) *Time.* The time for filing opposition to the motion or other application shall be 10 days from the date of service of the motion or application, except as follows:

(A)(i) for motions or other applications filed and served on defendant before an answer to the complaint is due under the rules, the time for filing opposition shall be either 10 days from

the date of service, or the date the defendant's answer is due under the rules, whichever is later;

~~(B)(ii)~~ for motions to dismiss, motions for summary judgment and motions for judgment on the pleadings, the time for filing opposition shall be either 15 days from the date of service or, if the plaintiff is the movant, the date the defendant's answer is due under the rules, whichever is later; and

~~(C)(iii)~~ for motions filed under Civil Rules that prescribe their own response times (for example, Civil Rule 88 and Civil Rule 89) or that authorize expedited relief (for example, Civil Rule 77(g) or Civil Rule 65), the time for filing opposition shall be governed by the specific rule under which the motion is filed.

(d) **Reply.** * * * *

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(k) **Motions for Reconsideration.** A motion to reconsider the ruling must be made within ten days after the date of notice of the ruling as defined in Civil Rule 58.1(c) unless good cause is shown why a later filing should be accepted. In no event shall a motion to reconsider a ruling be made more than ten days after the date of notice of the final judgment in the case.

(1) A party may move the court to reconsider a ruling previously decided if, in reaching its decision:

~~(A)(i)~~ The court has overlooked, misapplied or failed to consider a statute, decision or principle directly controlling; or

~~(B)(ii)~~ The court has overlooked or misconceived some material fact or proposition of law; or

(C)~~(iii)~~ The court has overlooked or misconceived a material question in the case; or

(D)~~(iv)~~ The law applied in the ruling has been subsequently changed by court decision or statute.

(2) * * * *

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DATED: September 10, 2025

EFFECTIVE DATE: October 15, 2025

/s/ _____
Chief Justice Carney

/s/ _____
Justice Borghesan

/s/ _____
Justice Henderson

/s/ _____
Justice Pate

/s/ _____
Justice Oravec