

District Court - Schedule C - Forms in civil proceedings

S.I. No. 17 of 2014

No. 44.01

Notice of motion: general

*Schedule C
O.44, r. 4*

NOTICE OF MOTION

District Court Area of

District No.

Record number:

In the matter of section of the [*insert details of the relevant enactment relied on*]

*On the Application of

..... of..... Claimant

†Between

..... Claimant

..... Respondent

TAKE NOTICE that *Claimant/*Respondent in the above proceedings will apply to the District Court sitting at..... on the day of 20.... at a.m./p.m. (the "return date") for the following *order(s)/*direction(s)/*pre-trial relief:

A. [*Insert details of orders, etc sought. See end of this form for examples*]

B. The grounds for the application are as follows: [*set out in summary the grounds of the application*].

C. Particular legal provisions relied on in the application [*identify any particular legal provisions relied on in the application*].

LIST OF CORRESPONDENCE BETWEEN THE PARTIES RELEVANT TO THE SUBJECT
MATTER OF THE MOTION, COPIES OF WHICH ARE ATTACHED

	Document	Date	Description
1	<i>e.g. letter</i>	<i>1 September 2013</i>	<i>Letter from the claimant to the respondent</i>

2	<i>e.g. letter</i>	<i>10 September 2013</i>	<i>Letter from the respondent to the claimant</i>
Etc			

*This application will be supported by the affidavit of sworn on the day of 20....

Signed:.....

*(Solicitor for) moving party

To.....

of.....

*(Solicitor for the) *respondent *claimant

And to District Court Clerk at

This notice of motion was filed at..... on the day of 20.... with the District Court Clerk assigned to the above Court area and district and issued returnable to the return date given above.

**Delete where inapplicable*

GUIDANCE NOTE: SAMPLE PARTICULARS OF ORDERS, ETC WHICH MAY BE INCLUDED IN A NOTICE OF MOTION (FORM 44.01)

Note: The particulars given by the moving party (claimant or respondent) should be sufficient to allow any respondent and the Court to understand the nature and statutory basis of the application and should identify the grounds and the legal provisions on which the moving party will rely. The following are examples only.

Order to set aside or vary a default judgment (decree) obtained by fraud, misrepresentation, surprise, mistake, etc

An order under Order 47, rule 7 of the District Court Rules on behalf of the respondent to set aside/vary the judgment obtained herein, *(and the respondent having lodged with the Clerk the sum of €....., this notice is to operate as a stay of proceedings pending the hearing of the said application).

Order to make discovery

An order under Order 45B, rule 3 of the District Court Rules directing the *claimant/*respondent to make discovery on oath of the following categories of documents which are or have been in his or her possession or power of procurement relating to matters in the above-entitled proceedings, as set out in the written request by the applicant dated the day of 20.... a copy of which is attached to this notice of motion, *(the *claimant/*respondent having failed to respond to such request) *(the *claimant/*respondent having refused such request by letter dated the day of 20...., a copy of which is also attached to this notice).

Order to produce documents

An order under Order 45B, rule 6 of the District Court Rules ordering the *claimant/*respondent to produce on oath to the *respondent/*claimant the following

documents in the possession or power of procurement of said party (*and a copy of the written request by the applicant for same dated the day of 20.... is attached to this notice *(the *claimant/*respondent having failed to respond to such request) *(the *claimant/*respondent having refused such request by letter dated the day of 20...., a copy of which is also attached to this notice)).

Order on failure to make discovery

An order under Order 45B, rule 7 of the District Court Rules

*dismissing the claimant's action for want of prosecution for failing to make discovery in terms of the order made by the District Court sitting at on the day of 20....

*striking out ordering the respondent's notice of intention to defend for failing to make discovery in terms of the order made by the District Court sitting at on the day of 20....

*for the attachment of the *claimant/*respondent for failing to make discovery in terms of the order made by the District Court sitting at on the day of 20....

Order to send action forward to the Circuit Court or to the High Court

An order to send these civil proceedings, currently pending before the Court forward to the *Circuit Court *High Court pursuant to section 22(8)(b) of the Courts (Supplemental Provisions) Act 1961 (inserted by section 21 of the Courts Act 1971).

Order for permission to issue execution

An order under Order 51, rule 4 of the District Court Rules for permission to issue execution on foot of a judgment (decree/dismiss) obtained by the above *(claimant)*(respondent) at the District Court held at..... on the day of 20.... against the *(respondent)*(claimant) for the sum of €..... and also the sum of €..... for costs (and value-added tax), the sum of €..... being still due and owing to the *(claimant)*(respondent) on foot of the judgment (decree/dismiss).