**FORM 15A**

**NOTICE OF MOTION**

Court File No. S\_\_\_ SC \_\_\_\_\_\_\_\_\_\_
*(The number assigned by the court)*

SUPREME COURT OF PRINCE EDWARD ISLAND

(SMALL CLAIMS SECTION)

BETWEEN:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PLAINTIFF(S)

AND:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DEFENDANT(S)

**NOTICE OF MOTION**

**TAKE NOTICE:**

A motion will be made to the court by \_\_\_\_\_\_\_\_\_(*Name of party)* at \_\_\_\_\_\_(*Name and location of court)* on \_\_\_\_\_\_\_(*Date)* at \_\_\_\_\_\_\_(*Time)* (or as soon thereafter as the motion can be heard).

1. The order sought is:

(*set out the order you are seeking)*

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2. The following material will be relied on at the hearing of the motion:

*(Set out what documents will be used to support your request for the order.)*

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***Attach an additional page if necessary and date and sign it.***

**TAKE NOTICE: If you fail to appear at the hearing of this motion, an order may be made in your absence.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Date) (Signature of party or party’s lawyer/agent)

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| **INSTRUCTIONS FOR MAKING A MOTION****RULE 15****DO NOT FILE THIS PAGE – DETACH BEFORE FILING**A motion is a request to the court to make an order about a case. For example, a defendant could ask the court for more time to send in a defence or a counterclaim. Or either party could ask for more time to serve documents.  |
| Motions can help the parties in a case. They can also make the case take longer and cost more money. If the judge grants your motion, you can ask the court to make the other party pay some of your costs, or the other party may ask the court to make you pay some of their costs. These costs can include court filing fees, lawyer fees, and expenses for witnesses, photocopying, and delivery of documents.  |
| **Step 1:** Explainwhat you are asking the court to do and why. This is done by completing a Notice of Motion and Supporting Affidavitforms (Forms 15A & 15B). Upon your request, the trial coordinator of the court will provide a hearing date and time. Put the date and time on the Notice of Motion.  |
| **Step 2:** Where a motion is made on notice, the party making the motion shall, unless the court otherwise orders, serve on all parties all materials to be used on the motion, at least 10 days before the hearing date. There are rules about how this must be done. |
| **Step 3:** File the Notice of Motion and Supporting Affidavit(Forms 15A & 15B) at the court at least 4 days before the hearing date. There is a filing fee. Also file an Affidavit of Service(Form 8A) proving that the other parties were served. |
| Motion in Writing for an Assessment of Damages |
| If all defendants have been noted in default after failing to file a Defence, you can bring a motion in writing for an assessment of damages. You do not have to attend the motion. The judge or the prothonotary will make a decision based on the documents that you filed. If the judge or prothonotary thinks the documents you filed are inadequate, they may order you to provide a further affidavit or to attend a trial. |
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| **PLEASE REMEMBER TO DETACH THIS SHEET BEFORE FILING YOUR MOTION**  |