

Option 1 - Mandatory Hearing:

Within ten days of the filing of its motion, the movant must request a hearing on its motion, and the court must hear the motion as soon as practicable. The court shall determine the motion on the basis of the motion; the response, if any; any stipulations made by and between the parties; such affidavits and attachments as may be filed by the parties; the results of discovery processes; and any oral testimony. The affidavits, if any, shall be served at least seven days before the hearing, shall be made on personal knowledge, shall set forth specific facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify.

Option 2 - Hearing at the Option of the Trial Court

If the trial court determines that an oral hearing would be useful, it must schedule a hearing as soon as practicable. The court shall determine the motion on the basis of the motion; the response, if any; any stipulations made by and between the parties; such affidavits and attachments as may be filed by the parties; the results of discovery processes; and the oral testimony, if any. The affidavits, if any, shall be served at least seven days before the hearing, shall be made on personal knowledge, shall set forth specific facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify.