**Section 395.311 Motions**

a) Motions shall be made in writing, unless made during the hearing, at which time the motions may be made orally, on the record. All motions shall set forth the relief or order sought and the legal authority for the action requested. If made in writing, at least 2 copies of all motions shall be filed with the Board, and at least one copy shall be served on each additional party to the hearing.

b) Within 10 Days, or other period as the Board may require, after service of a written motion or other document, a party may file a response to the motion. The response may include affidavits or other evidence.

c) A written brief may be filed with a motion or a response to a motion, stating the arguments and authorities relied upon. The brief shall be no longer than 15 pages in length unless, prior to the filing date, leave is granted by the Board to file a brief greater than 15 pages in length.

d) The Board may allow oral arguments to be heard on a motion.

e) The Board shall rule upon all motions, except that it shall have no authority to dismiss or decide an appeal on the merits without granting all parties to the proceeding a right to be heard and to establish a record.

f) The Board will dispose of motions by written order and on notice to all parties.

g) Unless otherwise ordered, the filing of an answer or motion shall not stay the proceeding or extend the time for the performance of any act.

h) A party has a right to file an emergency motion setting forth why an emergency exists and the Board may deny the emergency motion solely on the basis that the motion did not demonstrate that an emergency exists or the Board may grant or deny the motion on other grounds.