



United States District Court

DISTRICT OF SOUTH DAKOTA

LR 40.1 CONTINUANCES

- A. Court Approval Required.** A case will not be continued without an order of the court. The parties may file a joint motion for a continuance explaining the reasons for the requested continuance. If the parties disagree over whether there should be a continuance, the party seeking a continuance must file a motion and detail the factual basis on which a continuance is being sought. If the continuance is sought because of the absence of a material witness, the movant must file an affidavit showing that the party applying for the continuance has exercised due diligence to secure the testimony of the witness, the name and city of residence of the witness, and the substance and relevance of the anticipated testimony of the witness. A party opposing a continuance must file a response no later than 7 days after the motion is served. The moving party may file a reply no later than 3 days after the response.
- B. When Witness Is Absent.** Unless, in the opinion of the court, justice requires, a trial or evidentiary hearing will not be continued or postponed on account of the absence of a witness.