|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| In the {{ ordinal(trial\_court.circuit) }} Circuit Court {{ trial\_court.address.county }}, Missouri | | | | |
| Associate Division | | | | |
| **{{ other\_parties | upper }}** | | |  |  |
|  |  | Plaintiff, |  |  |
|  | v. |  |  | **{{ docket\_number }}** |
|  |  |  |  | **Division {{ trial\_court.division }}** |
| **{{ users.short\_list(1) | upper }}** | | |  | DEFENDANT’S MOTION TO CONTINUE |
|  |  | Defendant. |  |

# DEFENDANT’S MOTION TO CONTINUE

The Defendant requests the Court continue this case to a future date convenient for the Court. In support, Defendant states:

1. The first hearing of this case is on {{ original\_hearing\_date }} {{ original\_hearing\_time }} in {{ trial\_court.division }}.
2. Defendant requests a continuance of this case to another date.
3. This request for continuance is made on or before the first hearing of the case. Associate circuit rules require this Court grant a continuance as of right “upon the request of any party made **on or before** the return date of the summons.” RSMo. §517.071.1 (emphasis added).
4. A Court’s failure to grant a party’s request for continuance prior to or on the date of the return date is reversible error. See *Darby v. Mason,* 568 S.W.3d 35, 37 (Mo. Ct. App. 2019) (citing *Boehm v. Allen*, 524 S.W.3d 542, 544 (Mo. Ct. App. 2017).

For these reasons, the Defendant requests the Court continue the case to a future date convenient for the Court, and requests any further relief the Court deems proper.

Respectfully submitted,

*/s/{{ users }}*

{{ users }}

{{ users[0].address.line\_one() }}

{{ users[0].address.line\_two() }}

{{ showifdef("users.email") }}

**DEFENDANT**

|  |  |
| --- | --- |
| **CERTIFICATE OF SERVICE**  The party signing above served a copy of this document to the parties below on **{{ service\_date }}** via {{ service\_methods.true\_values() }} | |
| {{ other\_parties[0].address\_block() }} |  |
| **Plaintiff** |  |