

## 40 C.F.R. § 78.15

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### Motions in evidentiary hearings.

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- (a) Any party may make a motion to the Presiding Officer on any matter relating to the evidentiary hearing in accordance with the scheduling orders issued under § 78.13. All motions shall be in writing and served as provided in § 78.4, except those made on the record during an oral hearing before the Presiding Officer.
- (b) Any party may make a motion for a summary disposition in its favor on any factual issue on the basis that there is no genuine issue of material fact. When a motion for summary disposition is made and supported, any party opposing the motion may not rest upon mere allegations or denials, but must show, by affidavit or by other materials subject to consideration by the Presiding Officer, that there is a genuine issue of material fact.

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