

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Plaintiff(s),

vs

Case No:
Honorable Victoria A. Roberts
Magistrate Judge

Defendant(s)
_____ /

SCHEDULING ORDER (PHASE II)

**PLEASE DOCKET IMMEDIATELY:
NO FURTHER NOTICE OF THESE DATES WILL BE SENT**

1. Dispositive Motion requirements;
2. Setting Date for filing of Final Pretrial Order;
3. Setting date of Final Pretrial Conference;
4. Setting Trial date;
5. Providing for content of Final Pretrial Order and describing material to be prepared and to be made available to the Court and counsel; and
6. Setting forth brief format requirements.

1. Dispositive Motions **must be filed by**:_____.

When filing motions for summary judgment, parties shall proceed in accordance with the following:

A. Before filing a motion for summary judgment or responding to such a motion, the parties are urged to familiarize themselves with Celotex Corp.v Catrett, 477 U.S. 317 (1986), Anderson v Liberty Lobby, Inc. 477 U.S. 242 (1986) and Matsushita Electric Industrial Co. Ltd. v Zenith Radio Corp. 475 U.S. 574 (1986). An excellent summary of these cases appears in Street v J.C. Bradford & Co., 886 F.2d 1472 (6th Cir. 1989). See also Schwarzer, Summary Judgment under the Federal Rules: Defining Genuine Issues of Material Fact, 99 F.R.D. 465 (1984).

B. Facts stated in the statement of material facts must be supported with citations to either the pleadings, interrogatories, admissions, depositions, affidavits or documentary exhibits. The text of any source cited should be filed with the Court as an appendix. The appendix shall contain an index and shall be tabbed.

C. Counsel are discouraged from employing elaborate boilerplate recitations of the summary judgment standard or lengthy string citations in support of well established legal principles. Instead, counsel should focus their analysis on a few well chosen cases, preferably recent and from controlling courts. Counsel are encouraged to supply the court with copies of their main cases. **Relevant passages must be highlighted.** Where unpublished opinions or opinions published only in a specialty reporter are cited, copies of the case must be submitted along with the brief.

D. The Court cautions the parties that it is not the Court's function to "figure out" what evidence they rely upon in support of claims or defenses. It is incumbent upon the parties to make substantive arguments, with specific references to the record, in support of **each** claim or defense asserted.

2. Response briefs must be filed by: _____.

3. Reply briefs must be filed by: _____.

4. Deadline for filing motions in limine to exclude expert testimony ("Daubert motions"): _____.

5. Case Evaluation: _____.
(Case evaluation shall occur approximately four to six weeks before the Settlement Conference.)

_____ Parties stipulate to case evaluation sanctions and costs.

_____ Parties do not stipulate to case evaluation sanctions and costs.

6. Final Settlement Conference date and time: _____.

CLIENTS MUST BE PRESENT AT SETTLEMENT CONFERENCE. IF ATTORNEYS MUST CONSULT WITH AN INSURANCE COMPANY AGENT, OR SUPERVISING ATTORNEY, IN ORDER TO PARTICIPATE MEANINGFULLY IN SETTLEMENT DISCUSSIONS, SUCH AGENT, OR SUPERVISING ATTORNEY, MUST BE PRESENT AS WELL. SANCTIONS WILL BE IMPOSED IF PERSON WITH FULL SETTLEMENT AUTHORITY FAIL TO APPEAR.

7. Deadline for filing Joint Pretrial Order: _____.

8. *Deadline for filing all other Motions in Limine:_____.
 9. *Deadline for filing Responses to Motions in Limine:_____.
 10. Final Pretrial Conference Date and Time:_____.
Trial counsel must be present at the Final Pretrial Conference.
 11. Hearing on Motions in Limine:_____.
 12. Trial date and time:_____.
- Jury Trial _____
- Non Jury Trial _____

PLEASE NOTE THE FOLLOWING:

1. The parties **may not stipulate** to extend any dates.
2. **Briefing Schedule:** Unless specifically addressed in this Order, the local court rules apply for filing responses and replies to motions.
3. **All briefs** shall comply strictly with LR 7.1 (Statement of Issues, Statement of Controlling/Most Appropriate Authority), and, in addition, must contain a Table of Contents, an Index of Authorities and an Index of Exhibits. The Exhibits must be tabbed. **Counsel are to highlight relevant portions of cases and/or exhibits to which the Court's attention should be directed.** Furthermore, the format requirements as set forth in LR 5.1 must be strictly adhered to.

THE ABOVE CONSTITUTES AN ORDER OF THIS COURT.

Dated:

Honorable Victoria A. Roberts
United States District Judge