

Motion Practice

* **NOTE:** All briefs shall comply strictly with [E.D. Mich. 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. Furthermore, the format requirements as set forth in [E.D. Mich. LR 5.1](#) must be strictly adhered to. Relevant passages of exhibits must be highlighted on the Judge's copy.

a. Notice of Hearing

Law clerks schedule motion hearings. The Court will send out a notice with the specific date and time. Thus, notices of hearings filed by parties should indicate that the hearing will be held "at a time and date to be set by the Court". Nevertheless, the filing of a notice of hearing does not guarantee that the Court will hold a hearing on the motion.

b. Briefing and Oral Argument

The Court requires strict adherence to the requirements of [E.D. Mich. LR 5.1](#) and [7.1](#) with respect to format and form, and with respect to the briefs required and permitted.

The Court generally schedules oral argument on all motions except for motions for reconsideration. However, the Court may cancel a scheduled hearing if it appears after a review of briefs that the issues can be decided without a hearing.

Motions *in limine* must be filed in accordance with the Court's Scheduling Order, ordinarily three weeks before trial.

c. Concurrence

The Court requires adherence to [E.D. Mich. LR 7.1\(a\)](#). And, where defects are readily curable, the Court strongly discourages motions unless the curable defect has been brought to opposing counsel's attention.

d. Length of Briefs

The Court requires strict compliance with the page limits set forth in [E.D. Mich. LR 7.1](#). If a party has a genuine need to file a motion or response in excess of the page limits, an *ex parte* motion explaining the need to do so must be filed. A party may not circumvent page limit requirements by changing font size or by briefing distinct issues separately. For example, the Court will construe two separately briefed motions for summary judgment as one motion. As a result, the supporting briefs may not exceed a total of 25 pages unless permission has been given by the Court.

e. Referrals

The Court refers most discovery motions to the Magistrate Judges. Other civil motions are referred from time to time, at the Court's discretion, and most criminal motions are referred to the Magistrate Judges. The Court also refers most criminal, and some civil cases, to the Magistrate Judge for pretrial management.

f. Orders on Motions

As a general rule, the Court prepares its own orders following oral argument.