

# Civil Motion Practice

Pursuant to 28 U.S.C. §636 (b)(1)(A) and (B), and order of reference from the district judge, motions will be decided either by Report & Recommendation or Order. Dispositive motions may be referred by the district judge for Opinion and Order upon the consent of the parties, see 28 U.S.C. §636(c).

Except when requested by the court (e.g. confirming an adjournment or withdrawal of a motion), letters are not to be sent to the court. Letters directed to the court, even if copied to the opposing counsel, may be deemed improper ex parte communications and may be returned to the sender.

It is the general practice of the court to hear argument on civil motions. Motion hearings are usually scheduled on Mondays and Wednesdays at 1:30 p.m. Motions requiring protracted argument may be set separately if requested by counsel in advance. Motions requiring an evidentiary hearing will also be heard separately.

In general, out of town counsel may not appear by telephone. In the event of inclement weather or other circumstances, counsel should contact the court.

Courtesy copies of the motions are not necessary unless the motion is voluminous or has exhibits. The court will contact counsel for a courtesy copy if one is desired. Counsel may bring an appropriate order granting or denying the motion to the hearing. Proposed orders should not be e-filed.