

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

[PARTY NAME(S)],

[P singular / plural],

v.

[PARTY NAME(S)],

[D singular / plural].

Case No. [##-#####]

Honorable Robert J. White

**SCHEDULING ORDER FOR PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

On [insert date], Plaintiff [party name] filed a motion for preliminary injunction. On [insert date], this Court held a telephone conference with all counsel to discuss the schedule and procedures for resolving Plaintiff's motion. In view of that discussion, the Court issues the following schedule and related procedures:

EVENT / FILING	DATE / TIMEFRAME
Defendant's Response	5 days after telephone conference
Meet and Confer (see below)	2 days after Defendant's response
Submit pre-hearing materials (see below)	2 days after exchange of draft pre-hearing brief
Preliminary injunction hearing	2 days after meet and confer

I. Meet and Confer

Not later than the corresponding date set forth above, counsel for all parties

shall meet and confer to discuss the following:

- a. whether the parties can agree to a preliminary injunction that is more limited in scope than plaintiff requested initially;
- b. whether the parties can stipulate to facts or legal conclusions that are presently disputed; and
- c. evidentiary issues, including any objections to the admissibility of proposed exhibits or testimony to be offered at the hearing.

The meet and confer should be constructive. The Court encourages the parties to exchange proposed findings of fact and conclusions of law (see below) prior to the meet and confer so that each party may consider the precise language that it would be stipulating to at the meet and confer.

II. Submission of Pre-Hearing Materials

Not later than the corresponding date set forth above, counsel must:

- a. File a “Joint Exhibit and Witness List” which lists all the exhibits that the parties intend to introduce and all witnesses the parties intend to call at the hearing. For each identified witness, the Joint Exhibit and Witness List must indicate whether the witness “will” be called or “may” be called at the hearing, the witness’s likely testimony (one or two sentences), an estimate of the time needed for direct and cross examination of the witness, and any significant objection to the witness’s testimony. The Joint Exhibit and Witness List must briefly state the basis for any objection to an exhibit whose admission is not stipulated to by the parties.
- b. Provide the Court with a “Joint Exhibit Book” containing copies of all proposed exhibits (including deposition transcripts or applicable portions thereof) from the Joint Exhibit and Witness List. Counsel must mark exhibits before preparing the Joint Exhibit Book so that the copy in the Joint Exhibit Book is marked. The preferred method of marking is the traditional “Plaintiff’s Exhibit _” and “Defendant’s Exhibit _” in number order. But any clear method (*e.g.*, numbers or letters) is acceptable.

- c. File a “Pre-Hearing Brief” containing (1) separately numbered proposed findings of fact, with citations to the proposed exhibits (preferably citing to the Joint Exhibit Book), and (2) separately numbered proposed conclusions of law.
- d. Include in the Pre-Hearing Brief a joint statement concerning the suitability of hearing and trial under Federal Rule of Civil Procedure 65(a)(2).¹

III. The Preliminary Injunction Hearing

The Court is allotting [##] [day/days] for the preliminary injunction hearing.

The hearing will begin on [insert date]. The hearing will start at [choose time] a.m. each day and adjourn at [choose time] p.m. each day.

The Court will admit uncontested exhibits in the Joint Exhibit and Witness List at the start of the preliminary injunction hearing. The Court will determine the admissibility of any contested exhibits or testimony when a party seeks to introduce them. Evidence not included in the Joint Exhibit and Witness List will not be admitted absent a showing of good cause for failing to include the evidence on the list. Counsel must keep track of all exhibits admitted during the hearing.

Dated: [insert date]

s/_____
Robert J. White
United States District Judge

¹ In a case where Plaintiff seeks a permanent injunction that is effectively an extension of the preliminary relief it seeks, counsel must discuss at the Meet and Confer, and then recommend to the Court in the Pre-Hearing Brief, the suitability of consolidating the preliminary injunction hearing with a trial for a permanent injunction. *See* Fed. R. Civ. P. 65(a)(1)-(2).