

# Conferences

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**1. SCHEDULING CONFERENCE:** The case manager will send notice to the parties of the date to submit a Rule 26(f) plan to the court or appear for a scheduling conference. **IF A RULE 26(F) PLAN IS ELECTRONICALLY FILED BEFORE THE SCHEDULING CONFERENCE, THE CONFERENCE IS CANCELLED AUTOMATICALLY AND COUNSEL SHOULD NOT APPEAR.**

**2. SETTLEMENT CONFERENCE:** This conference date is set by the Court after resolution of dispositive motions. All parties must attend the settlement conference with the TRIAL attorneys. Both counsel and clients should be prepared for serious settlement discussions. Insurance representatives and other persons necessary to the resolution of the case also must attend. In non-jury cases, a settlement conference before a magistrate judge will ordinarily be scheduled before the final pretrial conference. If a case does not resolve, the case manager will schedule the final pretrial conference and trial.

**3. FINAL PRETRIAL CONFERENCE:** Trial procedures and final pretrial matters are discussed with the Court at this conference. Motions *in limine* will also be heard at the conference in order to avoid delay in the selection of the jury on the first day of trial. Counsel are to submit the **JOINT BENCH BOOK AND A COURTESY COPY OF THE EXHIBIT BINDERS** at this time.

**4. STATUS CONFERENCE:** The Court may schedule a status conference to facilitate the administration of a case when necessary. Counsel may request a status conference at any time during the litigation. These may be conducted by conference call upon request and should be scheduled through the case manager.

# Discovery

**1. EXCLUSIONS:** These discovery rules do not apply to the following types of actions: ERISA or other action for review on an administrative record; petition for habeas corpus; prisoner civil case where prisoner is unrepresented; an action to enforce or quash an administrative summons or subpoena; an action by the United States to recover benefit payments or student loans; and, an action to enforce an arbitration award.

**2. COMMENCEMENT:** Counsel should commence discovery immediately after receipt of the Answer to Complaint.

**3. RULES:** Parties are bound by Fed.R.Civ.P.30(d)(2) concerning depositions and Fed.R.Civ.P.33(a) limiting the number of interrogatories.

**4. RULE 26(f) CONFERENCE / RULE 16(a):** The Court requires Plaintiff to convene a conference pursuant to Fed.R.Civ.P.26(f) and follow the procedures as set forth in the [Notice of Scheduling Conference](#).

**5. DISCOVERY SCHEDULE:** The length of time needed for discovery is to be considered seriously by the attorneys. Three to four months from the date of answer is considered sufficient in the ordinary case. Complex cases or cases involving discovery in foreign nations may take six to twelve months. The Court will honor a reasonable discovery schedule and timetable as suggested by the attorneys in their Rule 26(f) plan and implement it in a scheduling order.

**6. ADDITIONAL DATES:** Counsel may, but need not, recommend deadlines WITHIN THE DISCOVERY PERIOD for expert reports, depositions, and other pertinent matter.

**7. WITNESS LISTS:** A witness list must be filed in every case by the date set forth in the scheduling order. The parties are to name witnesses they reasonably and in good faith expect will be called at trial. Laundry lists are not allowed.

**8. ALLOWABLE TIME:** Sufficient time must be given to answer interrogatories and complete depositions BY THE DISCOVERY CUTOFF DATE.

**9. EXTENSIONS OF DISCOVERY:** Parties may stipulate to a short extension of discovery by presenting an order to the Court. If there is no stipulation, or the Court denies the stipulated order, a request for extension for good cause shown may be made by motion.

# Motion Practice

1. **CONCURRENCE:** Counsel must comply with [E.D. Mich. LR 7.1\(a\)](#) and seek concurrence before filing a motion.
2. **FILING REQUIREMENTS:** [E.D. Mich. LR 7.1](#) governs time requirements for briefs, however, the Court sets a briefing schedule for dispositive motions. A party that fails to file a timely response will not be permitted to argue during oral argument without leave of the Court.
3. **COURTESY COPIES:** Courtesy copies of all motions must be submitted to the court with exhibits clearly labeled. The labels must extend to the right side of the paper. An index of the exhibits must be included.
4. **EXTENSIONS:** Page extensions are not favored.
5. **FORMAT:** Documents should be prepared in 12 point type and double spaced. Motions and responses are allowed a maximum of 20 pages. Replies have a five page limit.
6. **CONTENT:** Parties are required to support the statement of material facts with citations to pleadings, interrogatories, admissions, depositions, affidavits, or documentary exhibits. Submit only the relevant pages of depositions and underline the specific references in documents where applicable. Rather than using boilerplate recitations of the summary judgment standard or stringing citations to well established legal principles, parties should focus their analyses on a few well-chosen cases, preferably recent and from controlling courts. If unpublished opinions or opinions published only in specialty reporters are cited, copies of these cases must be submitted with the briefs.
7. **NON-DISPOSITIVE MOTIONS:** Counsel must comply with the briefing schedule dictated by [E.D. Mich LR 7.1](#). The Court generally schedules oral argument on all motions, except motions for reconsideration and prisoner pro se motions. Most discovery motions, however, are referred to a magistrate judge.
8. **DISPOSITIVE MOTIONS:** The Court will issue a briefing schedule on all dispositive motions. Oral argument is scheduled approximately 10 weeks from the date of filing.
9. **MOTIONS IN LIMINE:** These are to be electronically filed with a courtesy copy delivered to chambers one week before the Final Pretrial Conference. Motions *in limine* will be heard the day of the Final Pretrial Conference. Counsel may for good cause request an earlier date for the hearing.
10. **CANCELLATION OF ORAL ARGUMENT:** The Court occasionally cancels oral argument when, after a review of the briefs, the Court finds that argument would be neither necessary nor helpful.
11. **PRIVACY:** Counsel should be vigilant not to include or to excise private information in any filings, e.g. social security numbers.



# Alternative Dispute Resolution

**CASE EVALUATION:** The Court encourages the parties to participate in case evaluation and follows [E.D. Mich. LR 16.3](#). Attorneys must file a [Consent to Participate in Case Evaluation](#) form before the case manager can arrange for it to be scheduled. Case evaluation is most productive when done immediately after the dispositive motions are resolved.

**FACILITATION:** This process, sometimes referred to as facilitative mediation, is the most effective method for case resolution. An experienced facilitator should be employed. This process can be used at any time during the litigation, but is most beneficial after the majority of the discovery is completed and before dispositive motions are filed. The parties may arrange for facilitation without contacting chambers. However, the Court will recommend a facilitator when asked.

# **Trials**

**1. TRIAL DATE:** The Court sets the trial date at the conclusion of the Settlement Conference after consultation with counsel. Necessarily, attorneys must bring their schedules to the conference to avoid conflicts.

**2. TRIAL MANAGEMENT ORDER:** Trials are governed by the terms of the [Civil Trial Management Order](#), which is prepared by the case manager after the settlement conference.

**3. TRIAL SCHEDULE:** Trials are conducted Monday through Thursday from 9:00 a.m. to 1:00 p.m. with one break and from 9:00 a.m. to 4:00 p.m. on Friday.

**4. PROCEDURES AND REQUIREMENTS:** See [Civil Trial Management Order](#).

**5. ADJOURNMENTS:** If necessary, call the case manager to schedule a motion before the Court either in person or telephonically. Because the court consults with the attorneys before setting a trial date, adjournments are rarely granted.

**THE JUDGE IS AVAILABLE FOR STATUS CONFERENCES, EITHER TELEPHONICALLY OR PERSONALLY, BY ARRANGEMENT WITH THE CASE MANAGER, BERNADETTE THEBOLT, OR JUDGE'S JUDICIAL ASSISTANT, COLETTE MOTOWSKI. DO NOT WAIT UNTIL AN ISSUE BECOMES AN EMERGENCY BEFORE SEEKING THE COURT'S ASSISTANCE.**

# Case Management Orders

In order to view and print the order(s), Adobe Acrobat Reader is required. To download Adobe Acrobat [click here](#).

## Non - Fillable Forms

Name	Date
<a href="#">1. Notice of Scheduling Conference</a>	06/2014
<a href="#">2. Instructions to Statement of Disclosure of Corporate Affiliations and Financial Interests</a>	08/2006
<a href="#">3. Scheduling Order</a>	06/2014
<a href="#">4. Civil Trial Management Order</a>	06/2014

## Fillable Forms

Name	Date
<a href="#">1. Statement of Disclosure of Corporate Affiliations and Financial Interest</a>	06/2006
<a href="#">2. Consent to Participate in Case Evaluation</a>	07/2006

