A. Authority

Pursuant to 28 U.S.C. § 636(b)(l)(A) and (B), and an 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).

B. Scheduling

Except in *pro se* cases and *pro se* prisoner cases, oral argument is generally heard on dispositive motions that are referred for Reports and Recommendations and non-dispositive motions that are referred for hearing and determination.

In instances where the Court has issued a briefing schedule on a motion, that schedule applies. In all other instances, the parties should follow Local Civil Rule 7.1(e).

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 communications and may be returned to the sender.

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

C. Briefing

The Court adheres to L.R. 5.1 regarding format and form and L.R. 7.1, with respect to motion practice. Deviations from the length or timing of briefs under these Local Rules must be by leave of the Court. Failure to file timely briefs may result in those briefs being stricken.

D. Courtesy Copies

Courtesy copies are no longer required to be sent to chambers unless expressly requested by the Court.

E. Orders

While the Court will generally issue its own orders, counsel may bring an appropriate proposed order granting or denying the motion to the hearing. Proposed orders should not be e-filed. If a motion is resolved prior to the hearing or decision, the parties shall submit a stipulation and proposed order through the "Utilities" menu on CM/ECF or e-file a notice withdrawing the motion.

Discovery

The Federal Rules of Civil Procedure are designed to place discovery in the hands of counsel. The Court expects the parties and counsel to conduct discovery cooperatively and fairly. Therefore, the Court believes there should be few discovery disputes requiring its intervention, and attorneys are expected to undertake good-faith efforts to resolve discovery matters amongst themselves without unduly taxing Court resources. The Court further encourages counsel to attempt to resolve all discovery matters before a motion is filed. If a motion addresses discovery issues, counsel shall meet and confer in accordance with **E.D. Mich. L.R. 37.1.** Accordingly, the parties are directed to meet and confer **face-to-face**, if feasible, in advance of the hearing.

This meet-and-confer requirement is not satisfied by an email exchange or message left unanswered, or by mere compliance with L.R. 7.1, which requires the moving party to seek concurrence in a motion. Where a conference has not been conducted, the moving party is to submit a written statement to the Court outlining all steps taken to participate in a conference with the opposing party. Any party refusing to appear for the conference or confer as the Court directs may be subject to costs and/or sanctions.

If the discovery matter is scheduled for a hearing, counsel must file notice of any resolved issues no later than 5 business days prior to the date of hearing.

When the district judge has expressly referred all discovery disputes to the magistrate judge, the Court is available to conduct an informal discovery conference to resolve pressing discovery disputes.

In a particular case, where there are multiple discovery disputes or where many motions are filed, the Court may set the matter for a general discovery conference or direct the parties to conduct a Rule 26(f) conference.

In responding to discovery requests, **form or boilerplate objections shall not be used** and, if used, may subject the party and/or its counsel to sanctions. Objections must be specific and state an adequate individualized basis. See *Wesley Corp. v. Zoom T.V. Products, LLC*, No. 17-10021, 2018 WL 372700, at *4 (E.D. Mich. Jan. 11, 2018) (Cleland, J.); *Siser N. Am., Inc*. v. Herika G. Inc., 325 F.R.D. 200, 209-10 (E.D. Mich. 2018) ("Boilerplate objections are legally meaningless and amount to a waiver of an objection."); *accord Strategic Mktg. & Research Team, Inc. v. Auto Data Sols., Inc* ., No. 2:15-CV-12695, 2017 WL 1196361, at *2 (E.D. Mich. Mar. 31, 2017) ("Boilerplate or generalized objections are tantamount to no objection at all and will not be considered by the Court."); *Auburn Sales, Inc. v. Cypros Trading & Shipping, Inc*

Finally, a party objecting to a request for production of documents as unduly burdensome must submit affidavits or other evidence to substantiate its objections. *In re Heparin Prods. Liab. Litig*., 273 F.R.D. 399, 410-11 (N.D. Ohio 2011); *Sallah v. Worldwide Clearing, LLC*, 855 F. Supp. 2d 1364, 1376 (S.D. Fla. 2012); *Convertino v. U.S. Dep't of Justice*, 565 F. Supp. 2d 10, 14 (D.D.C. 2008).

Conferences

A. Scheduling/Status

When a case has been referred for all pretrial proceedings or for all discovery, the Court may hold a status, scheduling, or discovery conference as needed. If counsel believes that a conference would be productive, counsel may request such a conference by calling the case manager. This conference will require the personal appearances of all counsel of record.

In a particular case, where discovery disputes appear to multiply needlessly or where many motions are filed, the Court may set the matter for a general discovery conference or direct the parties to conduct a Rule 26(f) conference prior to meeting with the magistrate judge.

B. Settlement

The Court views facilitation as a valuable part of the litigation process and encourages the parties and counsel to consider voluntary settlement conferences when and where appropriate. Settlement conferences are usually set to begin at 10:00 a.m., and the Court will be prepared to devote the entire day for the conference. Counsel are advised that their schedules and those of their clients are to be cleared for the entire day. Under no circumstances will a party be permitted to only have counsel attend the settlement conference without the Court's prior approval. After a settlement conference has been scheduled, the Court will send a Notice with additional information.

An insured party need not attend unless the settlement decision will be made in part by the insured. When the settlement decision will be made in whole or part by an insurer, the insurer must send a representative in person with full and complete authority to make settlement decisions. A corporate party must send an authorized representative with full and complete authority to make settlement decisions and to bind the company. A governmental entity must send an authorized representative with full and complete authority to make settlement decisions and to bind the governmental entity, understanding that some settlement decisions may be subject to further approval by an elected municipal board. A party appearing at the conference with authority to settle for only a limited amount will be in violation of this directive.

In cases that are referred for settlement conferences, all parties shall, no later than 5 business days before the scheduled conference, deliver to the Magistrate Judge's chambers a confidential, *ex parte* mediation summary (do not electronically file the mediation summary). In matters where the parties are represented by the same counsel, only one summary will be required to be submitted on behalf of all the parties counsel represents. The summary shall describe any settlement discussions that have taken place, including any offers of settlement that have been made. Scheduling and all other contact regarding settlement conferences will be handled by the case manager.

Civility Requirements

All attorneys and all *pro se* litigants shall acquaint themselves, and conduct themselves in accordance, with both the letter and the spirit of the Civility Principles promulgated by this Court, and consistent with Fed. R. Civ. P. 1, "to secure the just, speedy, and inexpensive determination of every action."

Social Security

Social security cases generally seek a judicial review of the administrative agency’s final decision denying benefits. Oral arguments are generally not held.

The Court expects that a proof of service will be filed within 14 days after service of the complaint on the defendant, the local U.S. Attorney's Office and the Attorney General of the United States in Washington D.C. If service of the complaint is not shown on the docket, the Court will issue an order directing plaintiff to show cause why a proof of service has not been filed.

After the filing of the government's answer, along with the transcript of the agency hearing, the Court will schedule dates for filing cross motions for summary judgment. The dates are designed to provide sufficient time for counsel to file the motion. Requests for adjournments must show good cause in order to be considered. The matter is ready for decision as of the date the motions are due or filed, whichever comes first.

Pro Se Prisoner

These matters are decided without oral argument. Notices, Orders, and Reports & Recommendations are served by U.S. mail on parties who are not represented by counsel or are not e-filers. The Court does not have funds to appoint counsel but will consider appointment of pro bono counsel in appropriate cases.

Pro Se litigants are expected to adhere to the Federal Rules of Civil Procedure. The Court does not give legal advice to either side and expects that pleadings will be in appropriate form. Letters to the Court are not pleadings and may be returned to the sender, if deemed inappropriate. A standing order for the conduct of prisoner civil rights cases will be mailed to the parties when a case is referred for all pretrial proceedings.

Pro Se Habeas Cases

These matters are decided without oral argument. Notices, Orders, and Reports & Recommendations are served by U.S. mail on parties who are not represented by counsel or are not e-filers. The Court may consider appointing counsel under the Criminal Justice Act in appropriate cases. *Pro se* litigants are expected to adhere to the Federal Rules of Civil Procedure. The Court does not give legal advice to either side and expects that pleadings will be in appropriate form. Letters to the Court are not pleadings and may be returned to the sender, if deemed inappropriate.

Amended Pleadings

Motions to amend pleadings must comply with E.D. Mich. L.R. 15.1. Specifically, the moving party is required to reproduce the entire proposed amended pleading and may not incorporate any prior pleading by reference.

The moving party must file the entire proposed amended pleading as an attachment to any motion under Fed. R. Civ. P. 15. The attachment must, in some way, identify the revisions to the pleading. For example, proposed changes can be highlighted, underlined, or filed in a tracked-changes format.

Trials

A. Types of Trials

The Court handles civil trials, jury or non-jury, with the consent of the parties and an order of reference from the district judge. See, 28 U.S.C. § 636(c). These matters will be set for a date certain. Appeals are to the Sixth Circuit Court of Appeals.

The Court handles misdemeanor trials, pleas, and sentencing with the consent of the parties and an order of reference from the District Judge. See Fed. R. Crim. P. 58. Appeals are to the district judge.

B. Jury Selection

The Court often selects juries in cases where the trial may be held before another judge. Counsel and the parties must consent in writing. A form will be provided to counsel, and any party not represented by counsel, in advance of the jury selection.

Counsel will exchange *voir dire* questions in advance. The Court will meet briefly with trial counsel, typically in chambers, several days prior to jury selection to answer any questions and resolve any disputes as to the potential *voir dire* questions. No additional peremptory challenges are granted unless requested in advance by motion.

In civil cases, the strike method is used. Under this method, the number of individuals who will be the jury (e.g., 6) plus the total number of peremptory challenges (e.g., 3 + 3) are seated. *Voir dire* is conducted on this group and when the group has been passed for cause, peremptory challenges are exercised at the bench without additional questioning.

In criminal cases, 12 persons plus alternates are seated in the jury box. Challenges are made separately as to the jury and the alternate jurors in conformance with Fed. R. Crim. P. 24. However, counsel may agree to exercise challenges on the group as a whole instead.

In both civil and criminal cases, the Court will ask the preliminary questions regarding background information, scheduling issues and will then conduct *voir dire*. Counsel may be asked to approach the bench at the conclusion of the Court's *voir dire* to suggest follow-up questions.

C. Trial Exhibits

Each party shall provide the Court with a tabbed binder containing courtesy copies of its exhibits.