Case Management Orders

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

- Scheduling Order

Comments

The Court expects traditional courtroom civility.

Conferences

The Court issues a Rule 16(b) Scheduling Order following the scheduling conference after the Answer to the Complaint is filed. Status conferences are held on a case-by-case basis. Settlement conferences are held upon parties' request and at final pretrial conference. Parties generally are required to attend pretrial/settlement conferences. Scheduling and status conferences, but not pretrial/settlement conferences, may be conducted by telephone for out of state counsel if arranged in advance. All conferences are generally held on Monday afternoons.

Discovery

The Court usually allows 4-6 months for discovery. Cutoff may be extended by stipulation of the parties only if date does not impact motion cutoff or final pretrial dates, otherwise by motion. Discovery motions are generally referred to a Magistrate Judge.

Judge's Courtesy Copy Policy

A courtesy copy of ALL MOTIONS (Dispositive & Non-Dispositive), including responses and replies, and all accompanying exhibits should be submitted to chambers. Exhibits must have labels attached which extend beyond the side of the paper. Motions must be bound on the left side--the Court will not accept documents loosely secured with a rubber band or binder clip. A printed copy of the Notice of Electronic Filing must be attached to the front of the paper. The chambers copy must be sent via first class mail the same day the document is e-filed, unless it relates to a court proceeding scheduled within the next five days or otherwise requires the immediate attention of the Court, in which case the chambers copy must be hand-delivered to chambers not later than the morning of the next business day after the document is e-filed.

A courtesy copy of all complaints that exceed 20 pages must be provided to chambers, including all attached exhibits.

Courtesy copies of all Notice of Removals must be provided to chambers, including all attached exhibits.

Motion Practice

The Court strictly enforces the requirements of Eastern District of Michigan Local Rule 5.1 and Local Rule 7.1 and the Electronic Filing Policies and Procedures for all motions.

The Court requires strict compliance with LR 7.1(a), which requires moving parties to seek concurrence before filing a motion. The Court requires that a good-faith effort be made to obtain concurrence, which normally involves actual contact with opposing counsel. If no actual conversation occurs, the moving party must show that reasonable efforts were undertaken to conduct a conference and specifically describe those efforts in the motion papers. The outcome of the conference must be stated. All of this must be documented specifically in the motion papers.

Hearings are held on most motions, usually on Wednesday afternoons.

Pretrial

The Joint Pretrial Order is due one week prior to Final Pretrial Conference. Settlement discussions are emphasized at the Final Pretrial Conference; parties are generally required to attend. The Court routinely becomes involved in settlement negotiations in jury cases; refers non-jury matters to another Judge or a Magistrate Judge for a settlement conference.

Removal

The Court issues Order to Show Cause or waits for Motion to Remand if jurisdiction is questionable. The Court will not dismiss or remand *sua sponte* without notice to the parties.

Standing Orders

Scheduling order issued at Scheduling Conference held after Answer to Complaint is filed. Standing order regarding Joint Final Pretrial Order also issued at Scheduling Conference.

Temporary Restraining Orders and Injunctions

The Court adheres to Fed.R.Civ.P. 65. The Court will grant *ex parte* relief in extraordinary circumstances. Typically accelerates normal briefing schedule. Hearings are scheduled as required by urgency of matter.

Trials

The date certain docket system is used. The Court follows requirements of E.D. Mich. LR 16.8 regarding trial briefs and exhibits; plaintiffs are to use numbers and the defendants are to use letters for exhibits. Bench book of exhibits is not required but preferred, especially for bench trials. File motions *in limine* one week prior to the final pretrial conference.

a. **Non-Jury**

The Court requires that the proposed findings and trial briefs due on first day of trial.

b. **Jury**

The Court conducts voir dire but allows counsel to participate for 10-15 minutes per side. Objectionable voir dire questions must be submitted in writing prior to the start of voir dire. The Court follows E.D. Mich. LR 16.8(d) regarding jury instructions; must be filed by first day of trial. The Court typically charges the jury after final arguments. Jurors are permitted to take available written instructions into jury room. Note-taking by jury is decided on a case-by-case basis.

c. **Criminal Cases**

Trials in criminal cases are scheduled according to the speedy trial guidelines