Case Management Order

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- Case Management Order

Conferences

The Court issues an order for counsel to have a Rule 26(f) conference after the Answer to the Complaint is filed. A conference may be scheduled on request or if needed. In a bench trial case, the settlement conference is referred to another District Judge or Magistrate Judge.

Courtesy Copies

Please forward a (one sided) courtesy copy of this filing with tabbed exhibits to chambers.

Pursuant to Local Rule 5.1(a)(3), all filings including motions, briefs and exhibits must be prepared in 14 point sized font.

Copies must be appropriately bound, with the electronic file stamp (CM/ECF header) fully visible on each page, i.e. do not bind the courtesy copy with a top fastener. No loose or single binder metal clip bound copies will be accepted by the Court. **No prong fasteners may be used. No side staples please. A THREE RING BINDER IS PREFERRED.**

Please note: depending on the size of the complete document plus exhibits, a short filing may be stapled in the top left corner or bound on the side.

MOTION AND ITS BRIEF SHOULD BE STAPLED SEPARATELY FROM THE EXHIBITS. A brief must begin on a separate page. All filings, motions, responses and replies must contain a table of contents, table of authorities, and an index.

PLEASE NOTE: Any exhibits containing transcripts of hearings or depositions **must** contain the **entire** transcript or deposition printed "one page to one page."

Criminal Matters

The Court does not generally refer pretrial matters to a Magistrate Judge. If the Judge assigned to the case is unavailable when a defendant under indictment is arrested on the Court's bench warrant, the defendant should be brought to the Duty Magistrate Judge. The Court may allow an Alford plea or accept a nolo contendere plea. The Court always requires a presentence investigation report prior to sentencing. The Court meets with the probation officer prior to sentencing. The Court enforces a firm plea cutoff date. With Court approval counsel may be allowed to submit jury questionnaires in advance of jury selection in high profile and/or complex cases. The Court conducts the voir dire, but often allows counsel to ask follow-up questions.

Discovery

The Court generally permits 6-9 months of discovery in civil cases. With respect to discovery motions, the Court strictly adheres to the requirements of E.D. Mich. LR 37.1 concerning narrowing the areas of disagreement. In civil cases, discovery motions are often referred to a Magistrate Judge. A party who wishes to extend the discovery cutoff date must make a motion or submit a stipulation to the District Judge to request an extension of the cutoff date. The parties should not presume the motion/stipulation will be granted. With regard to discovery disputes arising in a deposition, it is generally the Court's policy to have the parties utilize the Magistrate Judge assigned to the case. A standard scheduling order is entered in each case. The Court's scheduling order requires witness lists to be exchanged by the parties prior to the close of discovery. The Court follows Fed.R.Civ.P. 26 with regard to the meeting of parties and formulation of a proposed discovery plan which is supposed to be filed with the Court. Counsel should commence the discovery process once the case is joined and not wait for receipt of a scheduling order.

ERISA Case Management Order

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- ERISA Case Management Order

Jury Trials

The Court conducts jury selection by the strike method. The Court follows the same procedure relative to jury selection in criminal trials as in civil trials. In civil cases the Court seats up to nine jurors. All jurors participate in the deliberations. Proposed *Voir dire* questions must be submitted to the Court one (1) week prior to trial. The Court follows the federal rules with regard to peremptory challenges. One set of joint jury instructions must be filed the first day of trial. Jurors are permitted to take instructions into the jury room during deliberation. The Court generally does not allow the jury to take notes. The Court discourages bench conferences during trial proceedings. The Court prefers counsel to request permission to approach the bench and/or to approach a witness. In criminal cases, the Court generally seats 14 jurors.

Mediation

The Court often refers civil cases to facilitation. Parties are free to use Alternative Dispute Resolution Techniques in civil actions.

Miscellaneous Trial Matters

The Court allows multiple counsel for one party with the restriction that only one attorney may speak per opening or closing argument, as well as one attorney per witness. The Court usually conducts trial between 9:00 a.m. - 1:00 p.m. The Court imposes time limitations on opening and closing statements, and may impose a time limit on the trial. The Court strictly follows Fed.R.Civ.P. 55(a) before a judgment by default will be entered.

Motion Practice

The Court will send a notice to counsel when scheduling a motion hearing. The Court enforces E.D. Mich. LR 7.1(d) and (e) with respect to the filing of responses to motions. All filings, motions, responses and replies must contain a table of contents, table of authorities, and an index. When citing to deposition testimony in a brief, reference the relevant page and line numbers and include as an exhibit the entire deposition transcript with the relevant passages highlighted. The deposition must be printed "one page per page." The FULL TEXT of any unpublished source cited should be filed with the Court as an appendix; the relevant portion should be highlighted or underlined. The appendix shall contain an index. The Court generally refers civil discovery motions to a Magistrate Judge. The Court rarely grants ex parte applications pursuant to E.D. Mich. LR 7.1(c)(3)(A) to file a brief longer than 25 pages. The Court requires strict compliance with E.D. Mich. LR 7.1(a) regarding seeking concurrence before filing motions. Any proposed orders must be sent through the UTILITIES/PROPOSED ORDERS function of CM/ECF. They are not docketed. Courtesy Hard Copies are always required to be mailed to chambers.

Order Regarding Exhibits for Compassionate Release

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- Order Regarding Exhibits for Compassionate Release

Out of State Counsel

The Court generally follows the requirements set forth in the text of E.D. Mich. LR 83.20. Local counsel is required if counsel is not a member of the State Bar of Michigan.

Pretrial

The Court typically refers civil discovery motions and some settlement conferences to a Magistrate Judge. The Court follows E.D. Mich. LR 16.2, with respect to the preparation of a Joint Pretrial Order.

In addition, the Court requires the following pretrial matters in civil cases:

1. Any nongovernmental corporate party shall file a statement with this Court identifying any parent corporation, and any entity or person owning a 10% or larger share. If this changes during the pendency of the litigation, the party shall immediately so advise the Court;
2. Any Limited Liability Company shall file a statement identifying each member of the LLC and, in the event any member is a partnership or LLC, further identifying the individual members of those entities;
3. All filings must conform to E.D. Mich. LR 5.1, as to same size of print in text/footnotes, number of pages, etc.;
4. Motions for summary judgment should not be filed with the Court until discovery has concluded, absent special circumstances requesting Court permission to file any premature motion.

Additions to the witness list contained in the pretrial order may be requested for good cause. The final pretrial conference is typically held 2-6 weeks in advance of the trial date. A trial date is a trial date. The Court does not employ a trailing docket. With regard to trial date conflicts, the first trial date notice received proceeds on schedule. An attorney who has a conflict with another trial should file an immediate motion with the Court.

The Court requires that exhibits be exchanged when the attorneys meet to prepare for the Pretrial Order. Four copies of a bench book of exhibits are required on the first day of trial. Exhibits must be separated by tabbed separators. Plaintiff's exhibits to begin with 100, and defendant's exhibits to begin with 500.

Removal

Generally, if questions exist as to the propriety of removal, the Court will issue an Order to Show Cause or dismiss the Removal Petition if it is invalid on its face. The Court may hold oral arguments on Orders to Show Cause or Motions to Remand relating to removals.

Standing Orders

The Court enforces its standing scheduling orders concerning discovery and motion cutoff dates. The Court does not have standing orders or other special pleading requirements for RICO, class actions, or civil claims. The Court does have standing orders for trial procedure. The Court follows Fed.R.Civ.P. 15 regarding amendments to pleadings.

Trials

The Court does not require the submission of a criminal trial brief. In criminal cases, the Court requires the prosecution to adhere to F.R.Cr.P 5, and the government is urged to disclose Jencks material in advance of trial. The Court does not have a set procedure for handling multi-defendant criminal "mega trials." In multi-defendant criminal trials, the Court decides at the final pretrial conference how it will allocate peremptory challenges. Disputes between the government and defense counsel regarding proposed jury instructions are settled at a hearing on the record.