Alternative Dispute Resolution

1. **Facilitation**

   This process, sometimes referred to as facilitative mediation, is a very effective method for case resolution and is strongly encouraged. An experienced facilitator should be employed by the parties. 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.

2. **Case Evaluation**

   Case evaluation is available to the parties and follows E.D. Mich. LR 16.3. Attorneys must file a stipulation to participate in case evaluation form before the case manager can arrange for it to be scheduled. Stipulations must state that the parties agree to be bound by all the provisions of Mich. Ct. R. 2.403, including the provision regarding sanctions. It is the responsibility of the attorneys to make sure that case evaluation is completed before the final pretrial conference.

Discovery

1. **Commencement**

   Counsel may commence discovery immediately after receipt of the Answer to the Complaint.

2. **Discovery Limitations**

   Parties are bound by Fed. R. Civ. P. 30(d)(1) concerning depositions and Fed. R. Civ. P. 33(a) limiting the number of interrogatories.

3. **Discovery Schedule**

   Case discovery averages three to four months. Complex cases or cases involving discovery in foreign nations may take six to twelve months. The Court will honor a reasonable discovery schedule suggested by the attorneys in a Rule 26(f) plan.

4. **Allowable Time**

   Sufficient time must be given to answer interrogatories and complete depositions by the discovery cutoff date.

5. **Discovery Extensions**

   Parties may stipulate to a short extension of discovery, so long as the extension does not necessitate extension of other case management dates. The proposed stipulation and order should be submitted electronically via the CM/ECF Utilities, Proposed Order function.

6. **Protective Orders**

   Protective orders may be entered into by stipulation of the parties. However, proposed orders must comply with the provisions of Fed. R. Civ. P. 26(c) and may not contain language that authorizes in advance the filing of documents under seal. Filings under seal are governed by E.D. Mich. LR 5.3. The proposed stipulated protective order should be submitted electronically via the CM/ECF Utilities, Proposed Order function.

7. **Magistrate Judge**

   The court routinely refers discovery motions to the magistrate judge. Once a motion has been referred, all communication regarding that motion should be directed to the magistrate judge's chambers

Injunctive Relief

Requests for injunctive relief are governed by the provisions of Fed. R. Civ. P. 65. Temporary restraining orders without notice to the opposing party are rarely granted. Parties are encouraged to notify the courtroom deputy clerk by telephone upon filing a motion for a restraining order.

Motion Practice

1. **Page Extensions**

   Page extensions are not routinely granted. The Court generally adheres to the page limits provided in E.D. Mich. LR 7.1.

2. **Time Extensions**

   The Court, along with counsel for the parties, is responsible for advancing cases toward prompt and just resolutions. To that end, the Court seeks to set reasonable but firm deadlines. Motions and stipulations for extension will not be granted as a matter of course. Parties seeking an extension should explain with specificity the unanticipated or unforeseen circumstances necessitating the extension and should set forth a timetable for the completion of the tasks for which the extension is sought.

3. **Briefing Schedule**

   The Court does not issue a briefing schedule. The Court enforces the response and reply due dates in E.D. Mich. LR 7.1(e) and Fed. R. Civ. P. 6 even when a motion hearing is set far in advance.

4. **Content**

   Parties are to support the statement of material facts with citations to pleadings, interrogatories, admissions, depositions, affidavits, or documentary exhibits. Counsel should submit the cited pages of deposition transcripts along with the pages immediately adjacent to the cited material. If more than five pages are cited, or if the deposition is particularly relevant for adjudication, the entire deposition transcript should be included. When applicable, specific references in cited material should be underlined or highlighted. Parties should focus their analyses on well-chosen legal authority rather than boilerplate recitations. If unpublished opinions or opinions published only in specialty reporters are cited, copies of these cases must be submitted with the briefs.

5. **Non-Dispositive Motions**

   If non-dispositive motion papers (including any responses and replies) include exhibits totaling more than 50 pages, a courtesy copy should be submitted directly to judge's chambers of those papers. *See formatting instructions below at 8*.

6. **Dispositive Motions**

   The Court Clerk will send out a notice of the hearing date. Oral argument is scheduled approximately 10 weeks from the date of filing. A courtesy copy of all dispositive motion papers, as defined in E.D. Mich. LR 7.1(d)(1)(A), (including responses and replies) and all accompanying exhibits must be submitted directly to the Judge’s chambers. *See formatting instructions below at 8*.

7. **Separate Motion and Brief**

   Pursuant to E.D. Mich. LR 7.1(d)(1), motions and responses should be accompanied by a separate brief. Detailed legal argumentation and factual summaries should be reserved for the brief and should not be included in the text of the motion or response. Motions may not be included within or appended to a response or reply, and under no circumstances may a motion

be included within the text or footnotes of another motion.

8. **Courtesy Copy Formatting**

   Courtesy copies should be provided with the .pdf header printed across the top of the page. Exhibits must have labels attached that extend beyond the right hand side of the paper. Motion papers must be bound along the left margin ("Book-style") with binding combs, zip-band binding spines or wire binding spines. Courtesy copies that do not comply with formatting requirements, including exhibit tabs and book-style binding, will be returned for reformatting before they will be considered.

   The courtesy copy must be sent to chambers the same day the document is e-filed, unless it relates to a court proceeding scheduled within the following five days or otherwise requires the immediate attention of the Court, in which case the chambers copy must be hand-delivered in chamber no later than the morning of the next business day after the document is e-filed.

Pretrial Conferences

1. **Initial Scheduling Order**

   After the answer to the complaint is filed, the Court will issue a notice requiring the parties to submit-but not file-a short statement of the case. The statement must summarize the factual background and legal basis for the action and outline proposed discovery. From that information, the Court will issue a scheduling order. If counsel have met pursuant to Fed. R. Civ. P. 26(f), the proposed discovery plan may be submitted in lieu of these statements, although the Court may require additional information. If the case poses unusual case management issues, the Court will hold a telephone or in-person conference.

2. **Settlement Conference**

   This conference is typically scheduled to occur before the close of discovery. 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 must also attend unless excused in advance for explained reasons.

3. **Final Pretrial Conference**

   Trial procedures and final pretrial matters are discussed with the Court at this conference. Any pending motions in limine will be scheduled for hearing the same day as the conference to avoid delay on the first day of trial. This conference generally occurs two weeks before trial.

   A. In jury cases proposed voir dire and proposed joint jury instructions shall be submitted to chambers before the close of business one week before the Final Pretrial Conference. The proposed joint jury instructions should be submitted electronically via the CM/ECF Utilities, Proposed Order function.

   B. In non-jury cases proposed findings of fact, conclusions of law, and trial briefs shall be submitted to chambers electronically via the CM/ECF Utilities, Proposed Orders function before the close of business one week before the Final Pretrial Conference.

4. **Status Conference**

   The Court may schedule a status conference to facilitate the administration of a case when necessary. Counsel may, for good cause shown by letter, request a status conference at any time during the litigation. These are frequently conducted by conference call.

Sentencing Practices

1. **Probation interview**

   On the same day as a guilty plea or jury verdict, defense counsel must arrange for the probation department to interview the defendant within seven days of the conviction.

2. **Presentence report**

   The presentence report shall be completed and distributed to counsel for the parties within 56 days of the conviction. Defense counsel shall personally meet and discuss the presentence report with the defendant within the objection period discussed below. If an addendum is prepared, counsel shall meet and discuss it with the defendant as well.

3. **Objections**

   All objections to the presentence report must be submitted by counsel to the probation department (not filed with the Clerk) and opposing counsel within 14 days of the date on which the report is received. Objections must be clearly identified as such in a distinct document and may not be included within other correspondence or memoranda. The probation officer may reject insufficiently identified objections and will then return them to the party who provided them.

4. **Submission of report and any objections to court**

   The probation department will disclose to the Court the presentence report, including the unresolved objections with the probation officer's response within seven days of the deadline for objections, or at the end of the objection period if no objections are raised.

5. **Motions**

   Motions relating to sentencing, sentencing memoranda, and all other documents relating to sentencing are optional but must be filed at least one week before the date set for sentencing for the Court to have an opportunity to review same. The filing party shall furnish a copy of all filed documents to the probation officer.

Special Cases

Habeas Corpus, Social Security appeals and prisoner Civil Rights cases are generally referred to the magistrate judge for a report and recommendation

Trials

1. **Jury Trials**

   Jury trials commence on Tuesdays and are conducted Monday through Friday. Counsel are expected to be present in court at 8:15 a.m. on trial days. Subject to the Court's availability, trials normally commence at 8:30 a.m. and continue through 1:00 p.m. The Court establishes the schedule for trials at the commencement of each trial week.

2. **Bench Trials**

   In a bench trial, counsel must provide two copies of exhibits to the Court.