Motion Practice

The Court requires strict compliance with E.D. Mich. LR 7.1(a), which obligates moving parties to seek concurrence before filing any motion. A moving party must certify compliance with this obligation by setting forth in the first paragraph of every motion one of the following statements or one substantially similar:

a. The undersigned counsel certifies that counsel personally spoke to, or met with, opposing counsel, explaining the nature of the relief to be sought by way of this motion and seeking concurrence in the relief; opposing counsel expressly denied concurrence.
b. The undersigned counsel certifies that counsel communicated in writing with opposing counsel, explaining the nature of the relief to be sought by way of this motion and seeking concurrence in the relief; opposing counsel thereafter expressly denied concurrence.
c. The undersigned counsel certifies that counsel communicated in writing with opposing counsel, explaining the nature of the relief to be sought by way of this motion and seeking concurrence in the relief, and three business days have lapsed without opposing counsel expressly agreeing to the relief, orally or in writing.
d. The undersigned counsel certifies that counsel made no attempt or a limited attempt to seek concurrence in the relief requested by this motion because of the following exceptional circumstances. [Set forth the exceptional circumstances with specificity.]

The above statements shall be modified appropriately where one or more parties is unrepresented. The failure to certify compliance with this paragraph will result in the motion being struck.

The Court enforces the page limit set forth by E.D. Mich. LR 7.1(d)(3) and does not routinely grant requests to file longer briefs. Requests to file an oversized brief must be made by motion, in which the moving party sets forth specific reasons justifying the need for additional pages.

The Court does not issue a briefing schedule; rather, it follows the time limits set forth in E.D. Mich. LR 7.1(e). Requests for extensions of time must be made by motion and are evaluated on a case-by-case basis.

The parties shall not submit courtesy copies to the Court unless specifically requested.

If the Court deems a hearing necessary, a notice of hearing will issue with the specific date and time.

The Court has detailed instructions with regard to motions for summary judgment, which can be found in the Court's Case Management and Scheduling Order.

When citing to unpublished cases, use Westlaw (not Lexis).

Form Orders

- Case Management and Scheduling Order
- Exhibit List Form For Trial

Conferences

If an answer is filed, the Court reviews the parties' Fed. R. Civ. P. 26(f) report and either issues a scheduling order or an order to appear for a scheduling conference. If a motion to dismiss is filed, the Court may or may not issue a scheduling order or convene a scheduling conference. At or immediately after a scheduling conference, the Court issues a scheduling order.

The Court also schedules settlement conferences and joint final pretrial conferences in every civil case. The Court may convene additional conferences as necessary.

Settlement

In civil cases in which a jury trial is demanded, the Court conducts a settlement conference. The Court's requirements with regard to settlement conferences are detailed in the Court's Case Management and Scheduling Order.

In non-jury trial cases, settlement conferences are referred to another judicial officer.

Communication with Chambers

Ex parte communication between counsel and the Court's case manager is permissible so long as the communication relates to administrative matters or scheduling issues and not to substantive matters. Communication between counsel and the Court's law clerks is not permitted unless expressly authorized by the Court.

Facilitation/Case Evaluation

The Court encourages the parties to resolve matters through a facilitator of the parties' choosing. If the parties cannot agree on a facilitator, the Court will select one.

The Court may refer matters to case evaluation pursuant to E.D. Mich. LR 16.3 on its own motion or if the parties stipulate, so long as case evaluation will not interfere with any deadlines imposed by the Court in its scheduling order.

Trials

- The Court's detailed trial practices can be found in the Court's Case Management and Scheduling Order.
- Specific trial dates are set in every civil case. Trial dates are not adjourned absent good cause.
- Trials are generally conducted from 8:30 a.m. until 1:00 p.m. with occasional afternoon sessions.
- The Court conducts voir dire, but allows counsel to ask follow-up questions.
- Jurors may take notes and ask questions of witnesses.
- The Court sets reasonable time limits on opening and closing statements after consultation with counsel.

Admission To Practice

Attorney admission to the Bar of the Eastern District of Michigan is governed by Local Rule. See E.D. Mich. LR 83.20. Attorneys may contact the Attorney Admissions Clerk at (313) 234-5000 with any questions and to obtain an application for admission. Additional information may also be found on the Admision to the Eastern District of Michigan Bar section of the Court's website.

Submission of Proposed Stipulated Orders

Proposed and stipulated orders should not be e-filed. Rather, they should be submitted to chambers through the document utilities feature of CM/ECF. See Rule R11 of the Electronic Filing Policies Procedures. Submissions must be in current WordPerfect or Word format. Electronic signatures must conform to Rule R9 of the Electronic Filing Policies and Procedures.

Protective Orders

All proposed protective orders that are submitted for the Court's approval shall contain the following language with regard to the filing of documents under seal:

This order does not authorize the filing of any documents or other matter under seal. Documents or other matter may be sealed only if authorized by statute, rule, or order of the Court. A party seeking to file such items under seal shall file and serve a motion or submit a proposed stipulated order that sets forth:

i. the authority for sealing;
ii. an identification and description of each item proposed for sealing;
iii. the reason that sealing each item is necessary;
iv. the reason that means other than sealing are not available or unsatisfactory to preserve the interest advanced by the movant in support of sealing;
v. a memorandum of legal authority supporting sealing.

See Local Rule 5.3. A party shall not file or otherwise tender to the Clerk any item proposed for sealing unless the Court has granted the motion or entered the proposed stipulated order required by this section.

Whenever a motion to seal is filed, the movant shall comply with the requirements of Local Rule 5.3 set forth above and submit a proposed order which states the particular reason the sealing is required. The proposed order shall be submitted to the undersigned district judge or to the magistrate judge to whom the matter is referred, via the link located under the “Utilities” section of CM/ECF. If a motion to seal is granted, the documents to be filed under seal shall be filed electronically by the movant with an appropriate designation that the documents are to be held under seal.

Patent Cases

In order to efficiently manage patent infringement actions, this Court has adopted a Model Rule 26(f) Report and Proposed Scheduling Order.

- Default Protective Order
- Model Rule 26(f) Report and Proposed Scheduling Order
- Notice and Order Setting Scheduling Conference in a Patent Infringement Case
- Timeline of Model Scheduling Order

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

Special Removal Requirements

Upon removal from state court, the parties shall file with the Court — as separate docket entries — all answers, amended pleadings, responsive pleadings, pending motions, and responses/replies to those motions that were originally filed in state court. The Court generally will not consider any unresolved motions pending in state court at the time of removal, unless they have been re-filed on the Court's docket. The same is true for any responses or replies that had been filed in state court in connection with motions not yet resolved at the time of removal. Each party is responsible for the docketing of its own documents with the Court.

To the extent briefing has not been completed on a pending motion at the time of removal, the briefing schedule set forth in Local Rule 7.1(e) applies upon docketing with the Court, unless the Court orders otherwise.