Motion Practice

Briefing. All briefs shall strictly comply with Local Rules 5.1 and 7.1. All briefs must contain a table of contents, a table of authorities, and an index. References in briefs to arguments or statements made by the opposing party must include a specific citation to the docket and page number of the matter referenced. The Court will accept responses and replies to motions; but sur-replies generally are not permitted. The Court does not routinely grant requests to file longer briefs. Requests to file longer briefs must be submitted at least one week before the brief is due.

Concurrence. The Court requires strict compliance with Local Rule 7.1(a) regarding concurrence, and the Court may impose costs for failure to comply with the Local Rule.

Extensions of Time. The Court does not typically issue a briefing schedule; rather, it follows the time limits set forth in Local Rule 7.1(e). Requests for extensions of time may be made by filing a concise stipulation and order explaining the specific reason why such an extension is necessary; and must be filed at least one week before the brief is due.

Hearings. Except in pro se prisoner cases and on motions for reconsideration, the Court often hears oral argument on civil motions. Upon filing or referral, the Court will notify the parties of the date and time of a hearing. Under Local Rule 7.1(f), however, the Court may cancel a scheduled hearing or decide the matter without a hearing where the issues can be decided on the briefs. Each side generally will be limited to an aggregate of 15 minutes of argument, as the Court will have reviewed the parties' briefs before the hearing.

Summary Judgment Motions. No party may file more than one motion for summary judgment without obtaining leave of court.

The maker of the motion must include a "Statement of Material Facts" in short, concise, numbered paragraphs setting forth the material facts that the moving party contends there is no genuine issue to be tried. The party opposing the motion must respond to each numbered paragraph and has the option to include additional numbered paragraphs containing separate, short and concise statements of additional material facts, if necessary to demonstrate there exists a genuine issue to be tried. Each numbered paragraph in the moving party's motion will be deemed admitted unless specifically controverted by a corresponding numbered paragraph in the statement of the opposing party. Each statement of material fact, whether set forth by the maker of the motion or the opposing party, must be followed by a citation to interrogatory answers, depositions, documents, affidavits, declarations, stipulations, admissions, electronically stored information, or other information which would be admissible under Federal Rules of Civil Procedure 56(e).

Counsel are discouraged from employing elaborate boilerplate recitations of the summary judgment standard or lengthy string citations in support of well-established legal principles. Instead, counsel should focus their analysis on a few well-chosen cases, preferably recent and from controlling courts. Where unpublished opinions or opinions published only in a specialty reporter are cited, copies of these cases must be submitted with the briefs.

Motions In Limine. Briefing deadlines on motions in limine will be set forth in the scheduling order. Response briefs to motions in limine are due ten (10) days after the motion is filed and reply briefs are due five (5) days thereafter. Motions in limine should not recast issues previously presented in summary judgment or discovery motions; but rather these motions serve the limited purpose of alerting the Court to significant evidentiary issues that should be addressed prior to trial. The Court will generally decide motions in limine at the final pretrial conference, but may defer ruling until trial.

Notice to Court of Resolved Motions. If the parties have resolved an issue that is the subject of a pending motion, the parties must notify chambers in writing by the next business day. The parties should email the Court's Case Manager indicating that the issue has been resolved and that the parties no longer wish to move forward with the motion.