Class Actions

The Court does not impose any requirements with respect to the certification of a class other than the requirements of Fed.R.Civ.P. 3.

Conferences

The Court routinely schedules a scheduling conference after the Answer is filed. At the initial scheduling conference, motion cutoff, discovery cutoff, final pretrial and trial dates are determined. The Court holds other conferences as requested by trial counsel. Counsel may request an additional status conference by motion if all other parties are not in agreement, or by telephone call if all parties are in agreement. The Court may allow status and/or pretrial conferences to be conducted by telephone unless the matter involved is complicated or should be settled before discovery is pursued.

Criminal Pretrial and Miscellaneous

Most pretrial matters are handled by the Court. The Court typically follows the cutoff dates provided by Court Rule. The Court enforces the standing orders' discovery and motion cutoff dates.

Criminal Trials

The Court does not always require submissions of briefs. The Court does not require, but prefers witness lists. The Court generally urges the Government to disclose *Jencks* materials in advance of trial. The Court will permit jury questionnaires in extraordinary cases to be submitted to the venire in advance of jury selection for counsels' use in exercising challenges. Typically, disputes between the Government and defense counsel regarding proposed jury instructions are resolved by a hearing on the record.

Discovery

The Court regularly convenes a conference for scheduling discovery at the beginning of the action. The time given for discovery generally depends on the complexity of the case and on what the parties need. Once the dates are set, the Court adheres to those dates. The Court requires disclosure of witnesses prior to the discovery cutoff.

The Court requires parties to meet before discovery motions to narrow the areas of disagreement. Discovery motions are generally referred to a Magistrate Judge. As to disputes arising during a deposition, the Court prefers that the matter be handled by the attorneys without the Court's intervention. If the Court's intervention is required, the parties can call the Court and put the dispute on the record if the Court is available. The Court allows the parties to extend the discovery cutoff date by stipulation as long as it does not have an effect on the other dates set by the pretrial order.

Mediation

The Court routinely refers all civil diversity cases to mediation pursuant to E.D. Mich. LR 16.3. The Court does not typically use any other types of alternative dispute resolution techniques, but encourages both arbitration and mediation. Upon request of counsel of record, the Court will allow use of an alternative dispute resolution method in lieu of mediaton pursuant to E.D. Mich. LR 16.3.

Motion Practice

The Court Clerk schedules motions when received. Please leave date and time blank. Typically, dispositive motions are heard six to seven weeks after filing. Unless special circumstances exist, the Court is not liberal in extending the requirement page limitation. The Court generally enforces E.D. Mich. LR 7.1(d) with respect to filing responses to motions. The Court requires strict compliance with E.D. Mich. LR 7.1(a) which refers to seeking concurrence of opposing counsel. The Court generally prepares its own orders. The Court generally does not refer dispositive motions to a Magistrate Judge. If a motion is referred to a Magistrate Judge, it is usually a discovery motion.

Pleas and Sentencing

The Court will accept an *Alford* plea. The Court will sometimes accept an *Alford* plea over Government objection. The Court will also accept a *nolo contendere* plea, sometimes over Government objection. The Court requires a presentence investigation and report prior to sentencing, even if there will be no custodial sentence imposed and even for corporate defendants, but may not if both the Government and the defendant agree to waive it. If the Court waives preparation of a presentence report but the defendant requests it, the Court will order it. Disputes between the Government, defense counsel, or Probation relating to the computation of sentencing guidelines or Probation are typically resolved at sentencing. The Court may meet with a probation officer prior to sentencing. Depending on the case, the Court may permit a convicted individual to self-report to the custodial facility. If the Court decides to reject a Rule 11 plea agreement, it will inform the parties in open court. The Court will accept a sentencing guideline plea where the plea agreement uses language that the sentence will not exceed a certain period above the minimum of the applicable guideline range. It does not matter whether the parties agree to what the above applicable range is.

Pretrial and Trials

The Court does not have requirements other than those set forth by E.D. Mich. LR 16.2 for joint final pretrial orders. The joint final pretrial order is due five days prior to the pretrial conference. The Court generally will not allow additions to the witness list contained in the pretrial order. The Court uses a date certain docket and a short trailing docket of one to two days. The final pretrial conference is typically held one week ahead of the trial date. Adjournments of trial dates are not often granted. If an attorney does have a conflict with another trial, that attorney should give the Court as much notice as possible and the Court will attempt to cooperate if at all possible.

The Court routinely becomes involved in the settlement of jury cases. The Court may refer a non-jury matter to another Judge for a settlement conference. Prior to the final pretrial conference, the Court is amenable to scheduling a settlement conference.

The Court requires that exhibits be exchanged at least one week before trial. The Court prefers consecutive numbering of all exhibits and encourages the use of a bench book. The parties retain custody of the exhibits during trial and after trial pending appeal. The Court requires that trial briefs be exchanged prior to trial. Motions in limine must be filed no later than one week prior to trial. Motions in limine are generally scheduled for hearing on the morning of trial.

In non-jury trials, the Court prefers proposed findings of fact and conclusions of law to be filed prior to the conclusion of trial. In non-jury trials, the Court generally makes the findings of fact orally.

The Court uses the striking method to select juries. In criminal cases, two alternate jurors are normally used and they are not informed prior to the conclusion of the trial that they are alternates. The Court conducts the preliminary voir dire and allows counsel to conduct reasonable voir dire. The Court handles the exercise of challenges in such a manner that the jurors do not know which party has excused them. The Court presents jury instructions to the jury by reading them and presenting a copy to the jury for their deliberations. Joint jury instructions must be filed at the beginning of trial.

Court hours may vary, depending on the docket and the attorneys' schedules. Multiple counsel for one party may not interrogate the same witness. There may be time limitations imposed on opening and closing arguments, depending on the case. No other time limitations are generally imposed during trial. The Court prefers that counsel request permission to approach a witness and the bench. The Court prefers that counsel stand to speak and address the Court. Counsel is not required to stand at the podium, and may approach the jury box. The jury is charged before final arguments. Jurors are typically not allowed to take notes during trial unless both sides agree. The Court does not have any other special preferences regarding the conduct of trial not set forth above.

Removal

If the Court has a question concerning the propriety of removal, the Court will generally issue an order to show cause. The Court generally will not, *sua sponte*, remand a case to state Court without issuing an order to show cause. The Court typically does not hold oral argument on motions to remand.

Standing Orders

A Notice of Scheduling Conference is mailed to each party after the filing of the Complaint and Answer, asking that each party be prepared to discuss the case and issues, subject matter jurisdiction, relationship to other cases, necessity of amendments to pleadings, the progress of discovery, mediation and motions.

Temporary Restraining Orders and Injunctions

The Court does not normally set a time schedule for motions and briefing requirements relating to requests for temporary restraining orders and preliminary injunctions which are less than that prescribed by E.D. Mich. LR 7.1. If an ex parte motion for a temporary restraining order or preliminary injunction is filed, the Court requires that the other party or their attorney be notified and that the phone number for the other attorney or party be provided to the Court so that the Court may contact that attorney or party if necessary.