Motion Practice

1. **Authority to Hear Motions**

   Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and upon an order of reference from the District Judge assigned to the case, motions will be decided either by report and recommendation or order. Dispositive motions may be referred by the District Judge for opinion and order on consent of the parties. (28 U.S.C. § 636(c)).

2. **Briefing Schedule on Motions**

   In instances where the Court has issued a briefing schedule on a motion, that schedule applies. In all other instances, the parties should follow Local Rule 7.1(e).

   The Court adheres to E.D. Mich LR 5.1 and 7.1 regarding format, length, and form of motions and briefs, and the type of briefs required and permitted. Additional briefing, including sur-replies, will NOT be permitted unless requested by the Court. The Court will strike any improperly filed sur-replies or other briefing not contemplated by the Local Rules. In addition, all briefs must contain an index of exhibits, and the Court requires a table of contents for briefs over ten pages.

3. **Meet and Confer Requirement**

   Except in pro se prisoner cases, no motion should be filed or considered unless the moving party or counsel has conferred in good faith by telephone or in-person with all other relevant parties or counsel in an effort to resolve the dispute, or has made a reasonable attempt to so confer. If the conference with the relevant parties or counsel has not resolved the dispute, the moving party or counsel must inform the opposing parties or counsel during the conference that the moving party intends to seek relief from the Court regarding the dispute. If the conference cannot reasonably be held, then the moving party must inform all opposing parties or counsel by letter, prior to filing a motion that the moving party intends to seek relief from the Court. Any motion filed must state the date of the conference or list all reasonable efforts to hold the conference and indicate the reason or reasons why the conference was not held. The motion must also include a statement of the unresolved issues and provide the adversary's position as to each statement of the unresolved issues and provide the adversary's position as to each issue in controversy as stated by the adversary during the pre-motion conference.

4. **Hearing/Oral Argument**

   It is the general practice of the court to hear argument on civil discovery motions. In general, out of town counsel may not appear by telephone. In the event of inclement weather or other circumstances, counsel should contact the Court.

5. **Courtesy Copies**

   Courtesy copies of electronically filed documents are not required.