

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

George Caram Steeh
United States District Judge

Marcia Beauchemin
Case Manager
(313) 234-5175 (Detroit)

**PRELIMINARY INJUNCTION HEARING
ORDER FOR IDENTIFICATION AND PRESENTATION OF
EXHIBITS, HEARING BRIEFS AND PROPOSED FINDINGS**

Hearing on a motion for Preliminary Injunction will be held at a time set by the court in consultation with the attorneys. Two hours are normally allocated for the proceedings on that date. Such hearings, in the experience of the court, are often comparable to non-jury trials, and counsel are thus directed to attend to the following instructions:

1) RESPONSIBILITY OF PLAINTIFF'S COUNSEL

a) Plaintiff's counsel must convene a meeting of all attorneys, as soon as can practically be done after the motion for preliminary injunction is filed, to discuss and resolve the issues noted herein. Such meeting may, in the discretion of counsel, be by telephone if all purposes of this order can be effectively dealt with through such means.

b) Plaintiff's counsel must copy and distribute this document to each opposing counsel who enters or becomes involved in this case.

2) EXHIBITS: Examining, Pre-marking and Listing:

a) Counsel must identify in separate lists and exchange with opposing counsel each exhibit and each deposition proposed as an exhibit. "Exhibit" includes items which a party will introduce and items which a party may introduce.

b) Counsel must promptly notify each other of any objections to the admissibility of a proposed exhibit and the basis of the objection.

c) Agreed-upon exhibits and depositions shall be considered admitted at the outset of the hearing and may be used by either party at any time.

d) All exhibits must be marked by counsel in advance of the hearing. Counsel must not use court time asking the court reporter to mark exhibits. Plaintiff will use exhibit numbers beginning with 101, and defendant will use numbers beginning with 501. In the event that an extraordinary number of exhibits or multiple plaintiffs or defendants are involved, counsel should discuss and decide upon a reasonable alteration to the above numbering system.

3) FILING OR SUBMITTING TO CHAMBERS STIPULATED EXHIBITS, DEPOSITIONS, TRIAL BRIEFS AND OTHER MATTERS

a) Counsel for the plaintiff must, **not later than five business days before the hearing date:**

- i) File a joint list of exhibits and depositions ("Joint Exhibit List"). Each exhibit and each deposition that is not agreed to by the parties must be followed by a notation near the right margin of the page entitled "Objection:"; this notation shall be followed by a brief statement describing the nature or basis of the opposing party's objection.
- ii) File a joint statement of counsel concerning the suitability of consolidation of hearing and trial under Rule 65(a)(2)¹ ("Rule 65(a)(2) Statement");

¹ In a case where a permanent injunction is being sought which is essentially a mirror of the preliminary injunction, counsel must discuss and recommend to the court the suitability of consolidating the hearing on preliminary injunction with a trial on the merits of the application for permanent injunction, pursuant to Federal Rule of Civil Procedure 65(a)(1)(2).

iii) Submit to the court in chambers copies of the exhibits themselves, unless bulk or other considerations make such submission impractical, and copies of the agreed-upon deposition testimony identified in the listing ordered above.

b) Each party must file **not later than five business days before the hearing date:**

- i) A "Hearing Brief," (20 page limit) which shall include separately numbered proposed findings of fact² and proposed conclusions of law;
- ii) A list of the exhibits, proposed by the opposing party (and numbered in the same manner as proposed by the opposing party) to which you have not agreed, and the basis or foundation for withholding agreement as to each exhibit.
- iii) A list of the witnesses you intend to call, with a brief statement of the proposed testimony (one or two sentences) and an estimate of the time to be consumed in direct and cross examination as to each.

S/George Caram Steeh

United States District Judge

Dated:

² The parties shall exchange proposed findings of fact in advance of this requirement. All agreed upon factual issues shall then be reflected as undisputed in the papers, allowing for a more efficient hearing.