

Civil Pre-Motion Conference

In an effort to resolve cases expeditiously, before bringing a motion to dismiss, motion for a more definite statement, motion to remand, motion for change of venue, or motion for judgment on the pleadings, a party must submit a letter, not to exceed three single-spaced pages, requesting a pre-motion conference. The letter must set forth the basis for the anticipated motion and include citations to relevant authority. Within seven days after receipt of this letter, all adversaries must submit a written response, not to exceed three single-spaced pages. No party may submit a reply letter unless directed by the Court. Affidavits and exhibits are not permitted unless directed by the Court. A proffer by the attorney, however, of the contents of any such affidavit or exhibit shall suffice.

To the extent possible, the Court will attempt to resolve the dispute at a pre-motion teleconference. If the dispute cannot be resolved at the pre-motion conference (or if the Court determines that a conference would not be helpful), the moving party may proceed with filing its motion. To be clear, this procedure does not preclude a party from filing any of the above motions. Rather, the Court hopes to use this procedure to advance the case efficiently and minimize the costs of litigation to the parties. In addition, compliance with this procedure shall not be deemed a waiver of any parties' defenses as to lack of personal jurisdiction, improper venue, insufficient process, or insufficient service of process.

A party's submission of a pre-motion letter will toll that party's time to file its motion (or answer) through (i) the date of the pre-motion conference or (ii) the Court's decision not to conduct such a conference. If the Court determines that a pre-motion conference would not be helpful and instructs a party to proceed with filing its proposed motion without a conference, that party shall have an additional seven days to file after its Fed. R. Civ. P. 12(a) deadline, unless additional time is stipulated or the Court so orders. This letter exchange does not apply in cases in which either side is pro se or in bankruptcy or social security appeals.