

## LR 7 - Motions Practice (See Fed. R. Civ. P. 7)

### LR 7-1 Motions Practice - Generally

#### (a) Certification Requirements

- (1) Except for motions for temporary restraining orders, the first paragraph of every motion must certify that:
  - (A) In compliance with this Rule, the parties made a good faith effort through personal or telephone conferences to resolve the dispute and have been unable to do so; or
  - (B) The opposing party willfully refused to confer; or
  - (C) The moving party or opposing party is a prisoner not represented by counsel.
- (2) When conferring about a dispositive motion, the parties must discuss each claim, defense, or issue that is the subject of the proposed motion.
- (3) The Court may deny any motion that fails to meet this certification requirement.
- (4) A party filing a motion should state "UNOPPOSED" in the caption if the other parties to the action do not oppose the motion.

Practice Tips
1. The certification requirements of LR 7-1 are broader than those established in Fed. R. Civ. P. 37(a)(1), which deals only with motions to compel discovery.
2. In cases in which one or more parties are <del>proceeding pro se</del> self-represented, counsel should document a good faith effort to consult with the unrepresented party. The Court will determine compliance with LR 7-1 on a case by case basis. (See LR 55-1)
3. If a motion is to be based on the inadequacy of the evidence, the parties should discuss the inadequacy of the evidence in detail.

#### (b) Separately Stated Motion

Every motion must concisely state the relief sought and be stated in a separate section under the heading "Motion." Motions may not be combined with any response, reply, or other pleading.

#### (c) Supporting Memoranda (See Fed. R. Civ. P. 7(b))

Every motion must be supported by a legal memorandum. The legal memorandum must be combined in a single document with the motion. A legal memorandum exceeding 20 pages must have a table of contents and a table of cases and authorities with page references.

**(d) Oral Argument**

- (1) **Court Hearing:** The Court will determine whether oral argument would help it resolve the matter. If the Court elects to hear oral argument, the Court will notify the parties of the date and time for any hearing.
- (2) **Request for Oral Argument:** A party seeking oral argument must include "Request for Oral Argument" on the last line of the caption to the motion or response.

Example	Plaintiff Smith Corporation's MOTION FOR PROTECTIVE ORDER Pursuant to Fed. R. Civ. P. 26(c)(1) Request for Oral Argument
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- (3) **Oral Argument by Telephone Conference:** A party may request that oral argument be by telephone conference.
- (4) **Waiver of Oral Argument:** A party waives oral argument by:
  - (A) Failing to timely file any memorandum or other statement required by LR 7, LR 26, LR 37, or LR 56; or
  - (B) Filing late any paper allowed by LR 7, LR 26, LR 37, or LR 56.

**(e) Time Limits for Motions Other Than Motions Filed Pursuant to Fed. R. Civ. P. 56**

- (1) **Response:** A party must file and serve any response within 14 days after service of the motion.
- (2) **Reply:** A party must file and serve any allowable reply to the response within 14 days after service of the response. (*See* LR 26-3(c)).

<b>Practice Tip</b>
A reply is not permitted in some cases under these rules. For example, no reply is permitted in connection with a discovery motion under LR 26-3(c) unless otherwise directed by the Court.

- (3) **Other Memoranda:** Unless directed by the Court, no further briefing is allowed.
- (4) **Taking Under Advisement:** Unless otherwise directed by the Court, both discovery and non-discovery motions will be taken under advisement at the close of the time limits set forth in LR 7-1(e).

**(f) Time Limits for Motions Filed Pursuant to Fed. R. Civ. P. 56**

- (1) **Response:** Unless otherwise ordered by the Court, a party must file and serve any response within 21 days after service of the motion.
- (2) **Reply:** Unless otherwise ordered by the Court, a party must file and serve any reply to the response within 14 days after service of the response. (*See* LR 26-3(c)).
- (3) **Other Memoranda:** Unless directed by the Court, no further briefing is allowed other than the briefing allowed under LR 56-1(b).

**(g) Request for Expedited Hearing**

A party seeking an expedited hearing must include "EXPEDITED HEARING REQUESTED" on the last line of the document's title. The party seeking an expedited hearing shall confer as required by LR 7-1(a) and shall state the other parties' position on the request to expedite the hearing.

Example	Plaintiff Smith Corporation's MOTION FOR PROTECTIVE ORDER Pursuant to Fed. R. Civ. P.26(c) Expedited Hearing Requested
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**(h) Reminders to the Court (See LR 83-13)**

**LR 7-2 Non-Discovery Motions**

**(a) Document Designation (See LR 10-2)**

The document title must substantially comply with the following format:

Example	Defendant ABC Corporation's MOTION FOR SUMMARY JUDGMENT
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**(b) Word-Count or Page Limits**

- (1) Without prior Court approval, memoranda (including objections to a Findings and Recommendation of a Magistrate Judge and responses to such objections) may not exceed 11,000 words, or in the alternative, 35 pages. If the document exceeds the page limit, then the party must certify compliance with the word-count limit. This limitation includes headings, footnotes and quotations, but excludes the caption, table of contents, table of cases and authorities, signature block, exhibits, and any certificates of counsel.
- (2) Certificate of Compliance: The person preparing the certificate may rely on the word-count of the word processing system used to prepare the brief. The certificate must state the number of words in the memorandum. Use of the suggested form of Certificate of Compliance displayed in the example below will be regarded as sufficient to meet the requirements of this rule.

	<b>CERTIFICATE OF COMPLIANCE</b>
Example	This brief complies with the applicable word-count limitation under LR 7-2(b), 26-3(b), 54-1(c), or 54-3(e) because it contains (insert number) words, including headings, footnotes, and quotations, but excluding the caption, table of contents, table of cases and authorities, signature block, exhibits, and any certificates of counsel.

**(c) Calendaring (See LR 7-1(d)(1) and LR 7-1(e)(4))**

**LR 7-3 Discovery Motions (See LR 26-3)**

**LR 7-4 Preliminary Injunctions & Temporary Restraining Orders (See LR 65)**

**LR 7-5 Motions for Summary Judgment (See LR 56)**

**LR 7-6 Motions to Consolidate Complex or Related Cases (See LR 42)**

<b>Amendment History to LR 7</b>	
<b>June 1, 2002</b>	
LR 7.1(a)(1)	Motions for Temporary Restraining Orders specifically excluded.
LR 7.1(a)(1)(c)	New Rule.
LR 7.1(b)	New Rule. Subsequent rules renumbered.
LR 7.2(b)	The phrase "(including objections....)" added.
<b>June 1, 2006</b>	
Generally	The word "brief" and "briefs" stricken and replaced with "memorandum" or "memoranda" as appropriate throughout. Cross References updated Document Title examples modified throughout. "Advisory Note" changed to "Practice Tip."
LR 7.1(a)(3)	New Rule. Item #2 added to Practice Tip
LR 7.1(c)	The word "Affidavit" stricken from the heading title. The sentence beginning "A legal memorandum...." added.
LR 7.1(d)	Deleted this section and moved it to LR 7.1(c). Subsequent sections re-lettered.
LR 7.1(e)	Deleted this section. Subsequent sections re-lettered.
LR 7.3	Sections (a), (b) and (c) deleted and moved to LR 26.5.
LR 7.5	Text portion of rule deleted.
<b>December 1, 2009</b>	

LR 7-1(e)	The phrase "Other Than Motions Filed Pursuant to Fed. R. Civ. P. 56" substituted for "Discovery and Non-Discovery Motions." Practice Tip added.
LR 7-1(f)	Added to address time limits for motions filed pursuant to Fed. R. Civ. P. 56. Subsequent subsections renumbered.
LR 7-2(a)	The word "must" substituted for "shall."
LR 7-3	Removed the reference to Fed. R. Civ. P. 37.
Generally	Changed time limits to multiples of seven; and in LR 7-1(f) separate time limits of 21 days and 14 days were added for summary judgment motions in light of the December 2009 changes to Fed. R. Civ. P. 56.
<b>March 1, 2012</b>	
LR 7-1(e)	In Practice Tip, changed "LR 56-1(g)" to "LR 56-1(b)."
LR 7-1(f)(3)	Changed "LR 56-1(g)" to "LR 56-1(b)."
LR 7-2(b) now LR 7-2(b)(1) and (2)	Modified section to include an alternate word-count limitation of no more than 11,000 words. Headings, footnotes, and quotations count toward this limitation. The caption, table of authorities, signature block, and any certificates of counsel do not count toward this limitation. Included requirement of a Certificate of Compliance by the attorney, or unrepresented party, that the memorandum complies with the word-count limitation.
<b>March 1, 2013</b>	
LR 7-2(b)	Title of the rule modified to show preference to word-count rather than page-count, and the rule amended to clarify that the certificate of compliance with the word-count limitation is necessary when the page-count limitation is exceeded, and that the count (also) excludes table of cases and exhibits.
LR 7-3	Removed errant period in the title.
<b>March 1, 2014</b>	
LR 7-1(a)(1)(A)	"In compliance with this Rule" added at beginning of sentence.
LR 7-1(a)(2)	New provision. Subsequent provisions in LR 7-1(a) are now renumbered.
LR 7-1(a) Practice Tip	New Practice Tip 3.

LR 7-1(b)	Changed caption from "Separate Documents" to "Separately Stated Motion." Revised to require the motion and legal memoranda to occur in a single document with separate sections.
LR 7-1(c)	Revised to require the motion and legal memoranda to occur in a single document with separate sections. Changed "twenty (20)" to "20."
LR 7-1(e)	Changed "fourteen (14)" to "14" in two instances.
LR 7-1(f)(1)	Changed "twenty (21)" to "21."
LR 7-1(f)(2)	Changed "fourteen (14)" to "14" and italicized "See."
<b>May 1, 2015</b>	
LR 7-1(d)	Updated language to better reflect that the Court will determine whether oral argument is necessary on any given motion.
LR 7-1(g)	Added requirement to confer by party seeking expedited hearing.
<b>January 1, 2019</b>	
LR 7-1(e)	In the Practice Tip, deleted the comma and the following phrase after "Court": "and no reply is permitted in response to a motion to strike pursuant to LR 56-1(b)."
<b><u>September 3, 2024</u></b>	
<u>LR 7-1(a)</u> <u>Practice Tip 3</u>	<u>Replaced "proceeding pro se" with "self-represented."</u>