

Rule 3.01 | MOTIONS AND OTHER LEGAL MEMORANDUMS

(a) LENGTH AND CONTENT OF A MOTION. A motion must include – in a single document no longer than twenty-five pages inclusive of all parts – a concise statement of the precise relief requested, a statement of the basis for the request, and a legal memorandum supporting the request. If the interested parties agree to the relief sought in a motion, the title must include “unopposed.” A motion for leave to file a motion of more than twenty-five pages must not exceed three pages inclusive of all parts; must specify the need for, and the length of, the proposed motion; and must not include the proposed motion.

(b) LENGTH AND CONTENT OF A RESPONSE. A party responding to a motion may file a legal memorandum no longer than twenty pages inclusive of all parts. A motion for leave to file a response of more than twenty pages must not exceed three pages inclusive of all parts; must specify the need for, and the length of, the proposed response; and must not include the proposed response.

(c) TIME TO RESPOND. A party may respond to a motion within fourteen days after service of the motion. However, a party may respond to a motion to dismiss, for judgment on the pleadings, for summary judgment, to exclude or limit expert testimony, to certify a class, for a new trial, or to alter or amend the judgment within twenty-one days after service of the motion. If a party fails to timely respond, the motion is subject to treatment as unopposed.

(d) NO REPLY AS A MATTER OF RIGHT. Without leave, no party may file a reply directed to a response except a response to a motion for summary judgment. A motion requesting leave to reply must not exceed three pages inclusive of all parts; must specify the need for, and the length of, the proposed reply; and must not include the proposed reply. A party may reply to a response to a motion for summary judgment within fourteen days after service of the response. The reply must not exceed seven pages inclusive of all parts.

(e) EMERGENCY OR TIME-SENSITIVE MOTION. If a party moves for emergency or time-sensitive relief, the title of the motion must include “emergency” or “time-sensitive,” and the motion must include an introductory paragraph that explains the nature of the exigency and states the day by which a ruling

is requested. The unwarranted designation of a motion as an emergency can result in a sanction.

(f) NO PROPOSED ORDER. Unless otherwise permitted by these rules, no party may submit a proposed judgment or other order without leave.

(g) DUTY TO CONFER IN GOOD FAITH.

(1) *Duty*. Before filing a motion in a civil action, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, or to certify a class, the movant must confer with the opposing party in a good faith effort to resolve the motion.

(2) *Certification*. At the end of the motion and under the heading "Local Rule 3.01(g) Certification," the movant:

(A) must certify that the movant has conferred with the opposing party,

(B) must state whether the parties agree on the resolution of all or part of the motion, and

(C) if the motion is opposed, must explain the means by which the conference occurred.

(3) *Unavailability*. If the opposing party is unavailable before the motion's filing, the movant after filing must try diligently for three days to contact the opposing party. Promptly after either contact or expiration of the three days, the movant must supplement the motion with a statement certifying whether the parties have resolved all or part of the motion. Failure to timely supplement can result in denial of the motion without prejudice. The purposeful evasion of a communication under this rule can result in a sanction.

(h) ORAL ARGUMENT OR EVIDENTIARY HEARING. A party must request oral argument or an evidentiary hearing in a separate document accompanying the party's motion or response and stating the time necessary.

(i) SUPPLEMENTAL AUTHORITY. After filing a legal memorandum but before a decision, a party identifying a supplemental authority that is not merely cumulative may file – without

argument or comment – a notice of supplemental authority that contains only:

- (1) a citation of the authority;
- (2) a specification by page, paragraph, and line of the issue or argument in the earlier paper that the authority supplements; and
- (3) a succinct quotation from the authority.

The notice must not include a copy of the authority unless the authority is not readily available and must not exceed two pages inclusive of all parts.

(j) NO UNAUTHORIZED CORRESPONDENCE. A party must not use a letter, email, or the like to request relief or to respond to a request for relief.