

CIVIL CASE MANAGEMENT ORDER

Dear Counsel:

The following shall apply to civil matters assigned to Magistrate Judge Edward S. Kiel. Failure to comply with the terms of this Order may result in sanctions pursuant to the Federal Rules of Civil Procedure (the “Rules”) 16(f) and 37. This Civil Case Management Order as well as the Court’s model Pretrial Scheduling Order may be found at <https://www.njd.uscourts.gov/content/edward-s-kiel>.

1. Communications with the Court. All communications to the Court shall be by CM/ECF or by telephone. Absent permission from Chambers or as otherwise provided by this Order, the Court will not accept or consider communications by fax, mail, or email. Judge Kiel permits communications with his law clerks only as to questions regarding Chambers’ procedures and not as to any substantive matters.

2. Teleconferences. Unless otherwise agreed upon by the parties or directed by the Court, all teleconferences shall be initiated by the plaintiff such that the plaintiff will arrange for all parties to be on one line before calling into Chambers. If the parties plan to utilize a dial-in teleconference service, the dial-in information shall be transmitted to Chambers by email to ESK_Orders@njd.uscourts.gov at least two business days before the teleconference.

3. Adjournment Requests. Conferences, whether telephonic or in-person, are scheduled with ample notice to the parties via CM/ECF. Accordingly, adjournment requests must be made no later than five business days before the scheduled conference.

4. Copies. Copies of all filed papers exceeding 20 pages per individual document shall be provided to Chambers by mail or personal delivery. Exhibits to any papers should be separated with corresponding exhibit tabs.

5. Pro Hac Vice Applications. When no party objects, the party seeking *pro hac vice* admission shall file a form of order, a certification of admission and good standing, and a certification of local counsel complying with Local Rule 101.1(c). Applications may be made informally by letter.

6. Joint Discovery Plans. The Court’s model Pretrial Scheduling Order and Joint Discovery Plan may be found as a Word document at <https://www.njd.uscourts.gov/content/edward-s-kiel>. The parties shall submit their completed proposed version as a Word document, to ESK_Orders@njd.uscourts.gov no later than three business days before the scheduled Rule 16 initial

conference. The Court will not adjourn a Rule 16 initial conference due to a pending dispositive motion, absent a written showing of good cause.

7. Discovery Extensions, Disputes, and Motions. Any request for an extension or an amended scheduling order shall indicate the current and proposed dates as well as whether the request is made on consent. Any such request shall include a proposed order.

Discovery disputes shall proceed in accordance with Local Rules 16.1 and 37.1. Should counsel fail in their good faith efforts to resolve the dispute by conferring pursuant to Rule 37.1, the matter shall be brought to the Court's attention through a joint letter that sets forth:

- a) the request;
- b) the response;
- c) efforts to resolve the dispute;
- d) the position of the complaining party;
- e) the position of the responding party; and, if applicable,
- f) the efforts of a party to contact a non-responsive party to meet and confer and submit the joint letter.

No further letter submissions regarding the dispute may be submitted without leave of Court. All letters should be double spaced.

Discovery motions may be filed only upon leave of Court and only after the parties have proceeded in accordance with Local Rules 16.1 and 37.1.

Motions to secure enforcement of a subpoena or to quash a subpoena involving third parties may be made without meeting and conferring, but counsel must obtain leave of Court before filing any such motion.

Motions to amend shall be accompanied by a proposed amended complaint attached as an exhibit outlining the proposed amendments in accordance with Local Rule 15.1. Failure to do so will result in administrative termination of the motion.

Motions for summary judgment shall be filed only upon leave of Court.

8. Motions to Seal. Motions to seal must comply with Local Rule 5.3(c). In particular, motions filed without a proposed order and proposed findings of fact and conclusions of law will be administratively terminated. In addition, the proposed order must include reference to the docket entries the party seeks to seal. Counsel shall make every effort to secure the consent of opposing counsel regarding the request to seal and the movant shall certify as to whether opposing counsel has consented.

9. Settlement Conferences. Trial counsel as well as persons with full settlement authority must appear at settlement conferences. Each party shall submit to Chambers, by email to ESK_orders@njd.uscourts.gov, a confidential settlement memorandum of no more than ten double spaced pages no later than five business days before the conference.

If trial counsel and clients do not comply with this Order, the settlement conference may be canceled or rescheduled and the noncompliant party and/or attorney may be sanctioned, which may

include an assessment of the costs and expenses incurred by those parties who appeared as directed.

10. Final Pretrial Conferences. The Court conducts final pretrial conferences pursuant to Rule 16(d). The parties shall contact Chambers for a model version of the joint final pretrial order applicable to the District Judge assigned to the matter. The Court expects to engage in meaningful settlement discussions at final pretrial conferences. Therefore, trial counsel as well as persons with full settlement authority must attend the conferences. The Final Pretrial Conference will proceed even if there are dispositive motions pending.

The parties shall submit, by email and regular mail, a copy of the joint proposed final pretrial order no later than five business days before the conference.

If the parties do not comply with this Order, the final pretrial conference may be canceled or rescheduled and the attorney may be sanctioned, which may include an assessment of the costs and expenses incurred by those parties who appeared as directed.

s/ Edward S. Kiel

Honorable Edward S. Kiel
United States Magistrate Judge