

United States District Court District of New Jersey

CHAMBERS OF
ETHAN A. HOUGAH
UNITED STATES MAGISTRATE JUDGE

MITCHELL H. COHEN U.S. COURTHOUSE
ONE JOHN F. GERRY PLAZA
CAMDEN, N.J. 08101

CASE MANAGEMENT ORDER

The following requirements apply to all civil matters assigned or referred to United States Magistrate Judge Ethan A. Hougah, unless otherwise ordered in a particular case. These requirements supplement, and do not supersede, applicable federal law, the Federal Rules of Civil Procedure, the Local Civil Rules, or orders of the assigned District Judge. Failure to comply may result in sanctions as authorized by applicable law, including the Federal Rules of Civil Procedure 16(f) and 37.

1. Communications with the Court. All communications to the Court shall be in writing via CM/ECF, except as provided in this Order or otherwise directed by the Court. Confidential settlement memoranda shall be submitted as provided in paragraphs 7 and 10. Proposed joint discovery plans shall be submitted via CM/ECF. Telephone calls to chambers will be permitted as to administrative matters only. Except for submissions expressly authorized by this Order, email and fax communications will not be accepted or considered unless authorized by the Court. Email delivery does not constitute filing on the docket. Except for confidential settlement memoranda and expressly authorized ex parte submissions, communications must be served on all parties consistent with applicable rules and orders. Self-represented litigants shall submit filings through the Clerk in accordance with applicable filing procedures.

2. Adjournments and Extensions. Requests for adjournments or extensions must be made in writing through a letter request filed via CM/ECF. The party seeking an adjournment or extension must seek consent of all other parties before submitting the request. The letter request must set forth: (a) the date of the conference or deadline; (b) the length of the adjournment or extension requested; (c) the basis for the request; (d) whether all parties consent or oppose the request; and (e) whether the request, if granted, would impact other scheduled dates or deadlines. Absent exigent circumstances, requests for an adjournment or extension made less than two (2) business days before a scheduled conference or deadline shall not be considered.

3. Motions to Amend. Motions to amend must comply with Local Civil Rule 15.1 and shall include as exhibits a complete, clean proposed amended pleading as well as a blacklined or redlined version clearly identifying the proposed changes. Motions to amend that do not comply with Local Civil Rule 15.1 may be administratively terminated without prejudice to correction and refile, subject to applicable deadlines. If a party seeks to file a motion to amend after the deadline set by a Scheduling Order, that party must demonstrate good cause under Federal Rule of Civil Procedure 16(b)(4), including why, despite diligence, the amendment could not have been sought before the deadline. Prior permission to file a motion for leave to amend within the deadline set by a Scheduling Order is not required.

4. Motions to Seal. Motions to seal must comply with Local Civil Rule 5.3(c) and shall include a proposed order and proposed findings of fact and conclusions of law. The proposed order must reference the specific docket entries the movant seeks to seal. Counsel shall make every effort to obtain the consent of opposing counsel regarding the request to seal, and the movant shall certify as to whether all parties consent in its application. Prior permission to file a motion to seal is not required. Sealing remains subject to Court approval under Local Civil Rule 5.3; consent alone is not sufficient. One (1) courtesy copy of any submissions filed under seal shall be sent by mail or other courier addressed to Chambers.

5. Discovery Disputes and Applications. Discovery motions may be filed only upon leave of Court and only after the parties have proceeded in accordance with Local Civil Rules 16.1 and 37.1. The parties must satisfy their meet and confer obligations pursuant to Local Civil Rule 37.1 through conferring in person, by telephone, or by videoconference. Email exchanges are not sufficient. If the parties cannot resolve the dispute after conferring in good faith, the matter shall be brought to the Court's attention through a single 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 (f) if applicable, the efforts of a party to contact a non-responsive party to meet and confer and submit the joint letter. No further submissions regarding the dispute may be submitted without leave of Court. All letters should be double-spaced and submitted via CM/ECF, unless such letters contain information subject to a discovery confidentiality order, in which case they may be submitted via email to njdnef_hougah@njd.uscourts.gov.

Motions to enforce, quash, or modify a subpoena involving a nonparty must comply with Federal Rule of Civil Procedure 45, including its notice requirements and provisions governing the court in which relief must be sought. Prior permission under this Order is not required to file such a motion. This exception does not excuse any otherwise applicable obligation to confer.

6. Confidentiality Orders. The parties are encouraged to use the form discovery confidentiality order found at Appendix S of the Local Civil Rules. If the parties submit their own version of a confidentiality order that differs from the form order found at Appendix S, they must submit: (a) a clean version of the proposed order that is ready for signature; **and** (b) an additional version that clearly indicates, via redlining or otherwise, in what ways it differs from the Appendix S form order. A discovery confidentiality order does not itself authorize filing materials under seal.

7. Confidential Submissions. Confidential settlement memoranda, approved attachments, and settlement updates required or permitted by paragraph 10 shall be emailed directly njdnef_hougah@njd.uscourts.gov. They shall not be filed on the public docket or served on other parties unless otherwise ordered. Identify the case name, civil action number, conference date, and purpose of the submission in the email subject line. Any separate factual summary to be exchanged among the parties will be required only by a case-specific direction. Discovery dispute letters containing information protected by a discovery confidentiality order may be submitted to the same address, with service on all parties consistent with that order. These procedures do not replace any sealing procedure required by Local Civil Rule 5.3, and the Court may direct an appropriate redacted public filing or sealing application.

8. Pro hac vice Applications. Applications for *pro hac vice* admission shall be made by a formal motion complying with Local Civil Rule 101.1(c). The movant shall seek consent from all other parties prior to filing and shall set forth whether all parties consent to the application in its motion papers. Any party opposing an application for *pro hac vice* admission must submit a letter setting forth its basis for the opposition within five (5) business days of the filing of the initial application for admission.

9. Courtesy Copies. One (1) courtesy copy of all submissions exceeding thirty (30) pages shall be sent by mail or other courier addressed to Chambers. Additionally, one (1) courtesy copy of any submissions filed under seal shall be sent by mail or other courier addressed to Chambers.

10. Settlement Conferences.

(a) *Attendance.* Unless otherwise ordered, trial counsel and a knowledgeable party representative with full settlement authority must attend in person. Another attorney sufficiently familiar with the case may substitute for trial counsel only with advance Court approval.

(b) *Settlement Authority.* The attending representative must be authorized to engage in negotiations and approve a settlement. The parties must arrange in advance for the participation of any additional person whose involvement is necessary for productive negotiations, such as an appropriate insurer representative when applicable. Any legal, institutional, insurance-related, or other limitation on final settlement authority must be disclosed confidentially to the Court no later than five (5) business days before the conference. The disclosure must describe the approval process and identify the person whose participation or availability may be needed. The Court will determine appropriate arrangements, which may include the in person attendance or prompt remote availability of an additional decisionmaker.

(c) *Confidential Memorandum.* No later than five (5) business days before the conference, each party shall submit a confidential settlement memorandum of no more than five (5) double-spaced pages to njdnef_hougah@njd.uscourts.gov, unless otherwise approved in advance. The memorandum must identify the anticipated attendees and their roles and include: (i) a concise factual and legal summary; (ii) a candid assessment of the party's principal litigation risks, including the opposing party's strongest arguments and evidence; (iii) demands and offers made to date and when they were made; (iv) a realistic assessment of potential monetary and nonmonetary terms of resolution and the terms material to the party; and (v) principal barriers to settlement, including approval requirements.

(d) *Participation.* Participants must appear at the settlement conference as directed by the Court and must be prepared to engage meaningfully and in good faith. Noncompliance with this Order may result in the cancellation or rescheduling of the settlement conference and the imposition of sanctions as authorized by applicable law, including an award of reasonable expenses under Rule 16(f)(2).

11. Final Pretrial Conferences. The Court conducts final pretrial conferences pursuant to Federal Rule of Civil Procedure 16(e) to formulate a trial plan and may also discuss settlement. Therefore, trial counsel as well as a knowledgeable party representative with full settlement authority must attend the conference, unless prior permission has been granted to participate by telephone. In certain cases, the Court may order the parties to submit confidential settlement memoranda under paragraph 10 in advance of the final pretrial conference. The final pretrial conference will proceed notwithstanding pending dispositive motions, unless otherwise ordered.

The parties shall use the Court's Uniform Final Pretrial Order and follow its current instructions unless otherwise ordered:

<https://www.njd.uscourts.gov/sites/njd/files/UniformFinalPretrialOrder.pdf>.

Unless otherwise directed, no later than twenty-one (21) days before the final pretrial conference, the parties shall submit the joint proposed final pretrial order via email to njdnef_hougah@njd.uscourts.gov and shall provide one (1) courtesy copy by mail to Chambers.

Noncompliance may result in correction action, cancellation, rescheduling, or sanctions as authorized by applicable law, including Federal Rule of Civil Procedure 16(f).

12. Compliance with Applicable Rules and Orders. All litigants must comply with the Federal Rules of Civil Procedure, the Local Civil Rules, and other applicable orders. Counsel and self-represented litigants are responsible for verifying factual representations, quotations, and citations to legal authority. Noncompliant submissions that are filed out of time, exceed page limitations, contain clearly erroneous statements or citations to purported legal authority, and other such violations may not be considered and may result in sanctions.

A handwritten signature in black ink, appearing to read 'Ethan A. Hougah', written over a horizontal line.

Ethan A. Hougah
United States Magistrate Judge