

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CHAMBERS OF
CARI FAIS
UNITED STATES MAGISTRATE JUDGE

FRANK R. LAUTENBERG U.S. POST OFFICE AND
COURTHOUSE
2 FEDERAL SQUARE,
NEWARK, NJ 07102
973-776-7862

CASE MANAGEMENT ORDER

This Case Management Order governs civil matters assigned to Magistrate Judge Cari Fais:

1. Communications with the Court. Unless directed by the Court or permitted by this Order, all communications with the Court shall be in writing and filed via CM/ECF. Counsel may contact chambers by telephone with procedural questions, but all questions regarding substantive matters should be in writing and electronically filed via CM/ECF. Letters filed via CM/ECF should be filed with a brief description in the docket entry summarizing the nature of the letter (e.g., “Letter from Defendant Requesting Adjournment of Status Conference”).

2. Adjournments and Extensions. Requests for adjournments and extensions should be made in writing through a letter request filed via CM/ECF. The party seeking an adjournment or extension should attempt to obtain the consent of all other parties before filing the request. The letter request should set forth the date of the conference or relevant deadline, the basis for the request, whether all parties consent to or oppose the request, the length of the adjournment or extension sought, and whether the request would impact other scheduled dates or deadlines if granted. Absent exigent circumstances, the Court will consider adjournment and extension requests only if made at least three (3) business days before a scheduled conference or deadline. Adjournment requests for settlement conferences shall be made at least thirty (30) days before the conference barring exigent circumstances.

3. Courtesy Copies. Unless specifically requested by the Court or otherwise required by this Order, courtesy copies of filed or submitted papers should ***not*** be mailed, emailed, or faxed to chambers.

4. Formal Motions. Other than (i) motions filed under Federal Rule of Civil Procedure 12, (ii) motions to remand within the time provided by 28 U.S.C. § 1447(c), (iii) motions to amend a pleading, and (iv) motions expressly permitted by this Order, formal motions shall not be filed without prior leave of Court. The Court requires full compliance with Local Civil Rules, 7.1, 16.1 and 37.1.

5. Pro hac vice Applications. Requests for admission *pro hac vice* should be filed as motions and should indicate whether the other parties consent to the admission. Requests should comply with Local Civil Rule 101.1(c) and enclose a proposed order. Parties may file motions for *pro hac vice* admission without obtaining leave of Court.

6. Discovery Disputes. Discovery disputes and other case-management applications in all cases, including those in which a party appears *pro se*, shall proceed in accordance with Local Civil Rules 16.1(f)(1) and 37.1(a)(1). The parties shall meet and confer in good faith to

resolve any discovery disputes before raising them with the Court. Before raising a dispute with the Court, the parties must meet and confer either in-person or by video conference. Any dispute not resolved shall be brought to the Court's attention by a single joint letter filed on the docket that sets forth the following: (i) the discovery dispute; (ii) efforts to resolve the dispute; (iii) the position of the complaining party with supporting legal authority; (iv) the position of the responding party with supporting legal authority; and (v) the efforts of a party to contact a non-responsive party to meet and confer and submit the joint letter, if applicable. No further letter submissions regarding the dispute may be submitted without prior leave of Court.

7. Applications to Amend or Supplement Pleadings. Motions to amend must comply with Local Civil Rule 15.1 and shall be accompanied by a proposed amended pleading with red-lined edits that clearly indicate all proposed changes. Failure to do so may result in administrative termination of the motion. Motions to amend shall not require leave of Court. Before filing a motion to amend, counsel shall share the proposed changes with the other parties and seek consent. If a party seeks to file a motion to amend after the deadline set by a Scheduling Order, the moving party must show good cause to modify the deadline pursuant to Federal Rule of Civil Procedure 16.

8. Confidentiality Orders. The parties are strongly 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: (i) a clean version of the proposed order that is ready for signature; and (ii) an additional version that clearly indicates, via redline or otherwise, how it differs from the form order.

9. Video Conferences. At each appearance, the parties shall be prepared to discuss the facts of the case, any disputes, and the status of settlement efforts. Unless otherwise specified, all conferences held virtually will be administered via Microsoft Teams. Absent exigent circumstances, all participants are required to have their video cameras on during video conferences. Only counsel listed on the docket will receive an access link to the conference. The link will be distributed via email the morning of the scheduled conference. The parties are expected to be in the virtual lobby at the meeting's start time. The parties will be admitted from the meeting lobby to the meeting room shortly thereafter. The parties are asked not to contact chambers while waiting in the virtual lobby for the meeting to start. It is the parties' responsibility to ensure receipt of the link and device functionality prior to the conference start time.

10. Settlement Conferences. Trial counsel as well as individuals with full settlement authority must appear at settlement conferences unless the Court has granted prior permission to participate remotely. Should a party fail to appear in person at the settlement conference, the matter may be referred to mediation at the expense of the party that failed to appear in person. No later than five (5) business days before the settlement conference, each party shall submit to the Court via email to CF_Orders@njd.uscourts.gov a confidential settlement submission of no more than five (5) single-spaced pages (exclusive of any exhibits). The settlement submission should: (i) outline the party's position; (ii) identify the party's priorities and any barriers to settlement; (iii) identify the contemplated terms material to a settlement; and (iv) set forth the demands and offers made to date. The Court requires courtesy copies of confidential settlement submissions if the exhibits exceed fifteen (15) pages. *Absent exigent circumstances, the Court will consider adjournment requests for settlement conferences only if made at least thirty (30) days before the conference.*

11. Final Pretrial Conferences. The Court conducts final pretrial conferences pursuant to Federal Rule of Civil Procedure 16(e). No later than fourteen (14) days before the final pretrial conference, the parties shall submit the joint proposed final pretrial order by email to CF_Orders@njd.uscourts.gov. Counsel should check the individual rules for the presiding District Judge to obtain the preferred form of final pretrial order. Counsel shall meet and confer regarding the final pretrial order in an effort to minimize disputes.

The Court expects to engage in meaningful settlement discussions at final pretrial conferences. Therefore, trial counsel as well as individuals with full settlement authority must attend the conferences.

12. Meet and Confer Requirement. Before presenting a dispute to the Court, the parties shall meet and confer either in-person or by video conference in an attempt to resolve or narrow the dispute.

13. Motions to Seal. Motions to seal must comply with Local Civil Rule 5.3(c) and must include a proposed order with proposed findings of fact and conclusions of law. 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 all parties regarding the request to seal, and the movant shall certify as to whether all parties consent in the application. Courtesy copies of sealed documents should be sent via email to CF_Orders@njd.uscourts.gov. Parties may file motions to seal without obtaining leave of Court.

14. Proposed Orders. All requests, including requests to modify a Scheduling Order, should be accompanied by a proposed order. In addition to filing via CM/ECF as an editable PDF, a copy of any proposed order should be submitted in Word format via email to CF_Orders@njd.uscourts.gov.

15. Format for CM/ECF Filings. Pleadings, motions, letters, and proposed orders filed on CM/ECF shall be filed in searchable, editable PDF format. *See, e.g.,* L.Civ.R. 5.2. Supporting documents, such as exhibits, may be filed in non-searchable format.

16. Participation by Junior Attorneys. The Court encourages the participation of less experienced attorneys (*i.e.*, those with less than five-years' experience) in all proceedings, including pretrial conferences, hearings on discovery disputes, and oral arguments, particularly when that junior attorney played a substantial role in drafting the underlying filing. The Court is also more likely to grant oral argument if a party represents, at the time of the filing of the motion or request for argument, that a junior attorney will present the argument. The Court is amenable to permitting more than one lawyer to argue for one party if this creates an opportunity for a junior lawyer to participate.

17. Pro se Litigants. *Pro se* litigants are advised that *ex parte* or personal communications and submissions are not advised and will generally not be accepted. All substantive correspondence with the Court should be filed on the docket. Any writings sent to the Court will generally be posted on the public docket.

s/ Cari Fais

CARI FAIS
UNITED STATES MAGISTRATE JUDGE