

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

CHAMBERS OF
Alex D. Silagi
UNITED STATES MAGISTRATE JUDGE

FRANK R. LAUTENBERG
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CASE MANAGEMENT ORDER

This Case Management Order governs civil matters assigned to Magistrate Judge Alex Silagi:

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. Adjournment Requests: Absent exigent circumstances, adjournment requests shall only be considered if made at least **two (2) business days** before the scheduled court proceeding. The party seeking an adjournment should attempt to gain the consent of all other parties before submitting said request. The request should be made in writing via CM/ECF as a letter request. The request must set forth: (a) the date of the court proceeding; (b) the length of adjournment requested; (c) the basis for the adjournment request; (d) whether all parties consent to or oppose the request; and (e) whether the adjournment request, if granted, would impact other scheduled dates or deadlines.

3. Courtesy Copies: Unless specifically requested by the Court or otherwise required by this Order (*see* Para. 10, Settlement Conferences), please **do not** send courtesy copies of filed or submitted papers 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. 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.

6. 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.

7. Applications to amend or supplement pleadings: Motions to amend must comply with Local Civil Rule 15.1 and shall be accompanied with a proposed amended pleading with red-lined edits that clearly indicate the proposed changes. Counsel shall try to gain the consent of all other parties before filing the application and state, in the application, whether consent was obtained. If a party seeks to file a motion to amend after the deadline set by a Scheduling Order, that party must show good cause why the amendment could not have been sought earlier 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, available on the District Court's website. 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. Status 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 no later than 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 ADS_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 fourteen (14) 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 ADS_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. 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 ADS_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, particularly when that junior attorney played a substantial role in drafting the underlying filing. The Court is more likely to grant oral argument if a party represents that a junior attorney will present the argument. The Court may permit 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/ Alex D. Silagi

ALEX D. SILAGI
UNITED STATES MAGISTRATE JUDGE