

HON. STACEY D. ADAMS, U.S.M.J.

Judicial Preferences

Adjournment Requests: Absent exigent circumstances, adjournment requests shall only be considered if made at least **three (3)** 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.

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 attempt to gain the consent of all other parties before filing the application and indicate, 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.

Communications with the Court: Direct communication with law clerks is permitted as to procedural matters only. All other communications shall be made via formal letter filed electronically via CM/ECF, unless otherwise directed by the Court.

Confidentiality Orders: Any proposed Discovery Confidentiality Order agreed to by the parties must strictly comply with Federal Rule of Civil Procedure 26(c) and Local Civil Rule 5.3. Unless good cause is shown, the parties shall use the form included in Appendix S to the Local Civil Rules. If the proposed order differs from Appendix S, the parties must submit (i) a clean version of the proposed order that is ready for signature; and (ii) a red-lined version of the proposed order that delineates how it differs from Appendix S.

Confidential Submissions: Settlement letters and any discovery dispute letters containing information subject to a Discovery Confidentiality Order shall be submitted by email to SDA_orders@njd.uscourts.gov.

Correspondence and written submissions not containing confidential information: Shall be electronically filed via CM/ECF. Papers shall not be submitted by facsimile unless otherwise directed.

Courtesy Copies: By request of the Court only.

Criminal Matters: The Court will not consider a request for bail or bail modification until after defense counsel has consulted with the U.S. Attorney's Office and U.S. Pretrial Services has assessed the proposed bail package.

Discovery Disputes and Applications. Discovery disputes and applications shall proceed in accordance with Local Civil Rules 16.1 and 37.1. Should counsel fail in their good-faith efforts to resolve the dispute by conferring pursuant to Local Civil Rule 37.1, the matter shall be brought to the Court's attention in the following manner:

- (a) The party(ies) seeking relief shall file a letter with the Court, which shall be double-spaced and not exceed five (5) pages in length. No exhibits shall be attached. The letter is meant to summarize the issue for the Court for the purpose of having a conference, and is not meant to be a substitute for a formal letter brief. The letter shall set forth the efforts taken to resolve the dispute.
- (b) The party(ies) opposing the relief sought shall file a response within five (5) days, which shall be double-spaced and not exceed five (5) pages in length. No exhibits shall be attached.
- (c) Replies are not permitted without leave of Court.

After reviewing the letters, the Court will decide whether it will conduct a conference. Formal 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 and complied with the procedures set forth herein.

Motions to secure enforcement of a subpoena or to quash a subpoena involving third parties must be made with notice to the relevant third party.

Extension of Time: Absent exigent circumstances, requests for extensions of time must be submitted at least **three (3)** business days before the scheduled deadline, or the request will not be considered. The request should be made in writing via CM/ECF as a letter request. All requests for an extension of time, other than automatic extensions pursuant to Local Rule 6.1(b) or 7.1(d)(5), must comport with Local Rule 6.1 and include (i) the date(s) sought to be extended; (ii) the number of previous extensions; (iii) the reason for the current request; and (iv) whether the adversary consents and, if not, the reason given by the adversary for refusing consent. If the requested extension affects any other scheduled dates/deadlines, the request must list the proposed change for all other dates/deadlines.

Final Pretrial Conferences: The Court conducts final pretrial conferences pursuant to Federal Rule of Civil Procedure 16(e). The parties shall submit, by email to SDA_orders@njd.uscourts.gov and regular mail, one (1) copy of the joint proposed final pretrial order no later than fourteen (14) days before the conference. Counsel should check the individual rules for the presiding District Judge to obtain the preferred form of final pretrial order. The Court expects counsel to 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 persons with full settlement authority must attend the conferences. The final pretrial conference will proceed even if there are dispositive motions pending.

Format for CM/ECF Filings: Pleadings, motions, letters and proposed orders filed on CM/ECF shall be filed in searchable PDF format. Supporting documents, such as exhibits, may be filed in non-searchable format.

Motion Practice:

- *No formal motions are permitted unless leave of court is first obtained*, except for motions under Federal Rule of Civil Procedure 12(b) or motions to remand that must be filed within thirty days of removal pursuant to 28 U.S.C. § 1447(c). When seeking leave, the moving party must first submit a letter, no longer than **three** pages, summarizing the party's argument and certifying what attempts have been made to meet and confer with the adversary to resolve the dispute. Within one week of the moving party's letter, the opposing party must submit a letter, no longer than **three** pages, summarizing the party's argument in opposition.
- Full compliance with Local Civil Rules, 7.1, 16.1 and 37.1 is expected.
- All motions must be accompanied by a proposed order in searchable PDF format, filed via CM/ECF.

Motions to Seal: Motions to seal must comply with Local Civil Rule 5.3(c) and must include a proposed order and 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.

Oral Argument: The Court will schedule oral argument on an as needed basis. If oral argument is requested, it shall be indicated in the notice of motion.

Pro hac vice: Requests for admission *pro hac vice* should be filed as motions and should indicate whether all parties consent to the admission. Requests should also comply with Local Civil Rule 101.1(c) and enclose a proposed form of Order.

Proposed Orders: In addition to filing via CM/ECF, a copy of any proposed orders should be submitted in Word format via email to SDA_orders@njd.uscourts.gov.

Settlement Conferences: Absent exigent circumstances, settlement conferences will be held in person at the Courthouse and must be attended by lead trial counsel as well as all parties and persons with settlement authority. Each party is required to submit, by email to SDA_orders@njd.uscourts.gov, a confidential settlement memorandum of no more than ten (10) double spaced pages no later than five (5) business days before the conference. Voluminous exhibits to settlement letters (exceeding 20 pages) will not be reviewed by the Court unless submitted in hard copy that is received by Chambers no later than five business days in advance of the settlement conference.

Telephone Conferences: Are permitted but must be initiated by letter informally outlining the issues to be discussed.