

RULE 7

(As amended December 17, 2007)

MOTIONS AND MEMORANDA OF LAW

(a) Submissions of Motions and Supporting Memoranda

Every motion shall incorporate a memorandum of law, including citations and supporting authorities. Affidavits and other documents setting forth or evidencing facts on which the motion is based shall be filed with the motion. No written discovery motions shall be filed without the prior approval of a judicial officer. See Rule 26(a).

(b) Objections to Motions

Unless within twenty-one (21) days after the filing of a motion the opposing party files written objection thereto, incorporating a memorandum of law, the opposing party shall be deemed to have waived objection.

Any objections shall include citations and supporting authorities and affidavits and other documents setting forth or evidencing facts on which the objection is based. The deemed waiver imposed herein shall not apply to motions filed during trial.

(c) Reply Memorandum

Within eleven (11) days of the filing of any objection to a motion, the moving party may file a reply memorandum, which shall not exceed 7 pages in length and which shall be strictly confined to replying to new matter raised in the objection or opposing memorandum.

(d) Calculation of Time for Response

The time periods for objection to motions and for filing reply memoranda shall be computed from the filing date of the motion or objection. F.R.Civ.P. 6(e) shall not apply and therefore no additional days will be added for the possibility that service may have been accomplished by mail.

(e) Form and Length

All memoranda shall be typed, double-spaced on 8-1/2 x 11 inch paper or printed. All pages shall be numbered at the bottom. No memorandum of law in support of or in opposition to a nondispositive motion shall exceed 10 pages. No memorandum of law in support of or in opposition to a motion to dismiss, a motion for judgment on the pleadings, a motion for summary judgment or a motion for injunctive relief shall exceed 20 pages. No reply memorandum shall exceed 7 pages.

A motion to exceed the limitation of this rule shall be filed no later than three (3) business days in advance of the date for filing the memorandum to permit meaningful review by the court. A motion to exceed the page limitations shall not be filed simultaneously with a memorandum in excess of the limitations of this rule.

(f) Written Submissions and Oral Argument

All motions shall be decided by the Court without oral argument unless otherwise ordered by the Court on its own motion or, in its discretion, upon request of counsel.

(g) Motions for Reconsideration

A motion to reconsider an interlocutory order of the court, meaning a motion other than one governed by Fed.R.Civ.P. 59 or 60, shall demonstrate that the order was based on a manifest error of fact or law and shall be filed within ten (10) days from the date of the order unless the party seeking a reconsideration shows cause for not filing within that time. Cause for not filing within ten (10) days from the date of the order includes newly available material evidence and an intervening change in the governing legal standard. When a motion to reconsider a ruling by the magistrate judge is directed to the magistrate judge, an objection pursuant to Fed.R.Civ.P. 72 or 28 U.S.C.A. Section 636(b) shall be filed within ten (10) days after the party objecting has been served with a copy of the magistrate's ruling on the motion to reconsider.

