

SECTION 4 | MOTION PRACTICE AND SCHEDULING HEARINGS

Before filing a motion, except a motion

- (a) for injunctive relief,
- (b) for judgment on the pleadings,
- (c) for summary judgment, or
- (d) relating to the maintenance of a class action,

the moving party shall confer with counsel for the opposing party in a good faith effort to resolve the issues raised by the motion. The moving party shall file with the motion a statement certifying that the moving counsel has conferred with opposing counsel and stating whether counsel agree on the resolution of all or part of the motion. No hearing will be set on a motion which lacks this statement. A certification to the effect that opposing counsel was unavailable for a conference before filing a motion is insufficient to satisfy the parties' obligation to confer. The moving party retains the duty to contact opposing counsel expeditiously after filing and to supplement the motion promptly with a statement certifying whether or to what extent the parties have resolved the issue(s) presented in the motion. Counsel for the non-moving party is obligated to promptly reply to a 'meet-and-confer' request and to provide availability for such conference.

If the interested parties agree to all or part of the relief sought in any motion, the caption of the motion shall include the word "unopposed," "agreed," or "stipulated" or otherwise succinctly inform the reader that, as to all or part of the requested relief, no opposition exists.

All motions do not require a hearing, and the Court may rule on motions without a hearing.

If the parties jointly agree to submit a motion to the Court without the need for a hearing, the moving party should forward to the Court the motion, a proposed order and a request for resolution without a hearing.

Hearings will only be set on motions already filed with the Clerk. All hearings must be coordinated with opposing counsel or party if unrepresented. The party requesting a hearing on any pending motion should contact the Judicial Assistant with all other parties on the line or by email at Powells@coj.net. **Dates provided for hearings are not held and may be given to other cases.** It is



expected that all counsel will promptly respond to the moving party's attorney with proposed dates received from the Judicial Assistant to facilitate this process. **Hearing dates/times are not secured until confirmation is sent from the Court.**

Once a hearing time is set, no party may add or notice additional matters for that time without the express consent of all parties.

The Court's hearing schedule has very little, and sometimes no, time in-between hearings. If attending in person, please arrive early and allow plenty of time for parking. Failure to timely appear for a hearing may result in the motion being denied (if moving party) or the motion being heard without you (if the non-moving party). Moreover, the Court will enforce the time limits set for each hearing. Any matters not resolved during the scheduled hearing time will have to be re-scheduled or decided after an opportunity for written briefing.

Any motion for which counsel is seeking more than one hour of hearing time must be scheduled with the Court directly.

Once a hearing is set, it may not be cancelled without the consent of the Court. A party filing a "*Notice of Cancellation*" does not cancel a hearing.

