

SECTION 3 | SETTING HEARINGS FOR PENDING MOTIONS

A. The party requesting the hearing shall email the Court at pfields@coj.net and copy the assistant(s) for opposing counsel and provide the case number, the motion(s) to be set for hearing and how much time is being requested.

B. The Judicial Assistant will "Reply to All" with available hearing dates/times. PLEASE NOTE: HEARING DATES/TIMES PROVIDED ARE NOT HELD AND MAY BE GIVEN TO OTHERS. HEARING DATES/TIMES ARE NOT SECURED UNTIL CONFIRMATION IS SENT FROM THE COURT.

C. If out-of-town counsel would like to telephonically attend a hearing scheduled to take **fifteen (15) minutes or less**, counsel may do so without further Order of the Court. Please notify the Court of counsel's intention to appear telephonically at the time the hearing is scheduled.

D. Should counsel wish to telephonically attend a hearing scheduled for **more than fifteen (15) minutes**, counsel must seek leave of Court by filing a written Motion and providing a courtesy copy of the Motion and proposed Order to the Court via electronic mail.

E. Telephonic appearance is a privilege. **Counsel must call the Court's office at the number above promptly at the time of the hearing.** If multiple attorneys will telephonically appear at a hearing, please have all counsel on the line prior to calling the Court's office. Any difficulties may require the Court to not allow future telephonic appearances.

F. Courtesy copies: Courtesy copies (hard copies) of all Court filings pertaining to a motion set for a time certain scheduled hearing **MUST be provided to the Court no later than ten (10) business days prior to the scheduled hearing or immediately if the hearing is scheduled within that time period.** Courtesy copies are to be hand delivered with a cover letter or mailed with a cover letter. All opposing counsel/unrepresented parties must be copied with the letter and the enclosure(s), if the enclosure(s) not previously provided through the e-portal/service of process, and specify on letter. Not complying with the Court's request for copies may result in the hearing being cancelled without notice.



G. Hearing Notebooks, Legal Memorandums and Citations: Any hearing notebooks, legal memorandums or briefs, along with hard copies of the significant cited authorities, **must be provided to the Court at least ten (10) business days before the hearing**, or immediately if the hearing is scheduled within that time period. Such item(s) are to be hand delivered with a cover letter or mailed with a cover letter. *Please be sure to provide all opposing counsel with the same cover letter and item(s).* The Court will attempt to review the motion(s) and the memorandums, and read the cases cited therein, prior to the hearing so that an immediate ruling may be rendered. Highlighting pertinent sections of case law is appreciated. Brevity is also appreciated. Case law and Memoranda provided to the Court for the first time during the hearing may not (in the Court's discretion) be considered. **The Court, on occasion, may rule on motions without a hearing. Therefore, counsel are encouraged to timely file written argument supporting and opposing their positions with the Court.**

H. Limitation on Hearings: All hearings related dispositive motions and trial matters must be **filed and heard prior to the pre-trial conference**. Motions in Limine (MIL) are governed by Section VII infra. NO HEARINGS DIRECTED TOWARDS MATTERS INVOLVING THE TRIAL OR MIL WILL BE HEARD DURING THE ACTUAL TRIAL PERIOD absent unanticipated events occurring.

I. Meet and Confer Requirement: A mandatory meet and confer process is hereby established as set forth below, for all motions to be *set for hearing* in Circuit Civil Division CV-E and to occur *before* scheduling the hearing except for the following motions: injunctive relief without notice; judgement on the pleadings; summary judgment; or to permit maintenance of a class action.

Counsel with full authority to resolve the matter shall confer before scheduling the hearing on the motion to attempt to resolve or otherwise narrow the issues raised in the motion, and include a Certificate of Compliance (attached hereto as "Exhibit A" "First Option") that the conference has occurred in the Notice of Hearing filed with the court. It shall be the responsibility of counsel who schedules the hearing to arrange the conference.



The term “confer” requires a substantive conversation in person or by telephone in a good faith effort to resolve the motion without the need to schedule a hearing, and does not envision an exchange of ultimatums by fax, e-mail or letter. Counsel who merely attempt to confer have not conferred for purposes of this Order.

Counsel must respond promptly to inquiries and communications from opposing counsel who notices the hearing and is attempting to schedule the conference. If counsel who notices the hearing is unable to reach opposing counsel to conduct the conference after three (3) good faith attempts, counsel who notices the hearing must identify in the Certificate of Compliance the dates and times of the efforts made to contact opposing counsel (attached hereto as “Exhibit A” “Second Option”).

Counsel shall include in the Notice of Hearing the Certificate of Compliance certifying that the meet and confer occurred (or did not occur and setting out the good faith attempts to schedule the conference) and identifying the date of the conference, the names of the participating attorneys, and the specific results obtained.

Counsel who notices the hearing shall ensure that the court and the court’s judicial assistant are aware of any narrowing of the issues or other resolution as a result of the conference.

