

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

CHAMBERS OF  
**J. BRENDAN DAY**  
UNITED STATES MAGISTRATE JUDGE

CLARKSON S. FISHER FEDERAL BUILDING  
& U.S. COURTHOUSE  
402 EAST STATE STREET  
TRENTON, NEW JERSEY 08608  
(609) 989-2114

**CASE MANAGEMENT ORDER**

This case management order governs civil matters assigned to Magistrate Judge J. Brendan Day.

**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. Telephone calls to chambers will be permitted only as to administrative and procedural matters. 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 Telephone Conference”; “Letter from Plaintiff Regarding Discovery Dispute”; “Letter from Plaintiff Requesting Leave to File Motion to Amend Complaint”; etc.)

**2. Adjournments and Extensions.** Requests for adjournments and extensions should be made in writing through a letter request filed via CM/ECF. The party seeking an adjournment or extension should attempt to obtain the consent of all other parties before filing the request. The letter request should set forth the date of the conference/hearing or relevant deadline; the basis for the request; whether all parties consent to or oppose the request; the length of the adjournment or extension sought; and whether the request, if granted, would impact other scheduled dates or deadlines. ***Absent exigent circumstances, the Court will consider adjournment and extension requests only if made at least two (2) business days before a scheduled conference or deadline.***

**3. Courtesy Copies.** Unless specifically requested by the Court or otherwise required by this Order, courtesy copies of filed or submitted papers should ***not*** be mailed, emailed, or faxed 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), and (iii) motions expressly permitted by this Order, formal motions shall not be filed without prior leave of Court.

**5. Discovery Disputes.** Discovery disputes and other case-management applications shall proceed in accordance with Local Civil Rules 16.1(f)(1) and 37.1(a)(1). Consistent with their obligation under the rules, the parties shall meet and confer in good faith to resolve any discovery disputes before raising them with the Court. Email exchanges are not sufficient to satisfy the meet-and-confer requirement: Before raising a dispute with the Court, the parties must meet and confer in person, via video-conference, or by telephone. Should counsel fail in their good-faith efforts to resolve the dispute, the matter should be brought to the Court's attention through a *single* joint letter that sets forth the following: (i) the request; (ii) the response; (iii) efforts to resolve the dispute; (iv) the position of the complaining party; (v) the position of the responding party; and (vi) if applicable, the efforts of a party to contact a non-responsive party to meet and confer and submit the joint letter. ***No further letter submissions regarding the dispute may be submitted without prior leave of Court.*** The joint letter should be filed via CM/ECF unless it contains information subject to a discovery confidentiality order, in which case it may be submitted to chambers via email to [jbd\\_orders@njd.uscourts.gov](mailto:jbd_orders@njd.uscourts.gov).

**6. Motions to Amend.** Motions to amend a pleading must comply with Local Civil Rule 15.1. Pursuant to the rule, such motions must include as an exhibit a black- or red-lined proposed amended pleading that clearly indicates the proposed changes. Failure to do so will result in administrative termination of the motion.

**7. Motions to Seal.** Motions to seal must comply in all respects with Local Civil Rule 5.3(c) and must include a proposed order that includes findings of fact and conclusions of law, and which includes references to the docket entries that are the subject of the motion. Contemporaneously with the motion, counsel should submit to the Court, via email to [jbd\\_orders@njd.uscourts.gov](mailto:jbd_orders@njd.uscourts.gov), any proposed redacted documents to be filed if the motion is granted. 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 its application. Parties may file a motion to seal without obtaining leave of Court.

**8. Confidentiality Orders.** The parties are strongly encouraged to use the form discovery confidentiality order found at Appendix S of the Local Civil Rules. 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, in what respect(s) it differs from the form order.

**9. Confidential Submissions.** Confidential settlement submissions and discovery dispute letters containing information subject to a confidentiality order should be submitted to the Court via email to [jbd\\_orders@njd.uscourts.gov](mailto:jbd_orders@njd.uscourts.gov).

**10. Pro hac vice Applications.** Requests for *pro hac vice* admission should be made by motion filed via CM/ECF. The application shall comply with Local Civil Rule 101.1(c) and include a proposed form of order. The applicant shall set forth whether all parties consent to the application. Any party opposing an application for *pro hac vice* admission must, within two (2) business days of the filing of the initial application, file a letter via CM/ECF setting forth the basis for the opposition. Parties may file a motion for *pro hac vice* admission without obtaining leave of Court.

**11. 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 by telephone. No later than five (5) business days before the settlement conference, each party shall submit to the Court via email to [jbd\\_orders@njd.uscourts.gov](mailto:jbd_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 outline the party's respective position(s); identify information on what is important to the client and any barriers to settlement; identify the contemplated terms material to a settlement; and set forth any demands and offers made to date.

**12. Final Pretrial Conferences.** The Court shall conduct final pretrial conferences pursuant to Federal Rule of Civil Procedure 16(e). 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, unless prior permission has been granted to participate by telephone. The final pretrial conference will proceed even if there are dispositive motions pending. No later than three (3) weeks before the Final Pretrial Conference, the parties shall submit the joint proposed final pretrial order via email to [jbd\\_orders@njd.uscourts.gov](mailto:jbd_orders@njd.uscourts.gov), and shall provide one (1) courtesy copy by mail to chambers.

***s/ J. Brendan Day***

---

J. BRENDAN DAY  
UNITED STATES MAGISTRATE JUDGE

APRIL 2023