

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

CHAMBERS OF
ANDRÉ M. ESPINOSA
UNITED STATES MAGISTRATE JUDGE

MARTIN LUTHER KING JR. COURTHOUSE
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CIVIL CASE MANAGEMENT ORDER

The following shall apply to civil matters assigned to Magistrate Judge André M. Espinosa. Failure to comply with the terms of this Order may result in sanctions pursuant to the Federal Rules of Civil Procedure 16(f) and 37.

1. Communications with the Court. All communications to the Court shall be in writing via CM/ECF. Telephone calls to chambers will be permitted as to administrative matters only or as otherwise directed by the Court. Mail, email, and fax communications will not be accepted or considered unless expressly authorized by the Court.

2. Adjournments. Conferences are scheduled with ample notice to the parties. Adjournment requests must be made no later than five business days before the scheduled conference.

3. Extensions. Extensions of time as provided in court-ordered schedules must be requested in writing at least five business days prior to the expiration of deadlines. The request shall indicate the current and proposed dates and include a proposed form of order. Counsel should endeavor to seek the consent of all parties prior to making such requests and must note in the request whether consent has been obtained. Thereafter, no extensions of any conference date will be granted except upon a showing unforeseen, emergent circumstances and by leave of Court, even if there is consent of all counsel. All conferences will proceed as scheduled on CM/ECF unless the Court expressly provides to the contrary.

4. Formal motions. Other than motions filed under Federal Rule of Civil Procedure 12, motions to remand within the time provided by 28 U.S.C. § 1447(c), and motions expressly permitted by this Case Management Order, formal motions shall not be filed without prior leave from this Court.

5. Motions to amend. Pursuant to Local Civil Rule 15.1, motions to amend pleadings must include as an exhibit a black- or red-lined proposed amended complaint, which clearly indicates the proposed changes. Failure to do so will result in administrative termination of the motion.

6. 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. Failure to comply with Local Civil Rule 5.3(c) will result in administrative termination of the motion. Counsel shall make every effort to secure the consent of opposing counsel regarding the request to seal.

7. Confidentiality orders. The parties are encouraged to use the form discovery confidentiality order found at Appendix S of the Local Rules. If the parties submit their own version of a confidentiality order, which differs from Appendix S, they must submit: (1) a clean version of the proposed order that is ready for signature, and (2) an additional version that shall indicate in what respect(s) it differs from Appendix S by bracketing or striking through materials to be deleted and underlining materials to be added.

8. Confidential submissions. Settlement letters and discovery dispute letters containing information subject to a Discovery Confidentiality Order may be submitted to the Court by email to AME_orders@njd.uscourts.gov.

9. Pro hac vice applications: If admission *pro hac vice* is sought on consent, the request should be made by informal application filed on CM/ECF. The application must contain a letter indicating consent, a certification of admission and good standing, and a certification of local counsel stating that counsel shall comply with Local Civil Rule 101.1(c). A proposed form of order must be submitted. If not consented, the party making the application must proceed by motion.

10. Discovery extensions, disputes, and motions. Any request for an extension or an amended scheduling order shall indicate the current and proposed dates as well as whether the request is made on consent. Any such request shall include a proposed order.

Discovery disputes shall proceed in accordance with Local Rules 16.1 and 37.1. Should counsel fail in their good faith efforts to resolve the dispute by conferring pursuant to Rule 37.1, the matter shall be brought to the Court's attention via a joint letter, not to exceed five pages, that sets forth:

- a) the request;
- b) the response;
- c) efforts to resolve the dispute;
- d) the position of the complaining party;
- e) the position of the responding party; and, if applicable,
- f) 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 leave of Court.

Discovery motions may be filed only upon leave of Court and only after the parties have proceeded in accordance with Local Rules 16.1 and 37.1.

Motions to secure enforcement of a subpoena or to quash a subpoena involving third parties may be made without meeting and conferring, but counsel must obtain leave of Court before filing any such motion.

11. Courtesy copies. One courtesy copy of all submissions exceeding 20 pages shall be sent by regular mail or other courier addressed to chambers.

12. Settlement conferences. Trial counsel as well as persons with full settlement authority must appear at settlement conferences. Each party shall submit, by email to AME_orders@njd.uscourts.gov, a confidential settlement memorandum of no more than five double-spaced pages no later than five business days before the conference. If trial counsel and clients do not comply with this Order, the settlement conference may be canceled or rescheduled and the noncompliant party and/or attorney may be sanctioned, which may include an assessment of the costs and expenses incurred by those parties who appeared as directed.

13. Final pretrial conferences. The Court conducts final pretrial conferences pursuant to Rule 16(d). The parties shall contact Chambers for a model version of the joint final pretrial order applicable to the District Judge assigned to the matter. 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.

The parties shall submit, by email and regular mail, a copy of the joint proposed final pretrial order no later than five business days before the conference.

If the parties do not comply with this Order, the final pretrial conference may be canceled or rescheduled and the attorney may be sanctioned, which may include an assessment of the costs and expenses incurred by those parties who appeared as directed.

/s/ André M. Espinosa
ANDRÉ M. ESPINOSA
UNITED STATES MAGISTRATE JUDGE