

(3) Motions filed electronically by ECF Registered Users shall also comply with the Policies and Procedures that govern Electronic Case Filing for the District of New Jersey.

(4) The procedure for requesting and scheduling oral argument is set forth in L. Civ. R. 78.1.

(c) Motion Days

(1) The regular motion days for all vicinages are set forth in L.Civ.R. 78.1. All applications, other than applications under L.Civ.R. 65.1, by notice of motion or otherwise, shall be made returnable before the Judge or Magistrate Judge to whom the case has been assigned on the first regular motion day which is at least 24 days after the date of filing.

(2) If a motion is noticed for any day other than a regular motion day, unless such day has been fixed by the Court, the Clerk shall list the disposition of the motion for the next regular motion day and notify all parties of the change in date.

(d) Filing Motion Papers

(1) No application will be heard unless the moving papers and a brief, prepared in accordance with L.Civ.R. 7.2, and proof or acknowledgment of service on all other parties, are filed with the Clerk at least 24 days prior to the noticed motion day. The brief shall be a separate document for submission to the Court, and shall note the motion day on the cover page.

(2) The brief and papers in opposition to a motion, specifying the motion day on the cover page, with proof or acknowledgment of service thereof on all other parties, must be filed with the Clerk at least 14 days prior to the original motion day, unless the Court otherwise orders, or an automatic extension is obtained pursuant to L.Civ.R. 7.1(d)(5).

(3) If the moving party chooses to file papers in reply, those papers including a reply

brief specifying the motion day on the cover page, with proof or acknowledgment of service thereof on all other parties, must be filed with the Clerk at least seven calendar days prior to the motion day. No reply papers shall be filed on a motion for reconsideration pursuant to L.Civ.R. 7.1(i) or on a cross-motion, unless the Court otherwise orders.

(4) In lieu of filing any brief pursuant to L.Civ.R. 7.1(d)(1), (2) or (3), a party may file a statement that no brief is necessary and the reasons therefor.

(5) The motion day of a dispositive motion may be adjourned once by a party opposing the motion, without the consent of the moving party, the Court, or the Clerk. To obtain the automatic extension a party must file with the Clerk, and serve upon all other parties, a letter invoking the provisions of this rule before the date on which opposition papers would otherwise be due under L.Civ.R. 7.1(d)(2). That letter shall set forth the new motion day, which shall be the next available motion day following the originally noticed date. All parties opposing the motion shall file their opposition papers at least 14 days prior to the new motion day, and the moving party shall file its reply papers, if any, at least seven calendar days prior to the new motion day. No other extension of the time limits provided in L.Civ.R. 7.1(d)(2) and (3) shall be permitted without an Order of the Court, and any application for such an extension shall advise the Court whether other parties have or have not consented to such request.

(6) No sur-replies are permitted without permission of the Judge or Magistrate Judge to whom the case is assigned.

(7) The Court may reject any brief or other paper not filed within the time specified.

(e) Preparation of Order

All filed motions shall have annexed thereto a proposed order. If the proposed order does

not adequately reflect the Court's ruling, the prevailing party, if directed by the Court, shall submit an order within five calendar days of the ruling on the motion on notice to all other parties. Unless the Court otherwise directs, if no specific objection to that order with reasons therefor is received within seven calendar days of its receipt by the Court, the order may be signed. If such an objection is made, the matter may be listed for hearing at the discretion of the Court.

(f) Motions Regarding Additional Pleadings

Upon filing of a motion for leave to file an amended complaint or answer, a complaint in intervention, or other pleading requiring leave of Court, the moving party shall attach to the motion a copy of the proposed pleading or amendments and retain the original until the Court has ruled. If leave to file is granted, the moving party shall file the original forthwith.

(g) Courtesy Copies

In addition to the filing of all papers, including briefs, in support of or in opposition to a motion, the filer must submit forthwith to the Judge's or Magistrate Judge's chambers one courtesy copy of each filed paper or brief in paper form, unless otherwise directed by the judicial officer. These documents shall be clearly marked as courtesy copies.

(h) Cross-Motion

A cross-motion related to the subject matter of the original motion may be filed by the party opposing the motion together with that party's opposition papers and may be noticed for disposition on the same day as the original motion, as long as the opposition papers are timely filed. Upon the request of the original moving party, the Court may enlarge the time for filing a brief and/or papers in opposition to the cross-motion and adjourn the original motion day. The

provisions of L.Civ.R. 7.1(d)(5) apply to dispositive cross-motions.

(i) Motions for Reconsideration

A motion for reconsideration shall be served and filed within 10 business days after the entry of the order or judgment on the original motion by the Judge or Magistrate Judge. A brief setting forth concisely the matter or controlling decisions which the party believes the Judge or Magistrate Judge has overlooked shall be filed with the Notice of Motion.

Amended: March 31, 1999, February 24, 2005

Civ. RULE 7.2 AFFIDAVITS AND BRIEFS

(a) Affidavits shall be restricted to statements of fact within the personal knowledge of the affiant. Argument of the facts and the law shall not be contained in affidavits. Legal arguments and summations in affidavits will be disregarded by the Court and may subject the affiant to appropriate censure, sanctions or both.

(b) Any brief shall include a table of contents and a table of authorities and shall not exceed 40 ordinary typed or printed pages (15 pages for any reply brief submitted under L.Civ.R. 7.1(d)(3) and any brief in support of or in opposition to a motion for reconsideration submitted under L.Civ.R. 7.1(i)), excluding pages required for the table of contents and authorities. Briefs of greater length will only be accepted if special permission of the Judge or Magistrate Judge is obtained prior to submission of the brief.

(c) All briefs shall be in black lettering on paper size 8.5 x 11 inches. All margins shall be not less than one-inch on sides, top, and bottom.

(d) Each page of a brief shall contain double-spaced text and/or single spaced footnotes or inserts. Typeface shall be in 12-point non-proportional font (such as Courier New 12) or an

equivalent 14-point proportional font (such as Times New Roman 14). If a 12-point proportional font is used instead, the page limits shall be reduced by 25 percent (e.g., the 40 page limit becomes 30 pages in this font). Footnotes shall be printed in the same size of type utilized in the text.

Amended: December 22, 1999, April 19, 2000

Civ. RULE 78.1 MOTION DAYS AND ORAL ARGUMENT

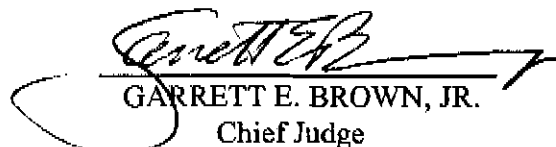
(a) Except during vacation periods of the Court, the regular motion days for all vicinages are the first and third Monday of each month. Whenever a regular motion day falls on a holiday, the motion day becomes the following non-holiday. The Clerk shall publish a list of all regular motion days for each calendar year, and corresponding filing deadlines, on the web site of the Court and in appropriate legal publications.

(b) All motions and other applications will be decided on the papers submitted unless: (1) a party requests oral argument and the request is granted by the Judge or Magistrate Judge; or (2) the Court, sua sponte, directs that oral argument be held. Any request for oral argument shall be clearly marked on the first page of the notice of motion and/or the brief filed by the party making such request. If oral argument is to be heard, the Court will so notify the parties and designate the day and time of the argument.

Amended: February 24, 2005

It is FURTHER ORDERED that these amendments are effective January 2, 2008.

FOR THE COURT:


GARRETT E. BROWN, JR.
Chief Judge