

Notice

PLEASE TAKE NOTICE that the Court is considering changes to Civil Local Rules 7-3 and 7-7 which would change the regular motion briefing schedule so that the opposition is due 14 days after the motion is filed, and the reply 7 days after that, rather than counting backward from the hearing date. It is anticipated that this will be easier to calculate and to automate in the Electronic Case Filing system. A continuance of the hearing date would not automatically continue the briefing schedule. An obsolete reference to Federal Rule of Civil Procedure 56(c) is deleted. Any subsection not appearing in the proposed revised rule, will remain unchanged. Comments may be submitted by emailing Evidence@cand.uscourts.gov, within thirty days of the date of this Notice.

Dated: February 17, 2011

Proposed Modification to Civil Local Rules 7-3 and 7-7 (Red-line version)

7-3. Opposition; Reply; Supplementary Material.

(a) Opposition. Any opposition to a motion must be served and filed not **more than 14 days after the motion is filed.** ~~less than 21 days before the hearing date.~~ The opposition may include a proposed order, affidavits or declarations, as well as a brief or memorandum under Civil L.R. 7-4. Any evidentiary and procedural objections to the motion must be contained within the brief or memorandum. Pursuant to Civil L.R. 7-4(b), such briefs or memoranda may not exceed 25 pages of text.

(c) Reply. Any reply to an opposition must be served and filed by the moving party not **more than 7 days after the opposition is filed.** ~~less than 14 days before the hearing date.~~ The reply may include affidavits or declarations, as well as a supplemental brief or memorandum under Civil L.R. 7-4. Any evidentiary and procedural objections to the opposition must be contained within the reply brief or memorandum. Pursuant to Civil L.R. 7-4(b), the reply brief or memorandum may not exceed 15 pages of text.

7-7. Continuance of Hearing or Withdrawal of Motion.

(a) Before Opposition is Filed. Except for cases where the Court has issued a Temporary Restraining Order, a party who has filed a motion may file a notice continuing the originally noticed hearing date for that motion to a later date if:

- (1) No opposition has been filed; and
- (2) The notice of continuance is filed prior to the date on which the opposition is due pursuant to Civil L.R. 7-3(a).

(b) After Opposition is Filed. After an opposition to a motion has been filed, the noticed hearing date may be continued to a subsequent date as follows:

- (1) When parties affected by the motion have not previously stipulated to continue the hearing date, unless the hearing date has been specially set by the Judge, the parties affected by the motion may stipulate in writing pursuant to Civil L.R. 6-1(a) to continue the hearing date; or

- (2) Upon order of the assigned Judge:

~~(A) On the Court's own motion; or~~

~~(B) Pursuant to Civil L.R. 56-1 to permit a party time to respond to papers filed under FR Civ P 56(c);~~

(d) Effect on Time for Filing Opposition or Reply. Unless ~~the~~ **an** order for continuance specifies otherwise, the entry of an order, **stipulation or notice** continuing the hearing of a motion automatically **does not** extend the time for filing and serving opposing papers or reply papers to ~~21 and 14 days, respectively, preceding the new hearing date, unless the date for filing the papers has already passed prior to the date of the order for continuance.~~