

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

HONORABLE KATHLEEN CARDONE

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ALL CIVIL CASES

MOTION FILING PROCEDURE BEFORE JUDGE CARDONE

The goal of this Order is to reduce filings, to expedite case resolution, to reduce the cost of processing cases, to reduce work for the Clerk's Office, to allow filings to be docketed consecutively, to promote cooperation among counsel, and to eliminate unnecessary motion adjudication. Counsel should read the Order below carefully to maximize the advantages for themselves, for the parties, and for the Court.

1. This Order applies to all motions except those listed below.

- a) for admission *pro hac vice*;
- b) to withdraw;
- c) for security for costs;
- d) to proceed *in forma pauperis*;
- e) for appointment of counsel;
- f) for temporary restraining orders;
- g) to file overlength memoranda;
- h) to file supplemental memoranda;
- i) for default for failure to appear;
- j) for default judgment;
- k) for enlargement of time;
- l) those directed solely at or in relation to other than the appearing parties;
- m) those as may be excused for good cause shown;
- n) under FED. R. CIV. P. 50(b);
- o) under FED. R. CIV. P. 59 and FED. R. CIV. P. 60; and
- p) for attorneys' fees under Local Rule CV-7(i).

2. Before filing any motion, moving counsel shall consult all counsel to try to reach agreement as to the subject of the proposed motion. Any agreement reached may be confirmed by a stipulation or a motion on consent, either of which shall be effective only on approval by the Court.

3. Absent agreement, moving counsel shall serve on all counsel the proposed original motion and all moving papers, certifying thereon the fact and date of such service. The original motion and moving papers shall not be filed with this Court. In lieu of filing the original moving papers,

counsel shall file a certification of service, which shall serve as evidence of compliance with a motion-filing deadline otherwise fixed by law, by Federal Rule of Civil Procedure, by Local Rule, or by scheduling order of this Court.

4. Counsel so served shall within eleven (11) days of the service date:

- a) serve on moving counsel a stipulation reflecting acquiescence in the motion; or
- b) serve on moving counsel an original memorandum in response, together with any response papers and a certification of the fact and date of such service. Counsel shall serve copies of these documents on all other counsel. No response papers shall be filed with this Court, although counsel may file a certificate of service listing the documents served and the fact and date of such service.

5. Moving counsel then shall:

- a) after receipt of a stipulation, join in the stipulation and file the same with this Court;
- b) after receipt of an original memorandum in response, file the original memorandum in response together with any response papers, with the original motion, and with all moving papers in the Court. Any reply memoranda shall be filed directly with the Court, at the same time serving copies of the reply memoranda on all other counsel; or
- c) absent opposition after eleven (11) days from the date of service or absent a stipulation, file with this Court a copy of the motion and all moving papers, a certification of compliance with this Order and the absence of a receipt of opposition, and a request that the motion be granted absent any known opposition.

6. Sur-reply memoranda and any supplemental papers shall be filed only with a motion for leave to file.

7. When filing cross-motions, such as for summary judgment, counsel may:

- a) file each motion separately, such that each motion is filed in compliance with the Order as its own complete package; or
- b) coordinate their filings with opposing counsel such that both cross-motions are filed as a single joint package, with memoranda appropriately titled as in opposition of one motion and as in support of the other motion.

8. Any motion or filing not in compliance with this Order shall not be accepted for filing. Any motion filed in compliance with this Order without opposition may be granted absent opposition.

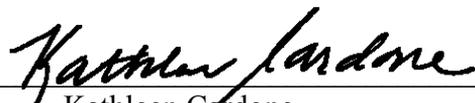
9. The following shall apply to Motions for Enlargement of Time:

a) Counsel shall indicate the number of enlargements of time requested and granted prior to the filing of such motion. Counsel shall further set forth in detail what has been done and what needs to be accomplished which would thereby justify the amount of time requested. Absent such showing, the motions may be denied.

b) Requests for an extension of time filed at or after an expiration date do not reflect good planning and may warrant denial of the request.

SO ORDERED.

Dated at El Paso, Texas, September 18, 2003.



Kathleen Cardone
United States District Judge