**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF ALABAMA**

**\_\_\_\_\_\_\_\_ DIVISION**

**[Name of plaintiff(s)],** )

 **)**

 **Plaintiff(s), )**

 **)**

**v. ) Civil Action No.**

 **)**

**[Name of defendant(s)], )**

 **)**

 **Defendant(s). )**

**INITIAL ORDER GOVERNING ALL FURTHER PROCEEDINGS[[1]](#footnote-1)**

**I. Discovery**

The parties may commence discovery pursuant to the terms of Federal Rule of Civil Procedure 26. In cases removed from state court in which discovery requests were filed before removal, those discovery requests shall be deemed filed on the date the parties file their Rule 26 report. The parties are instructed to review Local Rule 5.3 regarding the non‑filing of discovery materials in civil cases.

Prior to filing any motion regarding a discovery dispute, the moving party must serve the opposing party with a letter identifying each issue and/or discovery request in dispute, stating the moving party’s position with respect to each such issue and/or request, and specifying the terms of the discovery order to be sought. Afterward, counsel for the parties shall confer in person in a good faith effort to resolve the dispute in whole or in part without court intervention. In the

event that the offices of the parties’ counsel are located in different counties, they may attempt to resolve the dispute via virtual or telephone conference rather than in person.

If the parties are unable to reach a resolution after conferring with each other, they must request a conference with the undersigned. Prior to the conference, the parties shall file on the CM/ECF docket a **3-page** letter to the court. The letter shall consist of a one-page joint statement on which the parties agree, along with a one-page statement from each party. If the parties cannot agree on a joint statement, the letter will be limited to two pages, with one page submitted by each party. In their letter, the parties should express their preference regarding whether the conference should be conducted in person, by Zoom, or by telephone.

If the dispute is not resolved after the conference with the court, the court may grant leave to file a discovery motion. **No discovery motion should be filed without leave of the court.**

**II. Electronic Submissions (Proposed Orders)**

**A. CM/ECF Record**

The official record of this case is maintained electronically pursuant to CM/ECF. Documents must be filed through CM/ECF in PDF (Portable Document Format), unless submitted by a party appearing *pro se*, in which case documents should be filed with the Clerk of Court. Except in extraordinary circumstances, all filings shall be consistent with the Court’s Civil Administrative Procedures Manual found on the court’s website at [https://www.alnd.uscourts.gov/sites/alnd/files/AL-N%20Civil%20Administrative%20Procedures %20Manual.Revision.05-18-2021.pdf](https://www.alnd.uscourts.gov/sites/alnd/files/AL-N%20Civil%20Administrative%20Procedures%20%20Manual.Revision.05-18-2021.pdf).

**B. Protected Information**

Counsel are reminded to comply with the court’s Administrative Procedures Manual for electronic filing with respect to redacting personal identifiers. Counsel should redact personal or sensitive information (e.g., Social Security numbers, drivers’ license numbers, birth dates, addresses, telephone numbers, bank account and credit card information) in compliance with the E-Government Act.

When filing material under seal, parties must comply with the Administrative Procedures Manual.

**C. Required Electronic Submissions to Chambers**

All motions that are not dispositive must be accompanied by a proposed order, and any opposition to a motion that is not a dispositive motion may be accompanied by a proposed order. **Counsel must email a Microsoft Word copy of any proposed order to** **danella\_chambers@alnd.uscourts.gov****.**

***Ex parte* communications are not allowed.** All communications to the chambers email address must show a copy to all opposing counsel or *pro se* parties.

**III. Motion Practice**

All motions **MUST** comply with all requirements of this Order. Except for good cause shown, motions and/or briefs that do not conform to the requirements of this Order may be stricken. The following **MUST** appear on the first page of every motion or brief directly below the case number in the caption of the pleading: (1) the indication “**ORAL ARGUMENT REQUESTED**,” if the movant requests oral argument; (2) an indication of the movant’s preference regarding whether the argument should be conducted “**IN PERSON**,” “**BY ZOOM**,” or “**BY TELEPHONE**”; and (3) an indication whether the motion is **OPPOSED** or **UNOPPOSED**.

Additionally, where applicable (see below), a party should clearly indicate that a motion is a **TIME SENSITIVE** or **EMERGENCY** submission.

**A. Format Applicable to All Motions and Briefs**

The parties’ motions and briefs shall be in Times New Roman font and 12‑point type. Footnotes shall be in 12-point type. Documents shall be double spaced; footnotes and indented quotations that exceed three lines may be single spaced.

Citations to the record must refer to the document number, page number, and paragraph or line number, where available. If the parties are unable to cite to a specific paragraph or line number, they shall cite the document number and page number.

**B. Summary Judgment Motion Requirements**

**1. Briefing Schedule**

The parties will receive a scheduling order with a deadline for filing dispositive motions. Any motion for summary judgment, supporting brief, and evidentiary materials will be due on or before that deadline. A motion for summary judgment, the supporting brief, and any supporting evidentiary submissions should be filed as separate documents on the CM/ECF docket.

Unless otherwise ordered by the court, the responsive submission of the party opposing the motion for summary judgment is due no later than twenty-one (21) calendar days after the motion for summary judgment is filed. And, unless otherwise ordered by the court, the movant’s reply brief (if any) must be filed no later than fourteen (14) calendar days after the date on which the opponent’s responsive brief was due under this Order.

**2. Page Limits**

Initial and responsive briefs are limited to thirty (30) pages. Reply briefs are limited to fifteen (15) pages. Summary judgment briefs should include a Table of Contents and Table of Authorities, which do not count toward the page limits.

**C. Motion Requirements (Other than Summary Judgment)**

**1. Briefing Schedule**

A party filing a motion (other than one for summary judgment) shall incorporate in the motion the arguments and/or authorities on which the motion relies; separate motions and supporting briefs are discouraged.

Unless otherwise ordered by the court, the opponent’s responsive brief shall be filed no later than fourteen (14) calendar days after the motion is filed. And, unless otherwise ordered by the court, the movant’s reply brief (if any) must be filed no later than seven (7) calendar days after the date on which the opponent’s responsive brief was due under this Order.

**2. Page Limits**

Initial and responsive briefs for motions other than summary judgment are limited to fifteen (15) pages, exclusive of exhibits. Reply briefs are limited to ten (10) pages.

**D. Requirements for Evidentiary Materials**

Simultaneously with their briefs, the parties must file all evidentiary materials (e.g., affidavits, exhibits, depositions, etc.) on which they rely in support of or in opposition to a motion—except those materials included in the moving party’s initial evidentiary submission, which any party opposing the motion may reference without resubmitting additional copies of the same materials.

While the court may consider evidentiary materials that are not filed and not specifically referenced in any brief, no party should assume that the court will consider such materials. A specific reference must include the exhibit number, page number, and when appropriate, the paragraph or line number.

Evidentiary submissions **MUST** contain a Table of Contents that includes a brief narrative description of each document, e.g., “Plaintiff’s Exhibit 1, the Deposition of John Doe.” For ease of citation, each exhibit, affidavit, deposition, etc. must be separately identified by a capital letter or number (i.e., “Exhibit A” or “Exhibit 1”); and, if the exhibit includes more than one page, each page must be separately numbered. Parties are **DIRECTED** to submit **ENTIRE** depositions, even if only relying on an excerpt, in travel transcript format consisting of no more than four pages of deposition text per 8 ½ by 11 inch page.

**E. Motions to Withdraw as Counsel**

A motion to withdraw as counsel **MUST** include a certification that the moving attorney has served a copy of the motion on his or her client and has informed the client of the right to file an objection with the court within fourteen (14) calendar days of the date of the notification.

**F. Time Sensitive and Emergency Motions**

Where applicable, a party should clearly indicate that a motion is a time sensitive (“**TIME SENSITIVE**”) or emergency (“**EMERGENCY**”) submission. A motion is a time sensitive submission, where the party requests a ruling in five **(5) business days or less**. A motion is an emergency submission, where the party requests a ruling in **two (2) business days or less**.

**G. Motions for Extension of Time**

Absent extraordinary unforeseen circumstances, a party should file any motion requesting an extension of time at least three (3) business days before the applicable deadline. Motions for an extension of time that do not satisfy this requirement generally will be denied. Successive requests for extensions by the same party are disfavored.

**H. Oral Argument**

The court generally will set cases for oral argument, if so requested. As stated above, if any party desires oral argument on a motion, that party should request argument in its motion or response. Additionally, the request should include the movant’s preference regarding whether the argument should be conducted in person, by Zoom, or by telephone.

All motions, responses, briefs, and memoranda relating to any matter set for hearing before the court must be filed electronically no later than 4:30 p.m. CT the day before the date of the hearing. Papers filed after that time will not be considered at the hearing.

**Attorneys with Fewer than Six Years of Experience.** When determining whether to hold oral argument, the court will consider, among other things, whether an attorney with fewer than six years of experience will be arguing. If so, the court will give the parties additional time for argument to provide a more experienced attorney time to supplement the less experienced attorney’s argument. The court should be advised that a newer lawyer is doing the argument well in advance of the hearing date.

**I. Courtesy Copies**

For all submissions exceeding thirty (30) pages (including exhibits), the filing party must submit, within five (5) business days of filing, an exact courtesy copy of the submission, **reflecting the CM/ECF case number, document number, date, and page stamp on each page**, to the Clerk’s office for delivery to chambers. Deliveries are not accepted in the court’s chambers. **COURTESY COPIES SHOULD BE DOUBLE-SIDED AND SECURELY BOUND IN A TABBED 3-RING BINDER.** Each document with a separate CM/ECF docket number should have its own tab in the 3-ring binder; and the filing party may submit more than one 3-ring binder, as appropriate.

**IV. Status Conferences**

The court will set status conferences as the case proceeds. As needed, the parties can request a status conference with the undersigned. Prior to the conference, the parties shall file on the CM/ECF docket a **3-page** letter to the court. The letter shall consist of a one-page joint statement on which the parties agree, along with a one-page statement from each party. If the parties cannot agree on a joint statement, the letter will be limited to two pages, with one page submitted by each party. In their letter, the parties should express their preference regarding whether the conference should be conducted in person, by Zoom, or by telephone.

**V. Suitability of Action for Alternative Dispute Resolution**

All parties should give early consideration to the possibility of settlement to avoid unnecessary costs and fees. The court requires that all attorneys, along with their clients, make an early analysis of the case and be prepared to discuss settlement at an early date. The parties shall also consider and discuss whether this action may be suitable for mediation, whether under the court’s ADR plan or otherwise. At any stage, a party may make a written request for a settlement conference with the court if the party believes it would be conducive to settlement.

**VI. Particular Cases**

If a party anticipates that it may, for any reason other than as a sanction under the Federal Rules of Civil Procedure, seek an award of fees from the opposing party pursuant to a statute or common law or an agreement between the parties, then the party **MUST** comply with the mandatory rules of fee shifting cases. Failure to comply may result in denial of a request for attorneys’ fees.

The undersigned’s web page contains standard orders for fee shifting cases and cases that involve EEOC charges.

1. This Order, along with Judge Danella’s other standard orders in civil cases and general information about chambers policies, is available at https://www.alnd.uscourts.gov/ content/magistrate-judge-nicholas-danella. The Local Rules of this court may be accessed at www.alnd.uscourts.gov, Local Rules and Orders. The court assumes that each attorney and *pro se* party who appears in this case has read this Order and the Local Rules and will comply with them. [↑](#footnote-ref-1)