

APPENDIX III

NON-SUMMARY JUDGMENT MOTIONS¹ REQUIRING BRIEFING

The court recognizes that a number of motions filed with the court do not require additional briefing before the court takes them under consideration.

However, to the extent the parties determine that briefing is necessary on a non-summary judgment motion, or to the extent the court orders briefing on a non-summary judgment motion, the following schedule and requirements for the submission of briefs will apply *unless the court enters a separate briefing schedule within two business days of the filing of the motion*. Except for good cause shown, briefs that do not conform to the requirements of this Order will be stricken. **** Please note that deadlines may need to be extended to reflect the notice, service, and filing challenges that accompany pro se parties.**

A. Schedule

1. Upon the filing of any non-summary judgment motion, the movant shall either incorporate into the motion the arguments and/or authorities upon which it relies or *simultaneously* file a separate brief with its initial motion.
2. When served with a motion, any party who wishes to oppose it

¹NOTE: The following instructions do not apply to summary judgment motions unless an order of the court specifically provides otherwise. Any motion(s) for summary judgment filed in this action shall be governed by the provisions of Appendix II to the Uniform Initial Order, which can be viewed on the court's website at <http://www.alnd.uscourts.gov> under the court information for Judge Bowdre.

shall immediately telephone the court's chambers and so advise. Unless the court advises the opposing party that it will set a separate briefing schedule, the opponent's response shall be filed no later than **three calendar days** after the motion's filing. (NOTE: Days should be calculated without taking into account Fed. R. Civ. P. 6. However, if the due date falls on a weekend or court holiday, the due date shall be the next business day).

The parties shall transmit their briefs in such a manner that their opponents will not suffer any undue delay in the receipt of their service copies of any briefs. The court's intent is that each party shall be afforded a full and fair opportunity to be heard and counsel are expected to take care that service of copies is not unreasonably delayed. The opposing party should typically receive a copy of all materials on the same date that the submission is made to the court, but in no event more than one business day later. Upon conclusion of the submission schedule, the court may take the motion under submission without further notice to the parties, and materials submitted after the close of the submission schedule will not be considered in ruling on the motion absent obtaining leave of court.

B. Briefs

The parties shall *electronically file* their briefs through the court's CM/ECF system and shall submit **courtesy copies of briefs and evidentiary submissions to the Clerk's office (not to chambers) marked as judge's**

courtesy copy. The parties are then required to email their briefs, in Word or WordPerfect format, to the chamber's email address at *bowdre_chambers@alnd.uscourts.gov*. The materials submitted via email shall contain the exact same materials and only the materials that are electronically filed through the court's CM/ECF system. In the event of a later appeal, the court will not look favorably upon motions to supplement the record on appeal to add materials on the ground that such materials were submitted to the court but were not electronically "filed" with the Clerk.

The text of initial and responsive briefs shall not exceed twenty pages and reply briefs are limited to ten pages. Briefs must be typewritten and double-spaced, using at least twelve point type. The court expects that counsel will respect the page limitation established by this order. Transparent attempts on the part of counsel to circumvent page limitations by manipulating type sizes, margins, line spacing, or other similar end runs will not be tolerated. Briefs exceeding ten pages in length shall have incorporated within a table of contents that accurately reflects the organization of the brief itself. Tables of Contents shall not be counted for purposes of computing the number of pages in a brief.

C. Required Certification

Counsel for either party (or any individual under the direction or control of a party), signing any document, including an affidavit, in connection,

either directly or indirectly, with a motion, response to such a motion, or a reply to any such response, shall certify by his or her personal signature and as an officer of the court that he or she has affirmatively and diligently sought to submit to the court *only* those documents, factual allegations, and arguments that are material to the issues to be resolved in the motion; that careful consideration has been given to the contents of all submissions to ensure that the submissions do not include vague language or an overly broad citation of evidence or misstatements of the law; and that all submissions are non-frivolous in nature.