United States District Court
DISTRICT OF MINNESOTA

LR 7.1 CIVIL MOTION PRACTICE

(a) Meet-and-Confer Requirement. Before filing a motion other than a motion for a temporary restraining order or a motion under Fed. R. Civ. P. 56, the moving party must, if possible, meet and confer with the opposing party in a good-faith effort to resolve the issues raised by the motion. The moving and opposing parties need not meet in person.

(1) Meet-and-Confer Statement.

(A) Filing. Ordinarily, the moving party must file a meet-and-confer statement together with the motion that it relates to. But if the opposing party was unavailable to meet and confer before the moving party files its motion, the moving party must promptly meet and confer with the opposing party after filing the motion and must supplement the motion with a meet-and-confer-statement.

(B) Contents. The meet-and-confer statement must:

(i) certify that the moving party met and conferred with the opposing party; and

(ii) state whether the parties agree on the resolution of all or part of the motion and, if so, whether the agreed-upon resolution should be included in a court order.

(2) Subsequent Agreement of the Parties. After the moving party has filed a meet-and-confer statement, if the moving and opposing parties agree on the resolution of all or part of the motion that the statement relates to, the parties must promptly notify the court of their agreement by filing a joint stipulation.

(b) Nondispositive Motions. Unless the court orders otherwise, all nondispositive motions must be heard by the magistrate judge. Before filing a nondispositive motion, a party must contact the magistrate judge's courtroom deputy to schedule a hearing. After a party obtains a hearing date, the parties may jointly request that the hearing be canceled. If the court cancels the hearing — whether at the parties' joint request or on its own —the parties must nonetheless file and serve their motion papers by the deadlines that would have applied if the hearing had not been canceled.

(1) Moving Party; Supporting Documents; Time Limits. At least 14 days before the date of a hearing on a nondispositive motion, the moving party must file and serve the following documents simultaneously:

(A) motion;

(B) notice of hearing;

(C) memorandum of law;

(D) any affidavits and exhibits;

(E) meet-and-confer statement (unless later filing is permitted under LR 7.1(a)(1)(A)); and

(F) proposed order (an editable copy of which must be emailed to chambers).

(2) Responding Party; Supporting Documents; Time Limits. Within 7 days after filing of a nondispositive motion and its supporting documents under LR 7.1(b)(1), the responding party must file and serve the following documents:

(A) memorandum of law; and

(B) any affidavits and exhibits.

(3) Reply Memorandum. Except with the court's prior permission, a party must not file a reply memorandum in support of a nondispositive motion.

(4) Applicability of this Subsection.

(A) Nondispositive motions covered by this subsection include, for example:

(i) motions to amend pleadings;

(ii) motions with respect to third-party practice;

(iii) discovery-related motions;

(iv) motions related to joinder and intervention of parties; and

(v) motions to conditionally certify a case as a collective action.

(B) This subsection does not apply to:

(i) nondispositive motions that are treated as dispositive motions under LR 7.1(c)(6); or

(ii) post-trial and post-judgment motions.

(c) Dispositive Motions. Unless the court orders otherwise, all dispositive motions must be heard by the district judge. Before filing a dispositive motion, a party must contact the district judge's courtroom deputy. The courtroom deputy will either schedule a hearing or instruct the party when to file its motion and supporting documents. If a hearing is scheduled, the parties may jointly request that the hearing be canceled. If the court cancels the hearing — whether at the parties' joint request or on its own — the parties must nonetheless file and serve their motion papers by the deadlines that would have applied if the hearing had not been canceled.

(1) Moving Party; Supporting Documents; Time Limits. At least 42 days before the date of a hearing on a dispositive motion — or, if no hearing has been scheduled, as instructed by the courtroom deputy — the moving party must file and serve the following documents simultaneously:

(A) motion;

(B) notice of hearing;

(C) memorandum of law;

(D) any affidavits and exhibits;

(E) meet-and-confer statement, if required under LR 7.1(a) (unless later filing is permitted under LR 7.1(a)(1)(A)); and

(F) proposed order (an editable copy of which must be emailed to chambers).

(2) Responding Party; Supporting Documents; Time Limits. Within 21 days after filing of a dispositive motion and its supporting documents under LR 7.1(c)(1), the responding party must file and serve the following documents:

(A) memorandum of law; and

(B) any affidavits and exhibits.

(3) Reply Memorandum.

(A) Within 14 days after filing of a response to a dispositive motion, the moving party must either:

(i) file and serve a reply memorandum; or

(ii) file and serve a notice stating that no reply will be filed.

(B) A reply memorandum must not raise new grounds for relief or present matters that do not relate to the opposing party's response.

(4) Multiple Summary Judgment Motions. For purposes of the word and line limits in LR 7.1(f), multiple motions for full or partial summary judgment filed by a party at or about the same time will be considered a single motion.

(5) Motion Hearing or Other Resolution.

(A) On Court's Initiative. At any time after a party files a dispositive motion and the motion's supporting documents, the court may:

(i) schedule a hearing (if no hearing was initially scheduled)

(ii) reschedule a hearing;

(iii) refer the motion to a magistrate judge; or

(iv) cancel a hearing and notify the parties that the motion will be otherwise resolved.

(B) At a Party's Request. If a district judge has not scheduled a hearing on a dispositive motion, the moving or opposing party may file a letter of no more than two pages requesting that a hearing be scheduled. Such a request must be made no sooner than 14 days after the moving party has filed its reply or its notice that a reply will not be filed. This rule authorizes the parties to file those letters by ECF.

(6) Applicability of this Subsection. The following motions are considered dispositive motions under LR 7.1:

(A) motions for injunctive relief;

(B) motions for judgment on the pleadings, to dismiss, or for summary judgment;

(C) motions to certify a class action;

(D) motions to exclude experts under Fed. R. Evid. 702 and *Daubert*.

(d) Motions for Emergency Injunctive Relief.

(1) The following motions are considered motions for emergency injunctive relief:

(A) motions for a temporary restraining order; and

(B) preliminary-injunction motions that require expedited handling.

(2) Before filing a motion for emergency injunctive relief, the moving party must contact the judge's courtroom deputy to obtain a hearing date and briefing schedule.

(3) A motion for a temporary restraining order must be filed in accordance with LR 7.1(c)(1), but the moving party is not required to file a meet-and-confer statement with the motion.

(4) A preliminary-injunction motion that requires expedited handling must:

(A) make the request for expedited handling in the motion; and

(B) be filed in accordance with LR 7.1(c)(1).

(e) Post-trial and Post-judgment Motions. A post-trial or post-judgment motion that is filed within the applicable time period set forth in the Federal Rules of Civil Procedure may be made to the judge before whom the case was heard. After filing the motion, the moving party must contact the judge's courtroom deputy to obtain a briefing schedule.

(f) Word or Line Limits; Certificate of Compliance.

(1) Word or Line Limits.

(A) Except with the court's prior permission, a party's memorandum of law must not exceed 12,000 words if set in a proportional font, or 1,100 lines of text if set in a monospaced font.

(B) If a party files both a supporting memorandum and a reply memorandum, then, except with the court's prior permission, the two memoranda together must not exceed 12,000 words if set in a proportional font, or 1,100 lines of text if set in a monospaced font.

(C) All text — including headings, footnotes, and quotations — counts toward these limits, except for:

(i) the caption designation required by LR 5.2;

(ii) a table of contents (if any);

(iii) a table of authorities (if any);

(iv) the signature-block text; and

(v) certificates of compliance.

(D) A party who seeks to exceed these limits must first obtain permission to do so by filing and serving a letter of no more than two pages requesting such permission. A party who opposes such a request may file and serve a letter of no more than two pages in response. This rule authorizes the parties to file those letters by ECF.

(2) Certificate of Compliance. A memorandum of law must be accompanied by a certificate executed by the party's attorney, or by an unrepresented party, affirming that the memorandum complies with the limits in LR 7.1(f) and with the type-size limit of LR 7.1(h). The certificate must further state how many words (if set in a proportional font) or how many lines (if set in a monospaced font) the memorandum contains. A reply memorandum must be accompanied by a certificate that says how many words or lines are contained, cumulatively, in the supporting memorandum and the reply memorandum. The person preparing the certificate may rely on the word-count or line-count function of his or her word-processing software only if he or she certifies that the function was applied specifically to include all text, including headings, footnotes, and quotations. The certificate must include the name and version of the word-processing software that was used to generate the word count or line count.

(g) Failure to Comply. If a party fails to timely file and serve a memorandum of law, the court may:

(1) cancel the hearing and consider the matter submitted without oral argument;

(2) reschedule the hearing;

(3) hold a hearing, but refuse to permit oral argument by the party who failed to file;

(4) award reasonable attorney's fees to the opposing party;

(5) take some combination of these actions; or

(6) take any other action that the court considers appropriate.

(h) Type Size.

(1) Represented Parties. A memorandum of law filed by a represented party must be typewritten. All text in the memorandum, including footnotes, must be set in at least font size 13 (i.e., a 13-point font) as font sizes are designated in the word-processing software used to prepare the memorandum. Text must be double-spaced, with these exceptions: headings and footnotes may be single-spaced, and quotations more than two lines long may be indented and single-spaced. Pages must be 8 ½ by 11 inches in size, and no text — except for page numbers — may appear outside an area measuring 6 ½ by 9 inches.

(2) Unrepresented Parties. A memorandum of law filed by an unrepresented party must be either typewritten and double-spaced or, if handwritten, printed legibly.

(i) Unsolicited Memoranda of Law. Except with the court's prior permission, a party must not file a memorandum of law except as expressly allowed under LR 7.1.

(j) Motion to Reconsider. Except with the court's prior permission, a party must not file a motion to reconsider. A party must show compelling circumstances to obtain such permission. A party who seeks permission to file a motion to reconsider must first file and serve a letter of no more than two pages requesting such permission. A party who opposes such a request may file and serve a letter of no more than two pages in response. This rule authorizes the parties to file those letters by ECF.

(k) Citing Judicial Dispositions. If a judicial opinion, order, judgment, or other written disposition cited by a party is available in a publicly accessible electronic database, the party is not required to file and serve a copy of that document. But if a judicial opinion, order, judgment, or other written disposition cited by a party is not available in a publicly accessible electronic database, the party must file and serve a copy of that document as an exhibit to the memorandum in which the party cites it.

(l) Affidavits and Exhibits. Parties must not file affidavits or exhibits as attachments to a memorandum that they support. Instead, such affidavits and exhibits

must be filed separately. Exhibits must be accompanied by an index — either in the form of a supporting affidavit or of a separate title page — that identifies the exhibits.

[Adopted effective February 1, 1991; amended November 1, 1996; amended January 3, 2000; amended January 1, 2004; amended May 17, 2004; amended May 16, 2005; amended September 24, 2009; amended December 1, 2009; amended July 23, 2012; amended April 1, 2017, amended January 1, 2022]

2021 Advisory Committee's Note to LR 7.1

Local Rule 7.1(d)(3) and (d)(4) have been amended to clarify that motions for emergency injunctive relief must meet all the requirements for filing a dispositive motion under LR 7.1(c)(1). Local Rule 7.1(f)(1)(C) has been amended to make clear that, if a party chooses to include a table of contents or a table of authorities in a memorandum of law, that text does not count toward the word and line limits provided in Local Rule 7.1(f)(1). The Local Rules do not, however, require that a party include a table of contents or a table of authorities in any memorandum of law.

2017 Advisory Committee's Note to LR 7.1

Local Rule 7.1 has been amended to instruct parties to file proposed orders on ECF. That allows parties to use ECF to serve proposed orders and makes unnecessary the filing of certificates of service. Parties must continue to submit copies of proposed orders to chambers via email in Microsoft Word or a similar editable format.

2012 Advisory Committee's Note to LR 7.1

The language of LR 7.1 has been amended in accordance with the restyling process described in the 2012 Advisory Committee's Preface on Stylistic Amendments.

Local Rule 7.1 has been reorganized to add subsections (a) Meet-and-Confer Requirement and (d) Motions for Emergency Injunctive Relief.

Under new LR 7.1(a), parties must meet and confer with the opposing party before filing any civil motion, except a motion for a temporary restraining order or a motion under Fed. R. Civ. P. 56, and file a meet-and-confer statement with the motion. Parties must file a joint stipulation if the parties agree on the resolution of all or part of the motion after the meet-and-confer statement is filed.

Rule 7.1(b) and (c), former LR 7.1(a)-(b), have been amended to clarify that parties should file motions and supporting documents simultaneously, rather than filing a motion first and its supporting documents later. In addition, the method of calculating deadlines for response briefs and (for dispositive motions) reply briefs has been changed. Deadlines for such briefs are now based on the filing date of the moving party's motion and supporting documents, rather than on the hearing date. Parties now have 14 days to prepare a reply brief for a dispositive motion, rather than the 7 days previously provided.

Rule 7.1(b)(4) was added to identify the types of motions that are considered nondispositive under LR 7.1.

Rule 7.1(c) has also been amended to better reflect the practices of different district judges with respect to scheduling hearings on dispositive motions. These amendments are not intended to change the long-established practice in this district of holding hearings for important civil motions, such as motions for summary judgment.

Rule 7.1(d) was added to provide guidance on filing motions for emergency injunctive relief.

Rule 7.1(e), former LR 7.1(c), was amended to clarify that after filing a timely post-trial or post-judgment motion, the moving party must contact the judge's courtroom deputy to obtain a briefing schedule.

2009 Advisory Committee's Note to LR 7.1

A number of noteworthy changes have been made to Local Rule 7.1. Generally, the changes were intended to clarify uncertainties or gaps in the rules. The most significant changes and clarifications include the following:

1. Parties are required to secure a hearing date **before** filing any motion papers. LR 7.1(a) and (b).

2. A mechanism is provided to compute the briefing and submission schedules if the motion ultimately is submitted without a hearing. LR 7.1(a) and (b).

3. The rule makes explicit that motions to exclude expert testimony under *Daubert* and Fed. R. Evid. 702 are treated as dispositive motions. LR 7.1(b).

4. A reply brief generally is not permitted in connection with non-dispositive motions, LR 7.1(a)(1), and, with respect to dispositive motions, a reply brief must not raise new issues or go beyond the issues raised in the response brief to which it replies. LR 7.1(b)(3).

5. A new subdivision has been added to make it clear that a single word limit applies whether a party files a single summary judgment motion (or motion for partial summary judgment) or several such motions at or about the same time. LR 7.1(b)(4).

6. Requests to enlarge word limits must be made in writing — and permission must be obtained — **before** filing a brief exceeding the word limit. LR 7.1(d).

7. The Court has access to commercial databases maintained by legal research services, as well as to databases maintained by courts; parties need not attach unpublished opinions to briefs if those opinions are available on a publicly-accessible electronic database. LR 7.1(i).

8. A new subdivision governing post-trial and post-judgment motions has been added. LR 7.1(c).

The amended rule also includes additional clarifying language about how to calculate certain deadlines and about the Court's ECF procedures.

2004 Advisory Committee's Note to LR 7.1(b)

Rule 7.1(b) was amended effective January 1, 2004, to set forth the District Judges' requirements for dispositive motions. This amendment replaced the "fully briefed motion" practice that previously had been in effect.

1999 Advisory Committee's Note to LR 7.1(b)(2)

Supporting Affidavits. Rule 7.1(b)(2) specifically contemplates that the factual basis for a dispositive motion will be established with affidavits and exhibits served and filed in conjunction with the

initial motion and the responding party's memorandum of law. Although the rule makes provision for a Reply Memorandum, it neither permits nor prohibits the moving party from filing affidavits or other factual material therewith. The rule contemplates that the discovery record will allow the initial summary judgment submission to anticipate and address the responding party's factual claims. Reply affidavits are appropriate only when necessary to address factual claims of the responding party that were not reasonably anticipated. It is improper to withhold information - either from discovery or from initial moving papers - in order to gain an advantage.

1996 Advisory Committee's Note to LR 7.1

LR 7.1(b) was amended to specify the motions considered to be dispositive motions under this rule. The motions considered dispositive motions under this rule are the matters that, under 28 U.S.C. § 636(b)(1)(A) and (B), may be heard by a Magistrate Judge only for the purpose of making proposed findings of fact and recommendations for the disposition.

1996 Advisory Committee's Note to LR 7.1(b)(2)

The new Local Rules significantly change procedures governing motion practice. They are patterned after procedures adopted by several judges on an experimental basis.

These reforms reflect the spirit of the 1993 Amendments to the Federal Rules of Civil Procedure. In particular, they enable counsel to structure motion deadlines to accommodate the differing demands of diverse cases. These rules also minimize Court involvement in the process until dispositive motions have been fully briefed and are ready for hearing. The exchange of briefs may narrow or resolve pending controversies without judicial intervention. By so doing, the rules prevent the expenditure of judicial resources on the controversies which may have become moot at the time of the hearing.

The new rules prescribe deadlines that govern motion practice if counsel cannot agree on a briefing schedule. The new rules also enlarge the briefing periods for briefs responding to motions and for reply briefs. This revision is intended to reduce any unfair advantage favoring the moving party (who may have been preparing the motion for a much longer period than the opponent is afforded for reply). The enlarged deadline for service of Reply Briefs reflects the Committee's consensus that former deadlines often imposed time constraints which undermined the quality of the Reply. These briefing deadlines involve "calendar days," not "business days."

1991 Advisory Committee's Note to LR 7.1

See LR 1.1(f) for the method of computing time.

See LR 37.2 for the form of discovery motions.