

## CIVIL CHAMBERS RULES OF JUDGE MICHAEL M. ANELLO

Unless otherwise ordered, matters before Judge Anello shall be conducted in accordance with the rules stated below. These rules do not alter the requirements of this Court's Civil Local Rules or the Federal Rules of Civil Procedure.

### **I. MOTION PRACTICE GENERALLY**

All dates for motion hearings must be obtained by contacting Chambers and speaking with the law clerk assigned to the case. After obtaining a hearing date from the law clerk, the moving party must file the motion within 3 court days. Parties who fail to file their papers within 3 court days of obtaining the hearing date forfeit the assigned hearing date.

The Court in its discretion may resolve motions on the papers, in accordance with Civil Local Rule 7.1.d.1. If the moving party does not wish to have oral argument, they should include "No Oral Argument Requested" in the caption on the front of their papers, directly below the hearing date. The Court shall consider requests regarding oral argument and accommodate a request if suitable. If the Court determines oral argument is necessary, the parties should plan to appear in person on the date and at the time of the scheduled motion hearing. If the Court decides to take the motion under submission on the papers, a minute order shall be issued on the docket of the case no later than 2 court days prior to the scheduled hearing date notifying the parties that no appearances are required. Thereafter, the Court shall take the hearing off calendar and issue a written ruling on the motion in due course.

### **II. MOTIONS FOR SUMMARY JUDGMENT**

All motions for summary judgment shall be accompanied by a separate statement of undisputed material facts. If the moving party fails to submit a separate statement of undisputed material facts with the moving papers, the Court may reject the filing as discrepant for failing to comply with this Chambers requirement. Any opposition to a summary judgment motion shall include a response to the separate statement of undisputed material facts. In addition, any evidentiary and procedural objections to the motion for summary judgment must be contained within the opposition brief. Similarly, the moving party must include any evidentiary and procedural objections to the opposition brief in its reply brief. Any separately filed objections shall be stricken and will not be considered by the Court.

### **III. TEMPORARY RESTRAINING ORDERS**

All motions for temporary restraining orders shall be briefed. While temporary restraining orders may be heard in true *ex parte* fashion (i.e., without notice to an opposing party), the Court will do so only in extraordinary circumstances. The Court's strong preference is for the opposing party to be served and afforded a reasonable opportunity to file an opposition. In appropriate cases, the Court may issue a limited restraining order to preserve evidence pending further briefing.

#### **IV. PROPOSED ORDERS AND JOINT MOTIONS**

Proposed orders should be submitted simultaneously with all motions, except motions that are fully-noticed and set for hearing at least 28 days beyond the date of filing. In accordance with Section 2(h) of the Electronic Case Filing Administrative Policies and Procedures Manual (available at <http://www.casd.uscourts.gov/cmecf/pdf/CASDPolicies.pdf>), counsel should email proposed orders directly to Judge Anello's official email address, which is [efile\\_anello@casd.uscourts.gov](mailto:efile_anello@casd.uscourts.gov).

#### **V. EX PARTE MOTIONS**

Before filing any *ex parte* motion, counsel shall contact the opposing party to meet and confer regarding the subject of the *ex parte* motion. All *ex parte* motions shall be accompanied by a declaration from counsel documenting (1) efforts to contact opposing counsel, (2) counsel's meet and confer efforts, and (3) opposing counsel's position regarding the *ex parte* motion. Any *ex parte* motion filed with the Court shall be served on opposing counsel via facsimile, electronic mail with return receipt requested, or overnight mail. *Ex parte* motions that are not opposed within **one Court day** shall be considered unopposed and may be granted on that ground.

#### **VI. MOTIONS IN LIMINE**

Motions in limine shall be heard at the final pretrial conference.<sup>1</sup> Motions in limine shall be filed at least 28 days before the final pretrial conference; oppositions to motions in limine shall be filed at least 14 days before the final pretrial conference. No reply briefs will be accepted.

Each side that intends to file motions in limine is limited to a maximum of 10 motions in limine. Each side's in limine motions must be filed as a single brief, and shall not exceed 25 pages in length.

The opposing side shall file a single brief in opposition to the motions in limine, not to exceed 20 pages in length.

As the language above indicates, if the case involves multiple plaintiffs or multiple defendants, only one motion in limine brief *per side* will be accepted. Unless the parties obtain leave of Court to exceed the limitations contained herein prior to filing, multiple filings and filings that exceed the page limitations will be stricken. The Court makes every effort to provide tentative rulings on the motions in limine prior to the final pretrial conference and will entertain oral argument on the motions at the final pretrial conference.

#### **VII. COURTESY COPIES**

Courtesy copies of filings that exceed 20 pages in length shall be submitted directly to Chambers as soon as practicable after filing. This includes multiple filings in a single court day that together exceed 20 pages in length (i.e., moving papers consisting of a Notice of Motion (3 pages), a Memorandum of Points and Authorities (12 pages), an Exhibit (10 pages), and a Certificate of Service (2 pages)). Please consult the Electronic Case Filing Administrative Policies and Procedures Manual for further information regarding the courtesy copy requirement.

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<sup>1</sup> Please note that *Daubert* motions must be filed prior to the dispositive motions deadline set by the operative scheduling/case management order.