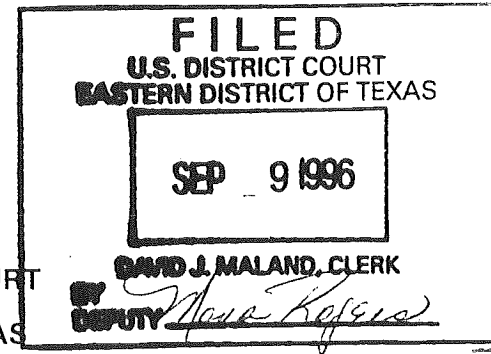


General Order No. 96-21

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS



GENERAL ORDER AMENDING LOCAL RULE 6

It is hereby ORDERED that the following amendments to Local Rule 6 concerning motion practice, having been approved by the judges of this court, are adopted for immediate implementation: \*

RULE 6

MOTIONS

(a) Generally. All motions, unless made during a hearing or trial, shall be in writing and conform to the requirements of Local Rule 4. Every motion shall be signed by ~~at least one attorney of record~~ the attorney-in-charge, or with his or her permission. The signature of an attorney constitutes a certificate by him that he has read the motion, that there are good grounds to support it, and that it is not interposed for delay.

(b) Documents Supporting Motions. When allegations of fact not appearing in the record are relied upon in support of a motion, all affidavits and other pertinent documents ~~then available~~ shall be served and filed with the motion. ~~All documents not then available must be filed within the time prescribed by subsection (e) of this rule.~~

(c) Brief Supporting Motions. Motions may be accompanied by a brief. The brief shall contain a concise statement of the reasons in support of the motion and citation of authorities upon which the movant relies. Briefs are an especially helpful aid to the judge in deciding motions to dismiss, motions for summary judgment, motions ~~for judgment n.o.v., and motions for a new trial~~ to remand, and post-trial motions. All briefs must be filed within the time prescribed by subsection (e) of this rule.

(d) Response and Brief. If a party opposes a motion, he shall file his response, brief, and supporting documents as are then available within the time period prescribed by subsection (e) of this rule. A response shall be accompanied by a proposed order conforming to the requirements of Local Rule 4(e). Briefs shall contain a concise statement of the reasons in opposition to the motion, and a citation of authorities upon which the party relies. In the event a party fails to oppose a motion in the manner prescribed herein,

~~the court will assume that the party has no opposition.~~

(e) Time to File Supporting Documents and Brief. A party opposing a motion has 10 days in which to serve and file supporting documents and briefs ~~after which the court will consider the submitted motion for decision.~~ Any party may separately move for an order of this court lengthening or shortening the period within which supporting documents and briefs may be filed ~~but in no event may the period be reduced to fewer than 10 days.~~

(f) Service. All parties shall serve copies of their motion papers upon all other parties to the action prior to filing with the Clerk. A certificate of service attached to the papers as provided for in Local Rule 4(a) shall indicate the time and method of service.

(g) Oral Hearings. A party may in his motion or his response specifically request an oral hearing, but the allowance of an oral hearing shall be within the sole discretion of the judge to whom the motion is assigned.

(h) Discovery Motions. Any judge of this Court may refuse to hear a motion relating to pre-trial discovery unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter by agreement.

Signed this 6<sup>th</sup> day of September, 1996.

FOR THE COURT:



RICHARD A. SCHELL  
Chief Judge

\* New language in the rule appears as ~~redline~~ text.