

**INITIAL STANDING ORDER OF
MAGISTRATE JUDGE MARTIN C. ASHMAN
REGARDING THE FILING OF MOTIONS, BRIEFS,
AND PROTECTIVE ORDERS IN CIVIL CASES**

Magistrate Judge Martin C. Ashman

Chambers: 1366

Courtroom: 1386

I. Motions

Many motions do not require the parties' presence in court, such as an unopposed motion for an extension of time pursuant to Federal Rule of Civil Procedure 6(b). In order to use time most efficiently, this Court will decide as many motions as possible without requiring the parties to appear in court.

For motions that require the parties' presence in court, the following rules apply.

1. As a general rule, motions shall be noticed for Tuesday of each week. If a court appearance—e.g., a status hearing—has already been scheduled for a certain Monday, Wednesday, Thursday, or Friday, then motions may be noticed for that day. Emergency motions may be noticed for any day of the week with prior approval of the courtroom deputy. Motion call begins at 10:30 A.M.

2. Before any motion is filed, the moving party should consult with the nonmoving party to ascertain whether the motion is uncontested or contested. If the motion is uncontested, then the moving party should expressly note this in the title of the motion. If the motion is contested, and if briefing will be needed to resolve the motion, then the parties should attempt to agree on a reasonable briefing schedule. If the district judge has set a schedule to which the order of referral to this Court is subject, any agreed briefing schedule must be consistent with the district judge's schedule.

3. To present a motion properly to this Court, the moving party must file an original and one copy of the notice of motion and the motion itself. The caption of the case must designate Magistrate Judge Martin C. Ashman on the right-hand side along with the case number.

4. An affidavit or certificate of service must be attached to any motion. Motions to compel discovery pursuant to Federal Rule of Civil Procedure 37 will be denied unless an affidavit certifying compliance with Federal Rule of Civil Procedure 37(a)(2) is attached.

5. The notice of motion must specify the date on which moving counsel wishes to have the motion called in court.

6. The notice of motion and the motion itself must be filed in Chambers by 4:30 P.M. of the second business day prior to the date on which the moving party wishes to have the motion called in court. For example, motions to be called on Tuesday must be filed in Chambers by 4:30 P.M. the preceding Thursday.

7. Either party may telephone the courtroom deputy at 312/435-5625 or the administrative judicial assistant at 312/435-5624 to ascertain scheduling and other such information relating to a case. Any information acquired by one party should be shared with the other party. If a party fails to share information, and the failure to share such information results in the other party unnecessarily appearing in court, then the party who acquired the information may be held responsible for the costs of that appearance.

8. A last minute request by a party to reschedule the date of a motion call will not be granted unless an emergency or other compelling reason prevents that party's appearance.

9. If a motion on which oral argument is to be held is resolved prior to the date of oral argument, then the parties must notify the courtroom deputy immediately by telephone at 312/435-5625.

II. Briefs (Memoranda of Law)

The following rules apply to briefs.

1. Briefs shall be limited to fifteen pages.
2. Line spacing will be at least 2 lines (double spaced). Note: This minimum line spacing requirement differs from Local Rule 5.2(b). Line spacing in block quotes will be at least 1 line (single spaced).
3. Citations should follow *The Bluebook: A Uniform System of Citation* (17th ed. 2000).
4. When an unpublished opinion is cited in a brief, a copy of that opinion should be attached to the brief.
5. Briefs and exhibits submitted to this Court will be discarded ninety days after a ruling has been issued. (This does not include original documents or exhibits filed with the Clerk of the Court.)

III. Protective Orders

In light of the Seventh Circuit's holding in *Jepson, Inc. v. Makita Elec. Works, Ltd.*, 30 F.3d 854, 858-59 (7th Cir. 1994), the following rules apply to protective orders.

1. This Court will not require the inclusion of an express finding of good cause in protective orders. Instead, it will review protective orders with care and in detail before signing them.

2. This Court's issuance of a protective order will constitute a determination, as required by Federal Rule of Civil Procedure 26(c), that good cause exists for its issuance.

3. A protective order issued by this Court will not, however, be given binding effect as a determination of good cause under Federal Rule of Civil Procedure 26(c) if, at any time after the issuance of the protective order, either party moves for relief from the limitations of the protective order. If a motion for relief from a protective order is filed, then this Court will engage in an appropriate balancing of the interests and make a new determination of good cause considering the facts at that time.

4. Before requesting that Judge Ashman enter a protective order to preserve the confidentiality of materials disclosed in discovery, counsel shall carefully review the following: (a) Federal Rule of Civil Procedure 26(c); (b) the decisions of the Seventh Circuit in *Jepson, Inc. v. Makita Elec. Works, Ltd.*, 30 F.3d 854 (7th Cir. 1994), *Citizens First Nat'l Bank v. Cincinnati Ins. Co.*, 178 F.3d 943 (7th Cir. 1999), and *Union Oil Co. v. Leavell*, 220 F.3d 562 (7th Cir. 2000); and (c) in a case that is before Judge Ashman on referral for discovery supervision, any standing order or instructions from the District Judge regarding protective orders.

Judge Ashman will not enter a protective order, even if agreed, that does not comply with the requirements set out by the Seventh Circuit and the assigned District Judge. If the protective order anticipates that any documents or confidential materials submitted to the court are to be filed under seal, the protective order must include, at a minimum, the following: a

carefully-drafted definition of the materials to be protected, with an explanation of why these documents are entitled to protection, consistent with the Seventh Circuit's descriptions of what is protectable; and an explicit procedure under which a party or interested member of the public can challenge the confidential designation of particular documents that have been filed under seal. Any designation of materials as "confidential" must be made in good faith by counsel, not by the client, and each page of confidential material must be marked "confidential." The order should set out a procedure for the use of confidential documents at the depositions of witnesses, and identify the persons who may be given access to confidential materials. The order must further provide that nothing in the order shall be construed to affect the admissibility of any document, material or information at any trial or hearing; any request for confidentiality, closure or sealing of any hearing or trial must be made to the judge then presiding. All protective orders must contain the following language: The parties are ordered to retain copies of all documents containing confidential information which are provided in discovery under the protective order. Documents containing confidential information shall **NOT** be filed with the Clerk of Court. Documents requiring the Court's review shall be submitted to chambers *in camera* in a sealed envelope bearing the caption of the case, case number, the title of the motion or response to which the submitted confidential information pertains, and the name and telephone number of counsel submitting the documents. The producing party shall maintain the original documents intact for any further review. A redacted copy of the pleading shall be filed with the Clerk of Court for the record.

The foregoing are minimum requirements. Counsel should, in addition, anticipate possible areas of future dispute and attempt to set out agreed procedures in advance to deal with them, appropriate to the nature of the case.

IV. Letters from Counsel

Counsel shall not write letters to this Court, nor send any correspondence between the parties to this Court, in connection with a pending action unless the letter or correspondence is sent for purposes of settlement, *see* Standing Order on Setting Settlement Conferences, or the letter is sent to apprise this Court of any materials being delivered to Chambers, *see* Section II, *supra*.

ENTER:

Dated: March 14, 2006.

MARTIN C. ASHMAN
United States Magistrate Judge