

## Local Rule 7-1 - Motion Practice

**(a) Motions Must Be Filed Separately.** Motions must be filed separately, but alternative motions may be filed in a single document if each is named in the title. A motion must not be contained within a brief, response, or reply to a previously filed motion, unless ordered by the court.

**(b) Brief Required for Certain Motions.** The following motions must also be accompanied by a supporting brief:

(1) a motion to dismiss, for judgment on the pleadings, or for more definite statement under Fed. R. Civ. P. 12.

(2) any motion made under Fed. R. Civ. P. 37.

(3) a motion for summary judgment under Fed. R. Civ. P. 56.

(4) a motion for a temporary restraining order under Fed. R. Civ. P. 65(b) and S.D. Ind. L.R. 65-2(b).

**(c) Response and Reply Deadlines.**

(1) *Summary Judgment Motions.* Summary judgment motions are subject to the deadlines in S.D. Ind. L.R. 56-1.

(2) *Rule 12(b), (e), or (f) Motions.* A party must file any response brief to a motion based on Rule 12(b), (e), or (f) within 21 days after the motion is served unless that party is entitled to and first files an amended pleading as a matter of course under Rule 15(a)(1). If a response to a motion to dismiss is filed, any reply is due within 7 days after service of the response.

(3) *Other Motions.*

(A) *Responses.* Any response is due within 14 days after service of the motion.

(B) *Replies.* Any reply is due within 7 days after service of the response.

(4) *Extensions.* The court may extend response and reply deadlines, but only for good cause.

(5) *Summary Ruling on Failure to Respond.* The court may summarily rule on a motion if an opposing party does not file a response within the deadline.

**(d) Routine or Uncontested Motions.** A party filing a routine or uncontested motion must also file a suitable proposed order. The court may rule upon a routine or uncontested motion before the response deadline passes, unless:

- (1) the motion indicates that an opposing party objects to it; or
- (2) the court otherwise believes that a response will be filed.

**(e) Page Limits.**

(1) *Generally.* Supporting and response briefs (excluding tables of contents, tables of authorities, appendices, and certificates of service) may not exceed 35 pages. Reply briefs may not exceed 20 pages.

(2) *Permission to Exceed Limits.* The court may allow a party to file a brief exceeding these page limits for extraordinary and compelling reasons.

(3) *Supporting and Response Briefs Exceeding Limits.* If the court allows a party to file a brief or response exceeding 35 pages, the document must include:

(A) a table of contents with page references;

(B) a statement of issues; and

(C) a table of authorities including

(i) all cases (alphabetically arranged), statutes, and other authorities cited in the brief; and

(ii) page numbers where the authorities are cited in the brief.

**(f) Copies of Authority.** Generally, copies of cited authorities may not be attached to court filings. However, a party must attach to the party's motion or brief a copy of any cited authority if it is not available on Westlaw or Lexis. Upon request, a party must provide copies of any cited authority that is only available through electronic means to the court or the other parties.

**(g) Motions for Fees, Sanctions, and Disqualification.**

(1) *Reasonable Efforts to Resolve Dispute.* The court may not grant the following motions unless the movant's attorney files with the motion a statement showing that the attorney made reasonable efforts to confer with opposing counsel and resolve the matters raised in the motion:

(A) motion for attorney's fees (other than post-judgment).

(B) motion for sanctions under Fed. R. Civ. P. 11.

(C) motion to disqualify an attorney (other than one brought by a *pro se* party).

(2) *Statement Regarding Efforts.* The statement required by subdivision (g)(1) must include:

(A) the date, time, and place of all conferences; and

(B) the names of all conference participants.

**(3) *Refusal or Delay of Conference.*** The court may take action appropriate to avoid unreasonable delay if any party's attorney advises the court in writing that any opposing counsel has refused to meet or otherwise delayed efforts to resolve the matters raised in the motion.

**(h) Notice of Settlement or Resolution.** The parties must immediately notify the court if they reasonably anticipate settling their case or resolving a pending motion.

**Local Rules Advisory Committee Comments  
Re: 2018 Amendment**

A 2009 change to Fed. R. Civ. P. 15(a) permits 21 days to amend a pleading in response to 12(b), (e), and (f) motions in cases where a required responsive pleading has not yet been served. The change to Rule 15(a) encourages parties to amend the initial pleading in light of the motion, thereby mooting the Rule 12 motion. The amendment to Local Rule 7-1(c) provides consistency with Fed. R. Civ. P. 15(a) by allowing 21 days to respond to Rule 12(b), (e), and (f) motions.