

## **Tips for Successful Practice before Magistrate Judge Cherry**

### 1. Local Rules

The Local Rules for the United States District Court, Northern District of Indiana, are available on the Court internet website at <http://www.innd.uscourts.gov>.

### 2. Initial Extension of Time to Answer a Complaint

Please review the requirements of Local Rule 6.1(a) and the difference between a notice and a motion. If counsel for the party seeking an extension of no more than thirty days to answer a complaint secures the agreement of other counsel, then a notice, not a motion, should be filed and no further court action is required.

### 3. All Other Extensions of Time

Please review the requirements of Local Rule 6.1(b). The parties shall contact opposing counsel to secure agreement for the extension of time. The moving party shall then represent either (1) that opposing counsel does not object to the extension of time or (2) that opposing counsel does object and set forth the efforts made to obtain agreement.

- This representation expedites the Court's ruling on extensions of time.
- Good cause must be shown for extensions of time.
- When requesting extensions of time, always include the original deadline and the proposed deadline pursuant to Local Rule 6.1(c).

### 4. Summary Judgment

Please review the requirements of Local Rule 56.1, specifically the requirements of the "Statement of Material Facts" and "Statement of Genuine Issues." Case law further explains the importance of these requirements.

### 5. Withdrawing Appearance

Please review the requirements of Local Rule 83.8 and comply with all aspects of the Rule.

### 6. Stipulations

Parties cannot stipulate to extend court ordered deadlines. They must file an agreed or stipulated motion for extension of time. Only a court order may extend or modify a court-ordered deadline.

### 7. Motions to Compel Discovery

Before filing a motion to compel, parties must make an effort to resolve the conflict first. *See* Fed. R. Civ. P. 37. Local Rule 37.1 requires a certificate detailing the parties' efforts.

### 8. Scheduling of Motion Hearings

Hearings on motions will not automatically be scheduled by the Court. The Court will schedule a motion hearing only if Magistrate Judge Cherry prefers one. Otherwise, rulings on motions are made by the Court based upon the written motions and briefing.

### 9. Timing of Filing Response to a Motion and Filing a Reply

Local Rule 7.1(a) provides that when any motion is filed (other than a summary judgment motion),

the adverse party has within 15 days after service of the motion to file a Response; the moving party has within 7 days after service of the Response to file a Reply.

Local Rule 56.1(a) provides that when a summary judgment motion is filed, the adverse party has within 30 days after service of the motion to file a Response; the moving party has within 15 days after service of the Response to file a Reply.

#### 10. Telephonic Hearings

Generally, most Rule 16(b) hearings and any motion hearings will be held telephonically. Counsel will be notified in advance whether a particular hearing is telephonic or in-person.

#### 11. Settlement of a Civil Case

If a civil case is settled, promptly notify the Courtroom Deputy Clerk Susan Brown at 219-852-6703. Jury costs will be assessed for failure to timely inform of the settlement.