

**N.D. Ind. L.R. 7-1 Motion Practice**

- (a) **Motions Must Be Filed Separately.** Motions must be filed separately, but alternative motions may be filed in a single paper if each is named in the title following the caption.
- (b) **Brief Required for Certain Motions.** Parties must file a supporting brief with any motion under:
- (1) Fed. R. Civ. P. 12;
  - (2) Fed. R. Civ. P. 37;
  - (3) Fed. R. Civ. P. 56; or
  - (4) Fed. R. Civ. P. 65(b).
- (c) **Rule 12 Defenses.** The court will not rule on a defense under Fed. R. Civ. P. 12 until the party who raised it files a motion and brief.
- (d) **Response- and Reply-Brief Deadlines.**
- (1) **Summary-Judgment Motions.** Summary-judgment motions are subject to the deadlines in N.D. Ind. L.R. 56-1(b) and (c).
  - ~~(2) Fed. R. Civ. P. 12(b), (c), or (f) Motions. A party must file any response brief to a motion under Fed. R. Civ. P. 12(b), (c), 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 Fed. R. Civ. P. 15(a)(1).~~
  - (2) **Fed. R. Civ. P. 12 Motions.**
    - (A) **Responses.** A party must file any response brief to a motion under Fed. R. Civ. P. 12 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 Fed. R. Civ. P. 15(a)(1).
    - (B) **Replies.** The moving party must file any reply brief within 7 days after the response brief is served.
  - (3) **Other Motions.**
    - (A) **Responses.** A party must file any response brief to a motion within 14

days after the motion is served.

(B) *Replies.* The moving party must file any reply brief within ~~seven~~ 7 days after the response brief is served.

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

(5) *Summary Rulings.* The court may rule on a motion summarily if an opposing party does not file a response before the deadline.

(e) **Page Limits.**

(1) *Rule.* Supporting and response briefs (excluding tables of contents, tables of authorities, and appendices) ordinarily must not exceed 25 pages. Reply briefs must not exceed 15 pages.

(2) *Exception.* The court may allow a party to file a brief exceeding these page limits for extraordinary and compelling reasons. But if the court permits a brief to exceed 25 pages, it must include:

(A) a table of contents with page references;

(B) an issue statement; and

(C) a table of authorities including:

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

(ii) references to where the authorities appear in the brief.

(f) **Authority Not Available Electronically.** A copy of any decision, statute, or regulation cited in a motion or brief must be attached to the paper if—and only if—it is not available on Westlaw or Lexis. But if a copy of a decision, statute, or regulation is only available electronically, a party must provide it to the court or another party upon request.

Rule 7-1(d) (2) provides consistency with Fed. R. Civ. P. 15(a) by allowing 21 days to respond to Rule 12(b), (e), and (f) motions.

Re: 2022 Amendment

The text of Rule 7-1 created some confusion as to whether reply briefs were permitted, without leave of court, for motions made pursuant to Fed. R. Civ. P. 12. Language was added in Rule 7-1(d)(2) to clarify that reply briefs are permitted for such motions, which reflects existing practice.

