

MAGISTRATE JUDGE FRANKLIN NOEL
PRACTICE POINTERS AND PREFERENCES

Motion Scheduling

Nondispositive motions are typically scheduled for Monday mornings, two weeks out (or longer if the schedule is booked full for that Monday). If the Monday falls on a federal holiday, motions are scheduled for that Tuesday. The Magistrate Judge does make exceptions in extreme circumstances.

Written Submissions

Counsel should send copies of the Rule 26(f) reports to chambers – mail, email, or hand-delivery is fine.

Counsel should remember to send courtesy copies of pleadings to the Magistrate Judge's chambers.

For trials before Magistrate Judge Noel, the parties will receive a Trial order that indicates when trial papers are due, etc. Otherwise, Fed.R.Civ.P and Local Rules apply.

Counsel should remember to set forth the information required by LR 16.3 when submitting stipulations to amend the scheduling order.

Rule 16 conferences by teleconference are disfavored except for instances when counsel would face substantial travel to attend in person.

Proposed orders in connection with a motion should be detailed, and state exactly the relief counsel is seeking. The orders need to be either in Word or WordPerfect, not PDF.

Counsel should be cognizant of the electronic filing rules relating to submission of stipulations and proposed orders. Stipulations should be electronically filed, with the order submitted by email to the Magistrate Judge as a separate document.

In-Court Proceedings

Magistrate Judge Noel prefers a 15-minute time limit for oral argument on nondispositive motions.

Settlement Conferences

Settlement conferences are scheduled the month before the case is ready for trial. If counsel wants an earlier conference, all parties should agree to conduct such a conference. Magistrate

Judge Noel expects parties to appear in person unless there are extenuating circumstances such as health restrictions, etc., and the appearance by telephone is cleared with the Magistrate Judge in advance.

Miscellaneous

Magistrate Judge Noel disfavors, absent compelling circumstances, resolving disputes by teleconference, especially disputes that should properly be decided by formal motion.