

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
OFFICE OF THE CLERK**

**Fernando Galindo
Clerk of Court**

**Walter E. Hoffman U.S. Courthouse
600 Granby Street, Room 193-B
Norfolk, Virginia 23510
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TO ALL COUNSEL:

PROCEDURE FOR CIVIL MOTIONS

This case has been assigned to United States District Judge Rebecca Beach Smith.

Pursuant to Local Rule 7(F)(1), a written brief shall accompany all motions (unless excepted by the rule). All requirements of Local Rule 7 must be strictly followed. After all briefs are in, it is incumbent upon the moving party to confer with the opposing party and advise the Clerk's Office by letter when a ruling or determination by submission is desired. See Local Rule 26 for discovery motion procedures. Unless otherwise directed by the District Judge, all discovery issues shall be directed to the Magistrate Judge assigned to the civil action.

Requests for ruling or determination without oral argument are to be addressed in writing to the Civil Docket Section, Clerk's Office, U.S. District Court, Room 193B, 600 Granby Street, Norfolk, VA 23510.

Requests for oral argument should be communicated promptly by counsel to Judge Smith's courtroom deputy, Susan Cherry, at (757) 222-7224.

Absent a request for a hearing, the motions described on the reverse of this notice automatically will be referred to Judge Smith promptly after receipt of the briefs.

ALL COURT PAPERS IN THIS CASE MUST BE FILED AND/OR SUBMITTED to the Civil Section of the Clerk's Office. Unless specifically directed otherwise, no pleadings, briefs, or correspondence may be filed with or mailed to the Judge.

Fernando Galindo, Clerk

MOTIONS TO BE DETERMINED

WITHOUT ORAL ARGUMENT

I. GENERAL

A. The motions listed in II below will be automatically referred for decision to Judge Smith.

B. Other motions will be referred for decision to Judge Smith when:

1. Directed by Rule 16(b) order.
2. Directed by the court.
3. Requested by a party.

II. THE FOLLOWING MOTIONS ARE REFERRED FOR DECISION BEFORE INITIAL PRETRIAL CONFERENCE:

A. **Without exception - whether answer filed or not - unless deadline for initial pretrial conference (Rule 16, FRCP) is approaching:**

1. For change of venue to another court or divisional office of this court.
2. To stay and/or for arbitration.
3. To remand to state court.
4. To join necessary party(ies). Rule 19, FRCP.

B. **Without exception - unless an answer is also filed by every defendant and/or unless the deadline for initial pretrial conference is approaching:**

1. Rule 12 motions to dismiss for:
 - a. Insufficiency of process of service (motion to quash).
 - b. For failure to state a claim upon which relief may be granted.
 - c. More definite statement.
 - d. Lack of jurisdiction.