

## **D. OR. LOCAL FEDERAL RULES RE: CONFERRAL**

### **7-1 Motions Practice - Generally**

#### **(a) Certification Requirements**

(1) Except for motions for temporary restraining orders, the first paragraph of every motion must certify that:

(A) The parties made a good faith effort through personal or telephone conferences to resolve the dispute and have been unable to do so; or

(B) The opposing party willfully refused to confer; or

(C) The moving party or opposing party is a prisoner not represented by counsel.

(2) The Court may deny any motion that fails to meet this certification requirement.

(3) A party filing a motion should state "UNOPPOSED" in the caption if the other parties to the action do not oppose the motion.

#### **Practice Tips**

1. The certification requirements of LR 7-1 are broader than those established in Fed. R. Civ. P. 37(a)(1), which deals only with motions to compel discovery.

2. In cases in which one or more parties are proceeding pro se, counsel should document a good faith effort to consult with the unrepresented party. The Court will determine compliance with LR 7-1 on a case by case basis. (*See* LR 55-1)

### **LR 55-1 Conference Required Prior to Filing for Default**

If the party against whom an order or judgment of default pursuant to Fed. R. Civ. P. 55 is sought has filed an appearance in the action, or has provided written notice of intent to file an appearance to the party seeking an order or judgment of default, then LR 7-1 and LR 83-8 apply, and the parties must make a good faith effort to confer before a motion or request for default is filed.

<b>Practice Tip</b>
The requirement to confer is in addition to the requirement in Fed. R. Civ. P. 55(b)(2) that, "If a party against whom a default judgment is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 7 days before the hearing."