CHAPTER XI. COMPLEX BUSINESS LITIGATION PROGRAM

Rule 4:102. Scope, Cognizability, and Administration

4:102-1. Scope and Applicability of Rules

The rules in Part IV, Chapter XI govern the practice and procedure in cases included in the Complex Business Litigation Program (the CBLP or the Program) heretofore established by the New Jersey Supreme Court.

(a) Applicability. Absent an express contradictory rule contained in this Chapter, the Rules Governing the Courts of the State of New Jersey Parts I and IV shall otherwise apply to any case in the CBLP.

(b) Caption. In addition to the requirements of *R.* 1:4-1, once accepted into the CBLP and for as long as the action remains there, actions being conducted in the CBLP shall indicate that they are CBLP matters by inserting the notation "CBLP Action" under the words "Civil Action".

(c) Filings. Unless otherwise noted, all filings in CBLP matters should be made in accordance with the Rules governing filing in the Superior Court, Law Division.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:102-2. Cognizability

(a) The matters presumptively assigned to the CBLP shall be those cases with an amount in controversy of at least $200,000 that are designated either complex commercial (case type 508) or complex construction (case type 513) on the Civil Case Information Statement.

(b) Cases appropriate for the CBLP arise from business or commercial transactions or construction projects that involve potentially significant damages awards. Program cases may have complex or novel factual or legal issues; large numbers of separately represented parties; large numbers of lay and expert witnesses; a substantial amount of documentary evidence, including electronically stored information; or require a substantial amount of time to complete trial.

(c) The CBLP does not include matters that are otherwise handled by General Equity, or matters primarily involving consumers, labor organizations, personal injury, or condemnation.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:102-3. Judges Assigned.

In each vicinage a Superior Court judge shall be designated by the Chief Justice as the CBLP judge to preside over cases conducted in the CBLP from filing through termination of the action unless the action is removed from the CBLP prior to completion.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:102-4. Admittance to or Removal from the CBLP

(a) Opt-in/Opt-Out. Parties may file a motion for inclusion in the CBLP where a case is not presumptively assigned to the CBLP but involves complex business related issues and/or the amount in controversy is less than $200,000. Parties may also move for removal from the CBLP on the grounds that the action does not meet the eligibility criteria.

(b) Review of Cases in CBLP. The Assignment Judge or the CBLP judge may conduct an initial review of a case to determine if it is appropriate for the CBLP. The judge may, *sua sponte*, assign it to the CBLP or remove it from the CBLP. If the case is removed from the CBLP it will be reassigned to the appropriate track for case management.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:102-5. General Principles

The CBLP is designed to streamline and expedite service to litigants in complex business litigation. Cases are generally assigned either to the complex commercial case type or the complex construction case type, and are individually managed by a judge with specialized training on business issues. The Supreme Court established the Program, which became effective on January 1, 2015, to resolve complex business, commercial, and construction cases.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

Rule 4:103. Case Management

4:103-1. Initial Disclosures

(a) Required Disclosures.

Except as otherwise stipulated or ordered by the court, a party must, without awaiting a discovery request, provide to the other parties:

(1) the name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;

(2) a copy – or a description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;

(3) a computation of each category of damages claimed by the disclosing party – who must also make available for inspection and copying as under *Rules* 4:18 and 4:104-5(a) the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and

(4) for inspection and copying as under *Rules* 4:18 and 4:104-5(a), any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

(b) Time for Initial Disclosures.

(1) In General. A party must make the initial disclosures at or within 14 days after the parties' *R.* 4:103-2 conference unless a different time is set by stipulation or court order, or unless a party objects during the conference that initial disclosures are not appropriate in this action and states the objection in the proposed discovery plan. In ruling on the objection, the court must determine what disclosures, if any, are to be made and must set the time for disclosure.

(2) For Parties Served or Joined Later. A party that is first served or otherwise joined after the *R.* 4:103-2 conference must make the initial disclosures within 30 days after being served or joined, unless a different time is set by stipulation or court order.

(c) Basis for Initial Disclosure; Unacceptable Excuses. A party must make its initial disclosures based on the information then reasonably available to it. A party is not excused from making its disclosures because it has not fully investigated the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosures.

(d) Format of Initial Disclosures. Unless the court orders otherwise, all initial disclosures under this rule must be in writing, signed, and served. The requirements of *R.* 4:104-8 shall apply to initial disclosures. The failure to provide compliant initial disclosures may lead to sanctions in the court's discretion.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:103-2. Initial Conference of the Parties

(a) Conference Timing. Except in a proceeding exempted from initial disclosure under *R.* 4:103-1(a)(1)(B) or when the court orders otherwise, the parties must confer as soon as practicable – and in any event at least 21 days before a scheduling conference is to be held or a scheduling order is due under *R.* 4:103-3(a). Such conference shall take place notwithstanding any dispositive motion that may be pending.

(b) Conference Content; Parties' Responsibilities. In conferring, the parties must (1) consider the nature and basis of their claims and defenses and the possibilities for promptly settling or resolving the case; (2) make or arrange for the disclosures required by *Rule* 4:103-1(a)(1); (3) discuss any issues about preserving discoverable information; and (4) develop a proposed discovery plan. The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging the conference, for attempting in good faith to agree on the proposed discovery plan, and for submitting to the court within 14 days after the conference a written report outlining the plan. The court may order the parties or attorneys to attend the conference in person.

(c) Discovery Plan. A discovery plan must state the parties' views and proposals on:

(1) what changes should be made in the timing, form, or requirement for disclosures under *R.* 4:103-1(a), including a statement of when initial disclosures were made or will be made;

(2) the subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues;

(3) any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced;

(4) any issues about claims of privilege or of protection as trial-preparation materials, including – if the parties agree on a procedure to assert these claims after production – whether to ask the court to include their agreement in an order under *R.* 4:10-2(c);

(5) what changes should be made in the limitations on discovery imposed under these rules, and what other limitations should be imposed; and

(6) any other orders that the court should issue under *R.* 4:10-3 or under *R.* 4:103-3(b) and (c).

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:103-3. Case Management Conferences and Scheduling Orders

(a) Initial Case Management Conference and Scheduling Order.

(1) An initial case management conference must be convened with the parties' attorneys and any unrepresented parties, and thereafter a scheduling order must be issued.

(2) The scheduling order must be issued as soon as practicable, but absent good cause for delay, within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared.

(3) The scheduling order must limit the time to join other parties, amend the pleadings, complete discovery, and file motions. *R.* 4:9-1 shall not apply to cases in the CBLP.

(4) The scheduling order may (i) modify the timing of disclosures under *R.* 4:103-1(a), (ii) modify the extent of discovery, (iii) provide for disclosure, discovery, or preservation of electronically stored information; (iv) include any agreements the parties reach for asserting claims of privilege or of protection as trial-preparation material after information is produced, including agreements reached under *R.* 4:10-2(c); (v) direct that before moving for an order related to discovery, the movant must request a conference with the court; (vi) set dates for case management conferences, the final pretrial conference and for trial; and (vii) include other appropriate matters.

(5) The parties may agree to set and/or modify interim deadlines without court approval, provided any such change will not have an impact on the discovery end date.

(b) Additional Case Management Conferences. The court in its discretion may convene additional case management conferences at any time. In connection with any case management, scheduling, or status conference, other than the final pretrial conference discussed in *R.* 4:25, the parties shall abide by the requirements of this rule.

(c) Attendance and Matters for Consideration at a Case Management Conference.

(1) Attendance. A represented party must authorize at least one of its attorneys to make stipulations and admissions about all matters that can reasonably be anticipated for discussion at a case management conference. If appropriate, the court may require that a party or its representative be present or reasonably available by other means to consider possible settlement.

(2) Matters for Consideration at a Case Management Conference. At any case management conference, in addition to the matters set forth in *R.* 4:25, the court may consider and take appropriate action on the following matters:

(A) formulating and simplifying the issues, and eliminating frivolous claims or defenses;

(B) amending the pleadings if necessary or desirable;

(C) obtaining admissions and stipulations about facts and documents to avoid unnecessary proof, and ruling in advance on the admissibility of evidence;

(D) avoiding unnecessary proof and cumulative evidence, and limiting the use of testimony under N.J.R.E. 702;

(E) determining the appropriateness and timing of summary adjudication under *R.* 4:56;

(F) controlling and scheduling discovery, including orders affecting disclosures and discovery under *Rules* 4:10 through 4:19 and 4:22;

(G) identifying witnesses and documents, scheduling the filing and exchange of any pretrial briefs, and setting dates for further conferences and for trial;

(H) referring matters to a master;

(I) settling the case and using special procedures to assist in resolving the dispute when authorized by statute or rule;

(J) determining the form and content of the pretrial order;

(K) disposing of pending motions;

(L) adopting special procedures for managing potentially difficult or protracted actions that may involve complex issues, multiple parties, difficult legal questions, or unusual proof problems;

(M) ordering a separate trial under *R.* 4:38-2 of a claim, cross-claim, counterclaim, third-party action, or separate issue;

(N) ordering the presentation of evidence early in the trial on a manageable issue that might, on the evidence, be the basis for a judgment as a matter of law under *R.* 4:40-1;

(O) establishing a reasonable limit on the time allowed to present evidence; and

(P) facilitating in other ways the just, speedy, and inexpensive disposition of the action.

(d) Final Pretrial Conference and Orders. All CBLP actions shall be pretried and the requirements of *R.* 4:25 shall apply to the final pretrial conference, which should lead to the formulation of a trial plan, including a plan to facilitate the admission of evidence. The conference must be held as close to the start of trial as is reasonable, and must be attended by at least one attorney who will conduct the trial for each party and by any unrepresented party. The court may modify the order issued after a final pretrial conference only to prevent manifest injustice.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

Rule 4:104. Discovery

4:104-1. General Principles.

Except as otherwise provided in this Chapter XI, *R.* 4:10 to *R.* 4:19, *R.* 4:22, and *R.* 4:23 shall apply to the conduct of discovery in cases in the CBLP.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:104-2. Timing of Discovery

(a) A party may not seek discovery from any source before the parties have conferred as required by *R.* 4:103-2, except when expressly authorized by these rules, by stipulation, or by court order.

(b) More than 35 days after the summons and complaint are served, a request under *R.* 4:18 may be delivered: (1) to that served party by another party or (2) by that served party to any plaintiff or to any other party that has been served. Any *R.* 4:18 requests served before the *R.* 4:103-2 conference shall be deemed served on the day of the first *R.* 4:103-2 conference.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:104-3. Depositions Upon Oral Examination

(a) Unless otherwise stipulated by the parties or ordered by the court:

(1) The number of depositions taken by plaintiffs shall be limited to 10. The number of depositions taken by defendants, including third-party defendants, shall also be limited to 10; and

(2) Depositions shall be limited to 7 hours per deponent, excluding breaks. The court must allow additional time consistent with *R.* 4:10-2(a) and (g) if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination. When multiple parties intend to examine a deponent, they shall agree in advance of the deposition to an allocation of the time allowed for the deposition. If they cannot agree on such an allocation, they shall raise the issue with the court for resolution, and the deposition will be adjourned, if necessary, until after the court has resolved the dispute.

(b) For purposes of assessing compliance with a limitation on the number of depositions, unless the parties stipulate or the court orders otherwise, every seven hours of testimony by witnesses testifying in response to a notice for the testimony of an organization under *R.* 4:14-2 shall constitute one deposition. For example, if an organization designates three individuals to testify in response to a *R.* 4:14-2 notice and the three individuals testify for a total of 14 hours, the deposition testimony shall count as two depositions. Alternatively, if two individuals are designated in response to a *R.* 4:14-2 notice and testify for a total of 21 hours, their testimony shall count as three depositions.

(c) The court may impose an appropriate sanction – including the reasonable expenses and attorney's fees incurred by any party – on a person who impedes, delays, or frustrates the fair examination of the deponent.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:104-4. Interrogatories to Parties

(a) Rules 4:17-2, -5, and -6 shall not apply to cases in the CBLP. The requirement in *R.* 4:13 that stipulations extending the time to answer interrogatories receive court approval shall not apply to cases in the CBLP.

(b) The 60-day period in *R.* 4:17-4(b) for serving answers to interrogatories is reduced to 30 days, unless another time period is stipulated by the parties or ordered by the court.

(c) Each party may serve on each adverse party no more than 15 interrogatories, including subparts, unless another limit is stipulated by the parties or ordered by the court.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:104-5. Production of Documents; Electronically Stored Information; Entry Upon Land for Inspection and Other Purposes; Pre-Litigation Discovery

(a) Contents of Response to Discovery Request. A party's written response under *R.* 4:18-1(b)(2) shall, in addition to providing the information described in *R.* 4:18-1(b)(2), state specifically: (1) whether the objection(s) interposed pertain to all or part of a request being challenged; (2) whether any documents or categories of documents are being withheld and, if so, which of the stated objections forms the basis for the responding party's decision to withhold otherwise responsive documents or categories of documents; and (3) the manner in which the responding party intends to limit the scope of its production.

(b) Failure to Provide Electronically Stored Information.

(1) If electronically stored information that should have been preserved in the anticipation or conduct of litigation is lost because a party failed to take reasonable steps to preserve it, and it cannot be restored or replaced through additional discovery, the court:

(A) upon finding prejudice to another party from loss of the information, may order measures no greater than necessary to cure the prejudice; or

(B) only upon finding that that the party acted with the intent to deprive another party of the information's use in the litigation may: (i) presume that the lost information was unfavorable to the party; (ii) instruct the jury that it may or must presume the information was unfavorable to the party; or (iii) dismiss the action or enter a default judgment.

(2) A party that is subject to an order entered by the court directing the preservation or production of electronically stored information and who acts in compliance with the terms of that order may thereafter apply its regular document destruction procedures to any electronically stored information that has not been ordered to be produced or preserved and shall not be subject

to any sanction for the destruction of electronically stored information that is not subject to its obligation to produce or preserve under such court order.

(c) Privilege Logs.

(1) The preference in the CBLP is for the parties to use categorical designations, where appropriate, to reduce the time and costs associated with preparing privilege logs. The parties are required to address such considerations in good faith as part of the meet and confer process and to agree, where possible, to employ a categorical approach to privilege designations. The parties are encouraged to use any reasoned method of organizing the documents that will facilitate an orderly assessment as to the appropriateness of withholding documents in the specified category. If the parties agree to use a categorical approach, for each category of documents that may be established, the producing party shall provide a certification, pursuant to *R.* 1:4-4, setting forth with specificity the facts supporting the privileged or protected status of the information included within the category. The certification shall also describe the steps taken to identify the documents so categorized, including but not limited to whether each document was reviewed or some form of sampling or electronic key-word searching was employed, and if the latter how the sampling or key-word searching was conducted.

(2) In the event the requesting party refuses to permit a categorical approach, and instead insists on a document-by-document listing on the privilege log, the producing party, on a showing of good cause, may apply to the court for an order allowing it to use a categorical approach or allocating costs, including attorneys' fees, incurred with respect to preparing the document-by-document log.

(3) In the event a document-by-document log is prepared, each uninterrupted e-mail chain shall constitute a single entry, and the description accompanying the entry shall include the following:

(A) an indication that the e-mails represent an uninterrupted dialogue;

(B) the beginning and ending dates and times (as noted in the e-mails) of the dialogue;

(C) the number of e-mails within the dialogue; and

(D) the names of all authors and recipients, together with sufficient identifying information about each person to allow for a considered assessment of the privilege issues.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:104-6. Proposed Form of Discovery Confidentiality Order

(a) For all cases in the CBLP that warrant the entry of a confidentiality order, the parties shall submit to the court the proposed stipulation and order that appears as Appendix XXX to these rules.

(b) In the event the parties wish to deviate from the form set forth in Appendix XXX, they shall submit to the court a red-line of the proposed changes and a written explanation of why the deviations are warranted in connection with the pending matter.

(c) Nothing in this rule shall preclude a party from seeking any relief available under *R.* 4:10-3.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:104-7. Expert Witness Discovery

(a) Any party intending to present evidence under *N.J.R.E.* 702, 703, or 705 shall disclose the information described in *R.* 4:17-4(e) without requiring the service of an interrogatory requesting such information.

(b) A party must make these disclosures at the times and in the sequence that the court orders. Absent a stipulation or a court order, the disclosures must be made:

(1) at least 90 days before the date set for trial or for the case to be ready for trial; or

(2) if the evidence is intended solely to contradict or rebut evidence on the same subject matter under *N.J.R.E.* 702, 703, or 705, within 30 days after the other party's disclosure.

(c) In its initial scheduling order, the court may require any party intending to introduce expert testimony as part of its affirmative case to identify its testifying experts 30 days in advance of the date on which expert disclosures are due.

(d) A party may depose any person who has been identified under *R.* 4:104-7(a), pursuant to the provisions of *R.* 4:10-2(d)(2). The deposition may be conducted only after the disclosures required by *R.* 4:104-7(a) have been made. Such witnesses shall appear for depositions without the necessity of subpoenas.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:104-8. Signature Required; Effect of Signature

(a) Required Signature as Certification. Every disclosure under Rules 4:103-1 and 4:104-7 and every discovery request, response, or objection under Rule 4:104 must be signed by at least one attorney of record in the attorney's own name – or by the party personally, if unrepresented – and must state the signer's address, e-mail address, and telephone number. By signing, an attorney or party certifies that to the best of the person's knowledge, information, and belief formed after reasonable inquiry:

(1) with respect to a disclosure, it is complete and accurate as of the time it is made; and

(2) with respect to a discovery request, response, or objection, it is:

(A) consistent with these rules and warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, or for establishing new law;

(B) not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and

(C) neither unreasonable nor unduly burdensome or expensive, considering the needs of the case, prior discovery in the case, the amount in controversy, and the importance of the issues at stake in the action.

(b) Failure to Sign. Other parties have no duty to act on an unsigned disclosure, request, response, or objection, and the court must strike such submission unless a signature is promptly supplied after the omission is called to the attention of the submitting attorney or party.

(c) Sanction for Improper Certification. If a certification violates this rule without substantial justification, the court, on motion or *sua sponte*, may impose an appropriate sanction on the signer, the party on whose behalf the signer was acting, or both. The sanction may

include an order to pay the reasonable expenses, including attorney's fees, caused by the violation.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:104-9. Sanctions for Failure To Make Discovery

(a) R. 4:23-1 through R. 4:23-5 shall apply to determining whether, when, and how a party may be sanctioned for failing to provide discovery, except that applications for the imposition of discovery sanctions shall be subject to the procedures set forth in *R.* 4:105-4.

(b) Any motion to be brought pursuant to *R.* 4:23-5 shall be considered a discovery motion subject to *R.* 4:105-4.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

Rule 4:105. Motions

4:105-1. General Principles

After a case has been assigned or designated to the CBLP, the parties shall seek rulings on all motions in the case only from the judge assigned to the case and not from other judges unless otherwise ordered by the court.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:105-2. Motions to be Addressed in the Scheduling Order

The initial scheduling order and any amendments thereto may include provisions agreed to by the parties with the approval of the court regarding the procedures for the filing of and the disposition of motions. The court may include provisions regarding sanctions for non-compliance with these rules.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:105-3. Extensions of Time for Initial Dispositive Motions

(a) Absent an order of the court, the hearing date for a dispositive motion may not be adjourned if a trial date has been set.

(b) Subject to paragraph (a), the original motion day of an initial dispositive motion may be adjourned once by a party opposing the motion, without the consent of the moving party, the court, or the clerk.

(c) To obtain the automatic extension, a party first must contact the CBLP judge to obtain a new motion date to be set by the court. Thereafter, the party must file with the clerk, and serve upon all other parties and the court, a letter stating that the originally noticed motion day has not previously been extended or adjourned and invoking the provisions of this rule prior to the date on which opposition papers would otherwise be due under the rules. That letter shall set forth the new motion day, which shall be provided by the CBLP judge.

(d) All parties opposing the motion shall timely file their opposition papers in accordance with the rules prior to the new motion day, and the moving party shall timely file its reply papers in accordance with the rules prior to the new motion day.

(e) No other extension of the time limits shall be permitted without an order of the court, and any application for such an extension shall advise the court whether other parties have or have not consented to such request.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:105-4. Advance Notice of Discovery Motions

(a) In order to permit the court the opportunity to resolve discovery issues before motion practice ensues and to control its calendar in the context of the discovery and trial schedule, pre-motion conferences in accordance herewith must be held.

(b) The parties are required to meet and confer (in-person or by phone) before bringing any discovery issue to the attention of the court.

(c) Prior to filing a discovery motion, counsel for the moving party shall advise the court in writing (no more than five pages), on notice to opposing counsel, outlining the issue(s) in dispute and the party's position on each such issue and requesting a telephone conference.

(d) Within three business days of receipt of the letter from counsel for the movant, any party opposing the relief shall submit a letter to the court (no more than five pages), on notice to opposing counsel, outlining the issue(s) in dispute and the party's position on each such issue.

(e) Upon review of the motion notice and response letter(s), the court will schedule a telephone or in-court conference with counsel. At the discretion of the court, the conference may be held on the record. Counsel fully familiar with the matter and with authority to bind their client must be available to participate in the conference. The unavailability of counsel for the scheduled conference, except for good cause shown, may result in granting of the application without opposition and/or the imposition of sanctions.

(f) If the court resolves the matter during the conference, an order consistent with such resolution may be issued or counsel will be directed to forward a letter confirming the resolution to be "so ordered."

(g) If the court does not resolve the matter during the conference, the court shall set a

briefing schedule for the motion. Except for good cause shown, the failure to comply with the briefing schedule may result in the submission of the motion unopposed or the dismissal of the motion, as may be appropriate.

(h) Where a motion must be made within a certain time pursuant to the rules or court order, the submission of a motion notice letter, as provided in this rule, within the prescribed time shall be deemed the timely making of the motion. This submission shall not be construed to extend any jurisdictional limitations period.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:105-5. Process Applicable to Summary Judgment Motions

This rule applies to any motion brought pursuant to *R.* 4:46, which shall continue to apply to the extent not inconsistent with this rule.

(a) The parties are to confer and agree on a briefing schedule for dispositive motions, including cross-motions.

(b) The moving party will prepare its notice of motion, brief, affidavits, other supporting documentation and statement of material facts. These papers will be sent to all adversaries and the original filed with the clerk with no motion date designated.

(c) An original of all opposition papers are then to be filed with the clerk in accordance with the agreed-upon schedule of the parties. Two copies of all opposition papers are to be served on the movant and all other parties.

(d) An original of all reply papers are then to be filed with the clerk in accordance with the agreed-upon schedule of the parties. Copies of all reply papers are to be served on all other parties.

(e) After the motion has been fully briefed, the movant shall file a letter with the clerk, and serve a copy on the CBLP judge and all other parties, certifying that the matter is fully briefed and asking the clerk to place the motion on the court's motion calendar for a motion date within 30 days of the submission date. The motion return date may be changed by the court, and if the court changes the motion date, it shall notify the parties. The clerk shall forward all original filed motion papers to the court. The movant shall provide one full set of all motion papers as a courtesy copy to the court, listing in the cover letter all papers submitted.

(f) If any party receiving a motion for summary judgment seeks to file a cross-motion for summary judgment, the cross-movant shall confer with the movant to agree on a

revised briefing schedule, as appropriate. The cross-movant thereafter shall file and serve a single brief consisting of its opposition to the original motion and its moving brief on the cross-motion. The original moving party shall then file and serve a single brief consisting of its reply on the original motion and its opposition to the cross-motion. The cross-movant shall then file and serve a reply brief limited to the issues on the cross-motion. After both the motion and cross-motion have been fully briefed, the original moving party shall file a letter with the clerk, and serve a copy on the CBLP judge and all other parties, certifying that the matters are fully briefed and asking the clerk to place the motions on the court's motion calendar for a motion date within 30 days of the submission date. The motion return date may be changed by the court, and if the court changes the motion date, it shall notify the parties. The clerk shall forward all original filed motion and cross-motion papers to the court. The original moving party shall collect all papers submitted in support of and in opposition to both the original motion and the cross-motion, and shall provide one full set of all motion papers as a courtesy copy to the court, listing in the cover letter all papers submitted.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:105-6. Length of Papers

Unless otherwise permitted by the court: (i) the page limitations for briefs or memoranda of law set forth in *R.* 1:6-5 shall apply; and (ii) affidavits/certifications, exclusive of exhibits, shall be limited to 25 pages.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:105-7. Sur-Reply and Post-Submission Papers

Absent express permission in advance, sur-reply papers, including correspondence, addressing the merits of a motion are not permitted, except that counsel may inform the court by letter of the citation of any post-submission court decision that is relevant to the pending issues, but there shall be no additional argument. Materials submitted in violation hereof will not be read or considered. Opposing counsel who receives a copy of materials submitted in violation of this rule shall not respond in kind unless instructed by the court.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:105-8. Joint Motion Submissions

A party who elects to join in any pending motion or opposition shall do so by timely submitting a letter stating that the party is joining in the relief sought and relying upon the papers submitted by the movant or opponent of the motion.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:105-9. Motions Not Requiring Briefs

(a) No brief is required by either movant or respondent, unless otherwise directed by the court, with respect to the following motions: for extension of time for the performance of an act required or allowed to be done, provided request therefor is made before the expiration of the period originally prescribed or extended by previous orders; to continue a pretrial conference, hearing, or the trial of an action; to add parties; to amend the pleadings; to file supplemental pleadings; for substitution of parties; or for *pro hac vice* admission of counsel who are not members of the New Jersey State Bar.

(b) The above motions, which are not required to be accompanied by a brief, shall state good cause therefor and cite any applicable rule, statute, or other authority justifying the relief sought. These motions shall be accompanied by a proposed order.

Note: Adopted July 27, 2018 to be effective September 1, 2018.