

**RULES OF
PRACTICE AND PROCEDURE**

of the

**UNITED STATES
DISTRICT COURT
FOR THE MIDDLE DISTRICT
OF NORTH CAROLINA**

Effective ~~October~~ January 1, ~~2020~~ 2021

Court's CM/ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. Eastern Time that day. Known systems outages will be posted on the Court's web page, if possible.

(2) If the Court's CM/ECF site experiences a technical failure, a Filing User may submit documents to the Court that day in an alternate manner provided that the documents are accompanied by the Filing User's affidavit stating that the Filing User attempted to file electronically at least two times in one hour increments after 10:00 a.m. that day.

(h) Text Searchable Documents. Any document, including attachments and exhibits, filed in CM/ECF should be in a text searchable format.

LR 5.4 FILING DOCUMENTS UNDER SEAL

(a) Sealing is Disfavored.

(1) Unless authorized by statute, rule, or court order, no litigant or third party may file any pleading, brief, exhibit, or other document under seal.

(2) Documents may be filed under temporary seal in accordance with LR 5.4 and LR 5.5, pending Court review of the required motion to seal. If authorized under LR 5.4(d), documents may be filed under seal without a motion to seal.

(3) Sealed documents should not be filed unless necessary for determination of the matter before the Court. If only non-confidential portions of a document are necessary, only those portions should be filed, immaterial portions should be redacted, and no motion to seal should be filed.

(4) The Court may impose sanctions, including attorney's fees, for filing unsupported or overly broad motions to seal, or for making unsupported or overly broad confidentiality designations that are not appropriately narrowed following a request and that necessitate the filing of a motion to seal by another party.

(5) The provisions of LR 5.4 and 5.5 are intended to minimize the filing of sealed documents, to protect the public right of access, to ensure the docket is clear so that documents can be found easily, and to allow for review of motions to seal in a way appropriate for the case and that reduces cost, time, and confusion.

(b) Rule 5.5 Orders and Duty to Advise the Court.

All parties have a duty to evaluate early whether a case will involve the possibility of filing sealed documents. In any such case, the Parties must notify the Court as early as possible, and the Court will enter an order establishing specific procedures for managing motions to seal (a "LR 5.5 Order").

(1) To facilitate entry of the LR 5.5 Order, the parties must meet-and-confer and file a report in the form set forth in LR 5.5 (a “LR 5.5 Report”) as follows:

a. **During the Rule 26(f) Meeting.** The parties must discuss the possibility of sealed documents during the Rule 26(f) meeting. The Rule 26(f) Report(s) must either (1) state that the case will not involve any confidential or sealed documents, or (2) attachstate that the parties have separately filed a LR 5.5 Report-, which must be filed no later than the filing of the Rule 26(f) Report(s). If a party determines during discovery that they have incorrectly indicated that the case will not involve any confidential or sealed documents, the parties must meet and confer and file a LR 5.5 Report within 10 days after so determining, and they must include an explanation for the late change in position.

b. **On the Filing of the First Motion to Seal.** If a motion to seal is filed but no LR 5.5 Report has been filed (including where a Rule 26(f) meeting has not occurred), the parties must meet and confer and submitfile a LR 5.5 Report within 10 days of the filing of the motion to seal.

(2) The meet-and-confer required by LR 5.4(b)(1) must include all parties who have appeared in the case, as well as any third party claiming confidentiality over documents produced by the third party that have been filed or are expected to be filed in the case. If any party refuses to participate in the conference, the other parties may file the L.R. 5.5 Report and so indicate; the Court may impose sanctions on the non-compliant party, if appropriate.

(3) The meet-and-confer requirements of LR 5.4(b)(1) do not apply in cases involving a pro se party. In such cases, the parties must still present a LR 5.5 Report, jointly or individually.

(4) Proposals for LR 5.5 Orders should be specific to the needs of the case. The parties must set out their proposal(s) in detail in their LR 5.5 Report, and any such proposal must ensure that public access is provided to the greatest extent possible, that the public has notice of any request to seal, that a sufficient showing is made any time a party asks to file documents under seal as set forth in LR 5.4(c)(3), and that the process brings the request to seal before the Court in an organized way.

(5) Upon review of the LR 5.5 Report, the Court will consider the parties’ proposal and may adopt it as submittedfiled, may modify the proposal, or may set the matter for a hearing to address and clarify the process for seeking to file documents under seal.

(c) Default Procedures for Motions to Seal.

(1) **Applicability.** These default procedures may be used only if:

a. a LR 5.5 Report has not yet been required by LR 5.4(b); or

- b. a LR 5.5 Report has been filed but a LR 5.5 Order has not yet been entered; or
- c. a LR 5.5 Order has been entered authorizing use of these default procedures.

(2) **Motion required.** If a party seeks to file documents or portions of documents under seal, the party must file a motion to seal on the public docket containing a non-confidential description of what is to be sealed. A separate brief is not required.

(3) **Supporting material required.** No motion to seal will be granted without a sufficient showing by the party claiming confidentiality as to why sealing is necessary and why less drastic alternatives will not afford adequate protection, with evidentiary support, including affidavits or declarations, and with citation to any supporting statutes, case law, or other authority. If confidential information needs to be discussed or provided to make this showing, a sealed supplement to the motion to seal may be filed separately. This showing also must address the length of time for which sealing is sought. Failure to file LR 5.4(c)(3) supporting materials will result in denial of the motion to seal and unsealing of the materials without further notice.

(4) **Timing for Filing Support.**

a. If the filing party is the party claiming confidentiality, the materials required in LR 5.4(c)(3) must be filed with the motion to seal.

b. If the filing party is not the party claiming confidentiality or is not claiming it as to all of the items, the filing party should so note, and the party claiming confidentiality must file a response within 14 days of the motion to seal that includes the materials required by LR 5.4(c)(3). The response should also include any contention that the items to be sealed are irrelevant or should be stricken rather than unsealed.

(5) **Objections.** Any party that opposes sealing must file such objection to sealing within 14 days of the filing of the LR 5.4(c)(3) supporting materials.

(6) **Checklist and Summary Chart required.** A party who files a motion to seal must submit a LR 5.4(d) Checklist and Summary Chart to the assigned district judge's ECF mailbox within 3 business days of the filing.

(7) **Withdrawal of Documents.** When the party filing a motion to seal is also the party claiming confidentiality, that party may elect to withdraw the documents for which sealing is sought, if the motion to seal is denied and no other party has relied upon the documents, in which case the documents will not be considered by the Court. Any such election must be included in the initial motion to seal, and if the motion to seal does not

include such an election, the documents will be unsealed if the motion to seal is denied.

(8) **Temporary Filing of Sealed Documents.** Until the Court rules on the motion to seal, the underlying documents for which sealing is sought shall be filed under temporary seal. To provide clarity on the CM/ECF docket, the filing party must file two complete sets of documents, one public and one under temporary seal. The public version must have placeholders or redactions for each item for which sealing is sought. The version filed under temporary seal must be a complete set which includes all exhibits, even those not subject to the motion to seal, and the information sought to be sealed must be highlighted.

(d) Exceptions.

Subject to further review pursuant to LR 5.4(e), no motion or Order is required to file the following under seal:

- (1) Documents for which sealing is provided by a governing statute, rule, or order, but in that case the face of the document should specifically note the statute, rule, or order providing for sealing, and the CM/ECF filer ~~or Clerk~~ shall provide public notice ~~by stating~~ in the docket entry reflecting that the document contains sealed material pursuant to the specified statute, rule, or order.
- (2) Financial Affidavits of individuals seeking representation of an attorney at government expense under the Criminal Justice Act;
- (3) Motions for issuance of criminal subpoenas;
- (4) Motions to seal indictments and for issuance of corresponding arrest warrants;
- (5) Motions for leave to subpoena witnesses at Government expense under the Criminal Justice Act;
- (6) Motions for issuance of writs of habeas corpus ad testificandum;
- (7) Motions filed pursuant to Section 5K1.1 of the United States Sentencing Guidelines for a downward departure;
- (8) Motions filed pursuant to Section 3553(e) of Title 18, United States Code, for authority to impose a sentence below a statutory minimum;
- (9) Motions filed pursuant to Rule 35 (b) of the Federal Rules of Criminal Procedure to reduce a sentence for substantial assistance;
- (10) Motions and pleadings identifying national security information;
- (11) Motions filed pursuant to 18 U.S.C. § 4241 for determination of mental competency to stand trial and pursuant to 18 U.S.C. § 4242 for determination of the existence of insanity at the time of the offense;
- (12) Administrative records in Social Security cases;

- (13) Presentence Investigation Reports, Position Papers Regarding Sentencing Factors, and other sentencing memorandums pursuant to LCrR 32.2; and
- (14) Unexecuted criminal summonses or warrants.

(e) Unsealing Documents.

The Court may modify orders sealing court records or the sealing of items pursuant to LR 5.4(d): (i) at any time sua sponte, (ii) at any time upon appropriate motion by a non-party not previously heard, or (iii) upon a motion by a party or non-party previously heard showing that sealing is no longer needed.

Commentary

As a general rule, parties should keep to a minimum the filing of sealed documents. Case law protects generally the right of public access to documents filed in court, both under the First Amendment and the common law. Motions to seal should be narrow and specific. When only part of an exhibit or a brief is confidential, the moving party should not seek to seal the entire brief or exhibit but rather should seek only partial sealing and should comply with Rule 5.4.

Often the parties to a case will enter into a confidentiality agreement that provides that certain information exchanged between them in the course of discovery will remain confidential. The procedures described in this rule do not affect the ability of the parties to enter into such an agreement. However, the parties cannot agree to the sealing of documents filed in court without following the mandatory procedures set forth in this rule.

Proposals for LR 5.5 Orders will vary. Depending on the case, the proposal may include, for example, use of a Joint Appendix filed after briefing on a motion is complete, with a single motion to seal for confidential items contained in the Joint Appendix, or it may include exchange but not filing of briefs until after all briefing is complete, so as to reduce disagreements over what is subject to the motion to seal.

LOCAL RULE 5.4 CHECKLIST

The party filing the motion to seal must submit this Checklist to the assigned district judge's ECF mailbox within three (3) business days of filing the motion to seal.

- 1. _____ Public version filed with redactions noted for items to be sealed (Doc. # _____)
- 2. _____ Sealed version filed with all attachments, including unredacted document(s) to be sealed (Doc. # _____)

3. _____ Sealed version is highlighted to show what was redacted from the publicly-filed document(s)
4. _____ Public motion to seal is filed (Doc. # _____) with a non-confidential description of what is to be sealed and either:
 _____ a sufficient showing legally and factually as to why sealing is necessary and why less drastic alternatives to sealing will not afford adequate protection, with evidentiary support including affidavits or declarations;
 OR
 _____ in the event of a motion to seal by a filing party who is not the party claiming confidentiality, with a statement that the materials are confidential items of another party or entity who will be responsible for filing LR 5.4(c)(3) materials to support the sealed filing.
5. _____ Sealed supplement to motion to seal
 _____ was filed under seal (Doc. # _____) to discuss confidential information in order to make the requisite showing; or
 _____ was not necessary
6. _____ Does the motion include an election to have the underlying documents withdrawn if the motion to seal is denied?
 _____ Yes _____ No
7. _____ Summary Chart:

Docket No. of Public Version	Docket No. of Sealed Version	Description of Document	Party (or non-party) designating confidential	Length of time to be sealed	Any disagreement as to sealing?	Basis for Sealing ¹

¹This explanation should be short, with a more detailed explanation and supporting materials filed as required by LR 5.4(c)(3). A non-exhaustive list of examples includes:

1. reveals trade secrets of a party (or non-party)
2. reveals proprietary business methods of a party (or non-party)
3. confidential financial records
4. confidential personal health information
5. contains confidential personnel information regarding non-party employees
6. reveals information regarding a minor
7. contains information ordered sealed by the court on DATE [Docket No. XX]
8. Unknown – to be addressed by party claiming confidentiality pursuant to LR 5.4(c)(3)

LR 5.5 REPORT FOR THE FILING OF SEALED DOCUMENTS

Conference: The parties have discussed the issues of confidentiality raised in this case and the potential need for filing documents under seal. That discussion included the nature of any confidential documents that may be involved in the case, the possibility of using stipulations to avoid the need to file certain documents, and the possibility of agreed-upon redactions of immaterial confidential information in filings to avoid the need for filing documents under seal.

Non-Parties: Because a non-party has produced documents pursuant to a protective order or is otherwise claiming confidentiality over documents filed or expected to be filed in this case, the conference included _____ (identify non-party).

Default: The parties certify that few, if any, documents will be filed under seal. The parties agree to use the default procedures of LR 5.4(c). In addition, if the party filing the motion to seal is not the party claiming confidentiality, the filing party must meet and confer with the party claiming confidentiality as soon as practicable, but at least two (2) days before filing the documents, to discuss narrowing the claim of confidentiality. The motion to seal must certify that the required conference has occurred, and the party claiming confidentiality must file supporting materials required by LR 5.4(c)(3) within 14 days of the motion to seal.

Alternative Proposal for Cases with Many Confidential Documents.

In order to address claims of confidentiality and reduce the need to file briefs and exhibits under seal, the parties propose the alternative procedure set out in the attached proposal, either jointly or as competing alternatives, for consideration by the Court.

Other relevant information: _____

LR 6.1 EXTENSIONS OF TIME AND CONTINUANCES OF HEARINGS

(a) Motions for an Extension of Time to Perform an Act. All motions for an extension of time to perform an act required or allowed to be done within a specified time must comply with Fed.R.Civ.P. 6(b) and show prior consultation with opposing counsel and the views of opposing counsel.

(b) Motions for Continuance. All motions to continue a pretrial conference, hearing on a motion, or the trial of an action must be filed reasonably in advance of the hearing date and must reflect the views of opposing counsel.

LR 6.2 INACCESSIBILITY OF THE CLERK'S OFFICE

For purposes of applying Rule 6(a)(3) of the Federal Rules of Civil Procedure, the clerk's office is considered inaccessible for electronic filing when the Court's electronic filing system (CM/ECF) is not available and a suitable method of alternate delivery cannot be made as specified in the CM/ECF "Electronic Case Filing Administrative Policies and Procedures Manual." For paper filings, the clerk's office is considered inaccessible when a clerk's office closure, such as inclement weather or building emergency, prevents the filing of a document.

Whenever a party in computing a filing or service date relies upon Rule 6(a)(3) of the Federal Rules of Civil Procedure, counsel or parties appearing *pro se* must certify such reliance in the certificate of service or by separate written declaration.

LR 7.1 FORM OF PLEADINGS AND PAPERS

(a) Form. Pleadings, motions, briefs, and other papers submitted for filing must be typewritten, printed, or legibly handwritten on letter size paper. The pages shall be single-sided and shall be unfolded and bound at the top and numbered at the bottom, without manuscript cover. The margin at the top of each page shall not be less than one and one-quarter inches, and bottom, left and right margins shall be set at not less than one inch. Typewritten and handwritten documents shall be double spaced. Mechanically reproduced copies which bear an original signature will be accepted by the Court as originals.

All pleadings, motions and other original papers filed with the Clerk shall be in a fixed-pitch type size no smaller than ten characters per inch or in a proportional font size no smaller than 13 point. There shall be no more than 27 lines of regularly spaced text on a page.

(b) Telephone Numbers and Addresses. Parties or attorneys signing papers submitted for filing must state their telephone numbers, mailing addresses and e-mail addresses. Attorneys admitted to practice before this Court must also include their state bar number.

(c) Exhibits to Pleadings or Papers. Bulky or voluminous materials should not be submitted for filing with a pleading or paper, or incorporated by reference therein, unless such materials are essential. The Court may order any pleading or paper stricken if filed in violation of this rule.

(d) Civil Rights Actions by Prisoners, 42 U.S.C. §§ 1983. All *pro se* complaints filed by state prisoners seeking relief under 42 U.S.C. §§ 1983 shall be filed with the clerk in compliance with the instructions of the clerk and on appropriate forms which are available without charge in the clerk's office

Court will enter an initial pretrial order that will control the conduct of the litigation.

(d) Initial Pretrial Order Upon the Joint Rule 26(f) Report. If the parties reach agreement on a discovery plan and submit a joint Rule 26(f) Report, the Court will enter an order on the basis of the proposed plan as submitted or as modified by the Court. The Court may, on its own motion, modify the plan if it finds in its discretion that the plan provides for an excessive amount of discovery or the parties' selection of a case management track under LR 26.1 is unreasonable. The scheduled initial pretrial conference is automatically canceled upon the submission to the Court of the joint Rule 26(f) Report.

(e) Discovery with Respect to Expert Witnesses. The initial pretrial order, whether based upon a joint Rule 26(f) Report or a conference following the filing of separate reports, shall provide that discovery with respect to experts be conducted within the discovery period established in the case. The order shall set the date on which disclosure of expert information under Fed.R.Civ.P. 26(a)(2) must be made.

(f) Meeting on the Scope of Retention of Potentially Relevant Documents. At any time prior to the meeting of parties required by LR 16.1(b), the parties by consent may schedule a meeting relating to the scope of retention of potentially relevant documents, including but not limited to documents stored electronically and the need to suspend any automatic deletion or electronic documents or overwriting of backup material tapes which may contain potentially relevant information. If any party requests a meeting pursuant to LR 16.1(f) and does not obtain consent to such a meeting, the party may file a motion with the Court asking for the entry of an Order requiring a LR 16.1(f) meeting. If such a meeting occurs, by consent or by order, and no retention agreement can be reached, a party may file a motion within 10 days of the Rule 16.1(f) conference with the Court seeking an order on retention. A party's use of, or failure to use, the procedures contained herein, and any negotiations between the parties pursuant to this subparagraph shall be inadmissible.

LR 16.2 JOINT RULE 26(f) REPORT (FORM)

If the parties are in agreement concerning a discovery plan, they shall file a joint report in substantially the following form:

Joint Rule 26(f) Report

1. Pursuant to Fed.R.Civ.P. 26(f) and LR16.1(b), a meeting was held on date at place and was attended by _____ for Plaintiff(s), and _____ for Defendant(s).

2. Discovery Plan. The parties propose to the Court the following discovery plan:
If there is a pending dispositive motion: Discovery should/should not be postponed or limited pending determination of a pending dispositive motion.

The "commencement date" of discovery will be: [a date certain; upon entry of this Order;

upon entry of the Court's Order denying a pending dispositive motion in whole or in part];

Discovery will be needed on the following subjects:

(brief descriptions) _____.

Discovery shall be placed on a case-management track established in LR 26.1.

The parties agree that the appropriate plan for this case (with any stipulated modification by the parties as set out below) is that designated in LR 26.1(a) as:

Standard

Complex

Exceptional

The date for the completion of all discovery (general and expert) is: _____.

Stipulated modifications to the case management track include: _____.

Reports required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) are due during the discovery period:

From Plaintiff(s) by _____.

From Defendant(s) by _____.

Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the court.

3. Mediation. [For cases selected for mediation under LR 16.4 and LR 83.9a-g et seq.]

Mediation should be conducted [early][midway] [late] in the discovery period, the exact date to be set by the mediator after consultation with the parties. The parties agree that the mediator shall be (identity).

(If the parties report no agreement, the clerk will select a mediator from the Court's panel of mediators.)

4. Preliminary Deposition Schedule. Preliminarily, the parties agree to the following schedule for depositions: _____.

The parties will update this schedule at reasonable intervals.

5. Other items.

Plaintiff(s) should be allowed until date to request leave to join additional parties or amend pleadings.

Defendant(s) should be allowed until date to request leave to join additional parties or amend pleadings.

After these dates, the Court will consider, *inter alia*, whether the granting of leave would delay trial.

The parties have discussed special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. §§636(c), or appointment of a master:

(Report any agreements on these matters) .

Trial of the action is expected to take approximately _____ days. A jury trial [has][has not] been demanded.

The parties discussed whether the case will involve the possibility of confidential or sealed documents.

___ The parties agreed that no documents in this case will be designated as confidential or filed under seal.

OR

___ The case may involve confidential or sealed documents and the parties have ~~attached~~ separately filed a LR 5.5 Report.

Date:

Signatures of parties or counsel
Signatures of parties or counsel

LR 16.3 RULE 26(f) REPORT (FORM)

If the parties are unable to agree on a discovery plan, each party shall file a separate report in substantially the following form:

Rule 26(f) Report

1. Pursuant to Fed.R.Civ.P. 26(f) and LR16.1(b), a meeting was held on date at place and was attended by _____ for Plaintiff(s), and _____ for Defendant(s).

2. Discovery Plan. The undersigned party proposes to the Court the following discovery plan:

If there is a pending dispositive motion: Discovery should/should not be postponed or limited pending determination of a pending dispositive motion. The “commencement date” of discovery will be: [a date certain; upon entry of this Order; upon entry of the Court’s Order denying a pending dispositive motion in whole or in part];

Discovery will be needed on the following subjects:

(brief descriptions) _____.

Discovery shall be placed on a case-management track established in LR 26.1. The undersigned party proposes that the appropriate plan for this case (with any stipulated modification by the parties as set out below) is that designated in LR 26.1(a) as:

Standard
Complex

Exceptional

The date for the completion of all discovery (general and expert) is: _____.

Stipulated modifications to the case management track include: _____.

Reports required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) are due during the discovery period:

From Plaintiff(s) by _____.

From Defendant(s) by _____.

Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the court.

3. Mediation. [For cases selected for mediation under LR 16.4 and LR 83.9a-g et seq.]

Mediation should be conducted [early][midway] [late] in the discovery period, the exact date to be set by the mediator after consultation with the parties. The parties agree that the mediator shall be (identity).

(If the parties report no agreement, the clerk will select a mediator from the Court's panel of mediators.)

4. Preliminary Deposition Schedule. The undersigned proposes the following schedule for depositions: _____.

The parties will update this schedule at reasonable intervals.

5. Other items.

Plaintiff(s) should be allowed until date to request leave to join additional parties or amend pleadings.

Defendant(s) should be allowed until date to request leave to join additional parties or amend pleadings.

After these dates, the Court will consider, *inter alia*, whether the granting of leave would delay trial.

The parties have discussed special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. §§636(c), or appointment of a master:

(Report any agreements on these matters).

Trial of the action is expected to take approximately _____ days. A jury trial [has][has not] been demanded.

The parties discussed whether the case will involve the possibility of confidential or sealed documents.

___ The parties agreed that no documents in this case will be designated as confidential or filed under seal.

OR

___ The case may involve confidential or sealed documents and the parties have ~~attached~~separately filed a LR 5.5 Report.

Date:

Signatures of party or counsel

LR 16.4 MEDIATED SETTLEMENT CONFERENCES

(a) Mediated Settlement Conferences During Discovery. In selected civil cases (see section [b] for a description of cases automatically selected for mediation) there shall be conducted a mediated settlement conference in accordance with LR 83.9a-g. The conference may be set for any time during the discovery period, as agreed by the parties. In appropriate cases, the parties may wish to schedule the mediation early in the discovery period, after a first round of depositions or other discovery. In other cases, the parties may choose to set the conference near the end of the discovery period after all, or substantially all, discovery is complete. The parties shall discuss the timing of the mediated settlement conference during the Rule 26(f) meeting of the parties.

(b) Automatic Selection by these Rules. Several categories of civil cases are automatically selected for mediated settlement conferences, without specific order by the Court. These categories include, according to the nature of suit designations made in opening the case in CM/ECF or as listed within the court forms appearing at www.ncmd.uscourts.gov, (1) contract [categories 110-140 and 160-195, specifically excluding 150-153], (2) tort [all categories, 310-385], (3) civil rights [all categories, 440-444], (4) labor [all categories, 710-791], (5) property rights [all categories, 820-840], (6) antitrust [category 410], (7) banks and banking [category 430], (8) securities/commodities/ exchange [category 850] and (9) environmental matters [category 893]. The parties to these actions shall discuss mediation plans at the Fed.R.Civ.P. 26(f) meeting of the parties and report such plans in their Rule 26(f) Report in preparation for the entry of an initial pretrial order. See LR16.1(b)(c) and (d). Cases wherein the United States is a party or the plaintiff appears *pro se* are not included within this automatic selection for mediation.

(c) Exemption from Mediated Settlement Conference. Any party, or parties jointly, may move for exemption from the requirement for a mediated settlement conference. The Court will grant such a request only for good cause. A general assertion that settlement is unlikely or only a remote possibility does not serve as good cause for exemption.

LR 17.1 MINORS AND INCOMPETENTS AS PARTIES

(a) Capacity to Sue or Be Sued. Minors and incompetent persons may sue or defend only by their general or testamentary guardians within this state or by guardians