

## **MAGISTRATE JUDGE DAVID R. STRAWBRIDGE**

Magistrate Judge Strawbridge was born on August 19, 1945 in Abington, Pennsylvania. He is a graduate of Brown University (1967) and Villanova University School of Law (1971).

He worked as an Assistant District Attorney in Philadelphia from 1971 through 1976 and as an Assistant United States Attorney for the Eastern District of Pennsylvania from 1976 through 1978. In 1978, he joined Cozen O'Connor where he worked as a trial lawyer for nearly twenty-seven years. At Cozen he handled a variety of insurance coverage, insurance defense, subrogation and commercial cases. In 1998, he opened Cozen O'Connor's first international office in London. He returned to Cozen O'Connor's Philadelphia office in 2002. He was sworn in as a United States Magistrate Judge on April 26, 2005.

### **PRELIMINARY GENERAL MATTERS**

#### **1. *Correspondence with the Court***

Judge Strawbridge permits correspondence from counsel on any matters.

#### **2. *Communications with Law Clerks***

Judge Strawbridge permits counsel to communicate with his law clerks on scheduling and administrative matters, but never on the merits of a case.

#### **3. *Telephone Conferences***

Judge Strawbridge prefers that counsel come to chambers for all conferences. Telephone conferences may be utilized, however, for dealing with matters such as scheduling changes, extensions of time and routine discovery disputes. It will be the responsibility of counsel seeking relief to initiate any such conference by contacting the Judge's deputy clerk, Danielle Puchon.

#### **4. *Oral Arguments and Evidentiary Hearings***

Oral arguments and evidentiary hearings may be scheduled through Judge Strawbridge's deputy clerk. All reasonable efforts will be made to accommodate the schedules of counsel.

#### **5. *Pro Hac Vice Admissions***

Judge Strawbridge will permit oral motions for pro hac vice admissions on the day that the attorney to be admitted first appears. On or before the date of the non-admitted attorney's first appearance, counsel must prepare an appropriate Order to memorialize the pro hac vice admission.

### **CIVIL CASES**

## **Pretrial Procedure**

Judge Strawbridge will schedule status conferences, settlement conferences and final pretrial conferences as required by the circumstance of each particular case. Judge Strawbridge will work with counsel in the scheduling of either telephone conferences or conferences in chambers to resolve any issues that may arise during the progress of the case. Judge Strawbridge does expect, however, that counsel will make all good faith efforts to resolve any disputed matter between themselves before seeking involvement of the Court. Counsel are expected to be mindful of the mandate of Federal Rule of Civil Procedure 1 that the procedural rules “shall be construed and administered to secure the just, speedy, and inexpensive determination of every action.”

## **Continuances and Extensions**

In that counsel will have substantial input in the setting of dates in the Rule 16 Order, Judge Strawbridge expects counsel to comply with the dates set out in that Order. Extensions will be entertained upon a showing that circumstances beyond the reasonable expectation of counsel have hampered the progress of the case. Judge Strawbridge will not require a formal motion seeking an extension and will consider requests for extensions to be brought to the attention of his deputy clerk who will set up either a telephone or chambers conference.

## **General Motions Practice**

### **1. *Oral Argument on Motions***

Judge Strawbridge will schedule oral argument on motions if it appears likely to be helpful to the Court’s resolution of the matter. Counsel may request oral argument if considered appropriate.

### **2. *Reply and Surreply Briefs***

Judge Strawbridge will permit reply briefs. Judge Strawbridge will not normally permit surreply briefs and counsel desiring to file a surreply must first seek permission of the Court before such a brief will be accepted.

### **3. *Chambers Copy of Motions Papers***

Judge Strawbridge requires a courtesy copy of all motion papers to be sent directly to chambers.

## **Discovery Matters**

### **1. *Length of Discovery Period and Extensions***

Judge Strawbridge normally permits from ninety to one hundred and twenty days for the completion of discovery; however, he will consider the informed view of counsel as to the time that will be required for discovery in a particular case. Additional time will be allowed in complex cases or upon a specific showing of need. Judge Strawbridge will also consider staged discovery. He will encourage that the most essential discovery be undertaken early in the case so that it will foster early settlement opportunities and minimize the costs of litigation.

**2. *Discovery Disputes***

Judge Strawbridge expects the parties to resolve discovery disputes without court intervention. Should counsel be unable, in good faith, to resolve their dispute, Judge Strawbridge permits contact with the Court through his deputy clerk to set up telephone or chambers conferences to resolve outstanding issues. The use of motion practice in discovery matters is discouraged.

**3. *Confidentiality Agreements***

Judge Strawbridge will permit confidentiality agreements subject to the requirements of Pansy v. Borough of Stroudsburg, 23 F.3d 772, 786 (3d Cir. 1994).

**4. *Expert Witnesses***

The parties will identify expert witnesses and provide expert reports pursuant to the Rule 16 Scheduling Order entered in the particular case. A failure to do so may bar the use of the expert's testimony at trial.

**Settlement**

**1. *When Jurisdiction Remains with the District Court***

**A. *Preliminary Telephone Conference***

When a matter is referred to Judge Strawbridge for purposes of settlement he will normally hold a preliminary telephone conference with counsel. At the time of the telephone conference, counsel will be expected to discuss the status of settlement discussions (if any) and the timing of the actual face to face conference. In the interest of streamlining the litigation, Judge Strawbridge will encourage counsel to participate in settlement discussions as early as practicable and to stage discovery such as to facilitate settlement and control costs without doing violence to the referring judge's Rule 16 requirements.

**B. *Settlement Conference Memoranda***

Judge Strawbridge will normally require counsel to submit a brief conference memorandum one week before the actual conference. Judge Strawbridge will enter an order following the preliminary telephone conference that outlines the matters to be covered in the conference memorandum. Judge Strawbridge will encourage counsel to agree to exchange their memoranda. The memoranda are not to be filed with the Clerk's office.

**C. *Demands and Offers***

Judge Strawbridge requires plaintiff (and defendant to any affirmative claim) to set out a written good faith demand prior to the conference. The defendant (or the other responding party) is required to respond to that demand in writing. The dates of the demands and offers will be set out in Judge Strawbridge's settlement conference order in each case.

**D. *Parties' Attendance and Participation***

Judge Strawbridge will require that a party or party's representative with knowledge of the case and settlement authority attend the conference in person. In exceptional circumstances, Judge Strawbridge will permit that person to participate in the conference by telephone. Counsel seeking this relief must contact chambers as soon as they are aware of a problem with attendance.

At the conference, the judge will expect counsel to:

- Be prepared to discuss the weaknesses, as well as, the strengths of their case.
- Prepare their client. Judge Strawbridge will speak to them directly.
- Organize and bring the critical documents. The judge will want to see them.
- Attach relevant summary expert reports to the conference memos. The judge will review them.
- Bring any photographs, sketches, diagrams and charts. The judge will review them.
- Be patient. Settlement is a process. It takes time.
- Be flexible. Avoid bottom lines or top numbers.
- Be creative.

- Manage your client's expectations.
- Manage your own expectations.

**E. *Follow-up Contact***

Judge Strawbridge will, if appropriate, continue to work with counsel after the settlement conference if the matter is not resolved at the conference.

**2. *When jurisdiction for all purposes has been referred to Judge Strawbridge***

**A. *Jury Matters***

Judge Strawbridge may, after discussion with counsel, conduct his own settlement conferences utilizing the procedures referred to above. If not appropriate and if a conference is deemed worthwhile, Judge Strawbridge will obtain the assistance of another magistrate judge to assist with settlement discussions.

**B. *Non-Jury Matters***

Judge Strawbridge will not take part in settlement discussions in a non-jury matter. A settlement conference may, however, be arranged with another magistrate judge.

### **Arbitration**

**1. *General Approach to Arbitration Cases***

Judge Strawbridge has no special practices or procedures for arbitration cases.

**2. *Scheduling Trial De Novo from Arbitration***

Judge Strawbridge will schedule trial promptly when a demand for trial de novo is filed following arbitration.

### **Pretrial Memoranda**

Unless specifically provided for by separate Order, Judge Strawbridge will require the use of the short form pretrial memorandum described in Rule 16.1(c) of the Local Rules of Civil Procedure for the Eastern District of Pennsylvania. In certain cases, Judge Strawbridge may require counsel to stipulate to uncontested facts as generally set out in Local Rule 16.1(d)(2)(b)(2)(A-E).

## **Trial Procedure**

### **1. *Scheduling of Cases***

Judge Strawbridge's cases will be specially listed for trial based upon the Court's calendar and the availability of counsel, the parties, experts and critical witnesses.

### **2. *Conflicts of Counsel***

Given the manner of scheduling, conflicts will normally not occur. Should counsel, however, have a professional or personal conflict which may affect the trial schedule, notice should be provided immediately to opposing counsel and the Court.

### **3. *Parties or Witnesses***

Judge Strawbridge will make all reasonable attempts to accommodate the schedules and availability of parties, experts and critical witnesses.

### **4. *Note taking by Jurors***

Judge Strawbridge will consider note taking by jurors on a case by case basis.

### **5. *Trial Briefs***

Judge Strawbridge encourages the submission of trial briefs when they are necessary or likely to be helpful to the Court.

### **6. *Voir Dire***

Judge Strawbridge will normally conduct voir dire in civil cases. Counsel may submit proposed voir dire questions at the final pretrial conference and may, when appropriate, conduct supplemental voir dire.

### **7. *Sidebar***

Judge Strawbridge discourages the use of sidebar conferences. Counsel are encouraged to raise particular evidentiary issues before trial or during recesses or adjournments.

**8. *In Limine Motions***

Judge Strawbridge will accept *in limine* motions in advance of the final pretrial conference and in accordance with his scheduling order so as to give him an opportunity to consider the merits of the motion.

**9. *Examination of Witnesses Out of Sequence***

Judge Strawbridge will permit witnesses to be taken out of turn in appropriate circumstances.

**10. *Opening Statements and Submission***

Judge Strawbridge will discuss with counsel the length of time necessary and appropriate for opening and closing statements, but will give counsel reasonable latitude.

**11. *Examination of Witnesses or Argument by More than One Attorney***

Judge Strawbridge will not normally permit more than one attorney for the party to examine the same witness or more than one attorney to present argument on behalf of the party on the same point.

**12. *Examination of Witnesses Beyond Re-Direct or Re-Cross***

Judge Strawbridge will generally restrict counsel from examining witnesses beyond re-direct and re-cross.

**13. *Videotaped Testimony***

Judge Strawbridge requires counsel to review all videotaped depositions and to have them edited such as to fairly present only the essential evidence of the witness involved. Counsel are expected to resolve all matters pertaining to objections before offering the videotape into evidence.

**14. *Reading of Material into the Record***

Judge Strawbridge has no special practice with regard to reading stipulations, pleadings or discovery materials into the record.

**15. *Preparation of Exhibits***

Prior to commencement of trial, exhibits are to be pre-marked and exchanged by counsel. Counsel should provide Judge Strawbridge with two (2) copies of each exhibit, together with a schedule of exhibits that briefly describes each exhibit. Counsel is encouraged, however, to

provide the Court with only the essential and relevant portions of bulky exhibits, together with sufficient material to provide context for the relevant portion of the exhibits.

**16. *Offering Exhibits into Evidence***

Judge Strawbridge expects counsel to reach agreement in advance as to the admission of exhibits. Judge Strawbridge has no particular procedure as to when an exhibit may be formally offered into evidence.

**17. *Motions for Judgment as a Matter of Law and Motions for Judgment on Partial Findings***

Motions for Judgment as a Matter of Law or Motions for Judgment on Partial Findings in non-jury trials may be submitted in writing or orally. Judge Strawbridge will ordinarily request oral argument on these motions.

**18. *Proposed Jury Instructions and Verdict Forms***

Judge Strawbridge requires counsel to submit joint proposed jury instructions noting areas of agreement as well as objections. The points for charge should be submitted with appropriate citations of legal authority and shall be provided to the Court in accordance with the deadline set forth in his scheduling order.

Counsel will submit a jointly prepared verdict form or proposed special interrogatories in accordance with the deadline set forth in his scheduling order. If counsel are unable to agree, they may submit separate proposed forms of interrogatories. Judge Strawbridge will encourage counsel to agree upon a less than unanimous verdict.

**19. *Proposed Findings of Fact and Conclusions of Law***

Judge Strawbridge requires counsel to submit proposed findings of fact and conclusions of law in non-jury cases at the final pretrial conference or at such other date as set forth in a scheduling order. A supplementation will be permitted at the close of trial or, in an appropriate case, after trial.

## **Jury Deliberations**

### **1. *Written Jury Instructions***

Judge Strawbridge has no particular practice or policy on submitting a copy of instructions to the jury.

### **2. *Exhibits in the Jury Room***

Judge Strawbridge will consider what exhibits should be sent out to the jury during their deliberations on a case by case basis.

### **3. *Handling of Jury Requests to Read Back Testimony or Replay Tapes***

Judge Strawbridge will seek the input of counsel and will then make a determination on a case by case basis when requests are made to read back testimony or replay tapes.

### **4. *Availability of Counsel During Jury Deliberations***

Judge Strawbridge will not require counsel to remain in the courthouse during deliberations but will require counsel to be available on short telephone notice.

### **5. *Taking the Verdict and Special Interrogatories***

Judge Strawbridge has no usual practice with respect to taking a verdict. Judge Strawbridge will submit written interrogatories to the jury in the appropriate case. A copy of the interrogatories shall be given to the jury during their deliberations.

### **6. *Polling the Jury***

Judge Strawbridge will, if requested, permit the jury to be polled.

### **7. *Interviewing the Jury***

Judge Strawbridge will permit counsel to interview jurors, but only after the verdict has been recorded, the jury has been discharged *and* they have been told in clear terms that they have no obligation to speak with counsel.

## **CRIMINAL CASES**

### **1.     *Sentencing Memoranda***

When a pretrial sentencing report is utilized, Judge Strawbridge permits the submission of sentencing memoranda by both counsel.

### **2.     *Additional Matters***

At all “criminal duty week” proceedings, counsel, once appointed or retained, must be present to permit the proceeding to go forward.

Once the Court has ordered that a defendant be detained or has set conditions of release, any proposed changes thereto must be submitted to the Court by written motion.

Judge Strawbridge does not favor the dual representation of defendants by a single attorney at any criminal proceeding, apart, perhaps, from the initial appearance.

Judge Strawbridge requires that all relevant documents be delivered to Chambers in advance of court. Counsel may contact the court’s deputy clerk, Danielle Puchon (267-299-7790), if there are questions regarding the matters before the Court.

## **GENERAL MATTERS**

When a decision rendered by this Court is appealed, Judge Strawbridge prefers to receive copies of appellate briefs.

Judge Strawbridge expects counsel to be prompt in all appearances, to be professional and courteous to each other, both in the presence of the Court and otherwise, and to have discussions with each other about any matter in dispute before it is brought to the attention of the Court.

Counsel should feel free to contact Judge Strawbridge’s deputy clerk or law clerks if they have any questions about his courtroom practices or procedures.