

**UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**



**STANDING ORDERS**

DECEMBER 1, 2009

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## **STANDING ORDERS**

- ◆ Court Approval of Reporters Required for Taking Depositions dated June 30, 1959;
- ◆ Calendar Control dated January 1, 1970;
- ◆ Civil Suspense Docket dated June 24, 1975;
- ◆ Bankruptcy Administration Orders dated July 25, 1984, November 8, 1990, and June 29, 1992;
- ◆ Assignment Procedure for Habeas Corpus and Social Security Cases for United States Magistrates dated May 29, 1990;
- ◆ Order Adopting Civil Justice Expense and Delay Reduction Plan dated October 25, 1991;
- ◆ Approval of Pre-Judgment Notice of 28 U.S.C. 3101(d) dated May 7, 1992;
- ◆ Standing Order Re 1993 Amendments to Federal Rules of Civil Procedure Dated December 1, 1993; and,
- ◆ Presentence Investigations and Time Limits dated June 13, 1994.

**COURT APPROVAL OF REPORTERS  
REQUIRED FOR TAKING OF DEPOSITIONS**

Adopted June 30, 1959

Depositions taken within the jurisdiction of this Court, upon oral examination, will not be considered by the Court for any purpose unless the testimony taken therein has been stenographically reported by a qualified reporter whom the Court has first approved. Reporters so approved are authorized to administer oaths to the person brought before them as witnesses.

The Clerk of this Court shall keep a list of approved reporters, which list shall include the official court reporters. Copies of the list shall be available to litigants and their counsel.

The rule adopted June 9, 1955 (effective August 1, 1955) is hereby revoked.

## **CALENDAR CONTROL**

The following order, relating to calendar control, was adopted on January 1, 1970, and is effective as of January 1, 1970.

1. Each judge will maintain a list of cases that are genuinely ready for trial, and genuinely likely to be tried.
  - a. While there is no limit on the number of cases which may be listed, it should seldom be necessary to have more than 15 cases on any such list at any given time.
  - b. No one lawyer may be included more than once in the first five cases on any such list.
  - c. Each such list should include both jury and non-jury cases. For purposes of compiling these lists, realistic estimates of the probably duration of trial will be found very helpful.
  
2. At least one week before the scheduled start of a series of trials, each judge's list shall be published in the Legal Intelligencer.
  - a. Publication of such list should continue during that session of trials, adding cases as appropriate, and deleting cases disposed of.
  
3. As among judges scheduled for trials, whenever there is conflict among the engagements of counsel, the oldest case will normally have priority (unless other arrangements are worked out in advance by the judges involved). The age of a case is to be determined by reference to the date of filing (i.e., the lowest number).

4. Once a trial has started, none of the lawyers involved may commence another trial before the same judge if the lawyer involved has another case listed among the first five cases on the list of any other judge then conducting trials or scheduled to begin or resume trials within seven (7) days thereafter.

(Exception: A lawyer may start another trial before the same judge with the consent of all the other judges on whose lists he has other cases in the first five; such consent shall be freely given whenever it appears likely that such other judge will be unable to commence trial of such other case within the next seven (7) days).

5. Busy slips shall be recognized during all periods in which counsel is attached for trial.
  - a. Counsel shall be deemed “attached” until the expiration of one business day after the conclusion of the trial. A trial shall be deemed concluded when the verdict is rendered or when finally terminated otherwise than by verdict.
  - b. In his discretion, a judge may “attach” one case in addition to the case on trial, provided the trial of such “back-up” case actually commences promptly at the conclusion of the trial in progress.
    - (1) Ordinarily, no such “back-up” attachment should commence more than seven (7) days before the anticipated conclusion of the trial in progress.
  - c. Counsel may not remain “attached” for more than one business day for purposes of settlement negotiations or for purposes of awaiting confirmation of settlement, or related purposes.

6. Advance special listings. In cases involving several busy lawyers, key witnesses from distant points, especially important issues, or other special circumstances, a judge may grant a special listing in advance. Such advance special listing shall take priority over all other trial engagements thereafter scheduled, but only if the following requirements are met:
  - a. Such listing shall be established at least thirty (30) days in advance, by notice to all counsel involved, and by notice to all active judges.
  - b. All judges shall be notified as early as practicable, and not later than thirty (30) days in advance, of the names of all counsel involved and the probable duration of the scheduled trial.
  - c. Not more than one such special listing shall be granted by the same judge to any one lawyer in any period of six (6) months, except for good cause shown.

## **CIVIL SUSPENSE DOCKET**

Adopted June 24, 1975

1. There shall be established a special docket entitled "Civil Suspense Docket" in which shall be listed all civil actions which for reasons beyond the Court's control are unable to proceed to trial without delay. The "Civil Suspense Docket" shall be administered as follows:
  - a. The judge to whom the case is assigned shall enter an order transferring the case from his current case list to the Civil Suspense Docket. In the Order of Transfer the judge shall set forth the reason for the transfer. (Suggested form of order attached).
  - b. The Judge shall review the status of the civil action from time to time and transfer the case to his regular trial list as soon as the condition which required transfer to the Civil Suspense Docket has been removed.
  - c. A civil action shall not remain in the Civil Suspense Docket for more than six months from date of order, unless continued in suspense status by further order of the court.
  - d. On receipt of an order transferring an action to the Civil Suspense Docket, the Clerk of Court shall take appropriate action to remove the case as an open one for statistical purposes.

- e. The transfer to the Civil Suspense Docket and the removal of the action as an open case for statistical purposes shall not constitute or be considered a dismissal or disposition of the matter; jurisdiction is retained and should further proceedings in the action become necessary or desirable, any party may initiate it in the same manner as if the Order of Transfer had not been entered.
  
- f. Copies of all orders transferring cases between the suspense and active dockets or continuing cases in the suspense docket shall be delivered to the Calendar Committee which shall have supervisory authority over the Civil Suspense Docket.
  
- g. On the first day of January and July of each year, each judge shall submit to the Calendar Committee a report, in such form as the Committee may determine, of all the cases in his Civil Suspense Docket.

**FOR THE COURT:**

**/s/ Joseph S. Lord, III**  
**JOSEPH S. LORD, III**  
**CHIEF JUDGE**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BANKRUPTCY ADMINISTRATION:**

**ORDER**

This 25<sup>th</sup> day of **July, 1984**, pursuant to authorization provided in 28 U.S.C. §157, as amended, and pursuant to Resolution approved by the judges of this court, it is

**ORDERED** that any and all cases under Title 11 and any and all proceedings arising under Title 11 or arising in or related to a case under Title 11 are and shall be referred to the Bankruptcy Judges for the district, and it is

**FURTHER ORDERED** that the Bankruptcy judges of the district are authorized to perform the duties to the full extent set forth in 28 U.S.C. §157, as amended, and subject to the review procedures set forth in 28 U.S.C. §§157(c)(1) and 158. It is

**FURTHER ORDERED** that personal injury tort and wrongful death claims in bankruptcy cases pending in this district shall be tried in this district court or in the district court in the district in which the claims arose, as determined by a judge of this district.

This Order shall not be deemed to affect the status of any case, matter or proceeding presently pending before a district judge.

/s/ Alfred L. Luongo  
**ALFRED L. LUONGO**  
**CHIEF JUDGE**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BANKRUPTCY ADMINISTRATION:**

**ORDER OF REFERENCE**

**And now** this 8<sup>th</sup> day of **November, 1990**, pursuant to a Resolution approved by the judges of this Court, it is hereby Ordered that:

1. The order dated July 25, 1984, referring cases under the Bankruptcy Code to the Bankruptcy Judges for this district is amended by deleting the following paragraph of that order:

**ORDERED** that any and all cases under Title 11 and any and all proceedings arising under Title 11 or arising in or related to a case under Title 11 are and shall be referred to the Bankruptcy Judges for the district.

And substituting for that paragraph the following:

**ORDERED** that any and all cases under chapter 7, 11, 12, and 13 of Title 11 and any and all proceedings arising under Title 11 or arising in or related to a chapter 7, 11, 12, or 13 case under Title 11 are and shall be referred to the Bankruptcy Judges for the district.

2. This order shall not be deemed to affect the status of any case, proceeding or matter previously referred to the Bankruptcy Judges for the district.

/s/ Louis C. Bechtle  
**LOUIS C. BECHTLE**  
**CHIEF JUDGE**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: APPROVAL OF LOCAL BANKRUPTCY RULES**

**ORDER OF REFERENCE**

**AND NOW**, this 29<sup>th</sup> day of **June, 1992**, upon Resolution adopted at a duly noticed meeting of the Board of Judges, it is

**ORDERED** that the Local Bankruptcy Rules (attached hereto as "Exhibit A") are adopted effective July 31, 1992, and shall supersede any prior Local Bankruptcy Rules.

**/s/ Louis C. Bechtle**  
**LOUIS C. BECHTLE**  
**CHIEF JUDGE**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:** :  
 :  
**ASSIGNMENT PROCEDURE FOR** :  
**HABEAS CORPUS AND SOCIAL** :  
**SECURITY CASES FOR** :  
**UNITED STATES MAGISTRATES** :

- A. All Habeas Corpus and Social Security cases upon filing shall be assigned by the Clerk of Court pursuant to Local Civil Rule 3 to the calendar of a judge of this court.
- B. Upon the entry of an Order of Referral of a Habeas Corpus or a Social Security case to a magistrate of this court, the following assignment procedures shall apply:
  - 1. Assignment of Habeas Corpus and Social Security cases.

There shall be a separate block of assignment cards for Habeas Corpus and Social Security cases. In each block of assignment cards for each category, the names of each magistrate shall appear an equal number of times in a nonsequential manner. The sequence of magistrates' names within each block shall be kept secret and no person shall directly or indirectly ascertain or divulge or attempt to ascertain or divulge the name of the magistrate to whom any case may be assigned before the assignment, and all assignment cards shall be preserved.

- 2. Assignment of Related Cases.

If the fact of relationship is indicated on the appropriate form at the time of filing, the assignment clerk shall assign the case to the same magistrate to whom the earlier numbered related case is assigned, and shall note such assignment by means of a separate block of cards on which he shall place the case number and the category and the name of the magistrate.

- a. All Habeas Corpus petitions filed by the same individual shall be deemed related.
    - b. All Social Security petitions filed by the same individual shall be deemed related.

- C. This procedure shall apply to all cases filed on or after June 1, 1990, except for related cases.

Approved by the Judges of this Court, May 29, 1990.

**/s/ Edward N. Cahn**  
**EDWARD N. CAHN**  
**Acting Chief Judge**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:** :  
 :  
**ORDER ADOPTING CIVIL** :  
**JUSTICE EXPENSE AND** :  
**DELAY REDUCTION PLAN** :

**ORDER**

**AND NOW**, this 25<sup>th</sup> day of **October, 1991**, pursuant to the Resolution approved by the judges of this court on October 7, 1991, it is hereby

**ORDERED** that the attached Civil Justice Expense and Delay Reduction Plan is hereby adopted, effective December 31, 1991, and shall apply to all civil action cases filed on or after that day and may, in the discretion of the court, apply to civil action cases pending on that date; it is further

**ORDERED** that the Civil Justice Expense and Delay Reduction Plan is promulgated by this court pursuant to Title 28, United States Code Sections 471 and 472, and this Plan, as it may be amended from time to time, shall be maintained on file in the office of the Clerk of Court for public inspection; it is further

**ORDERED** that the Civil Justice Expense and Delay Reduction Plan shall be published by the Clerk of Court to inform members of the bar and public of its adoption and to afford opportunity for public notice and comment.

**FOR THE COURT:**

/s/ Louis C. Bechtle  
**LOUIS C. BECHTLE**  
**CHIEF JUDGE**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:** :  
 :  
**ORDER EXTENDING CIVIL** :  
**JUSTICE EXPENSE AND** :  
**DELAY REDUCTION PLAN** :

**ORDER**

**AND NOW**, to wit, this **11<sup>th</sup>** day of **December, 1995**, it appearing that on October 25, 1991, this Court entered an Order adopting the attached Civil Justice Expense and Delay Reduction Plan, effective December 31, 1991, and,

it further appearing that the said Plan was adopted by this Court as a pilot program and is currently scheduled to lapse on December 31, 1995, and,

it further appearing that authorization for this pilot program has been extended by 28 U.S.C. §471, as amended, and that the Congress has authorized promulgation and extension of the Civil Justice Expense and Delay Reduction Plans and,

it further appearing to the Court that when the Plan was adopted, the duty of self-executing disclosure was only made applicable to cases on the Standard Management Track, it is hereby

**ORDERED** that the court hereby clarifies that the duties of self-executing disclosure prescribed by this Plan at the time of its adoption do not apply to cases on the Special Management Track, and it is further

**ORDERED** that the attached Civil Justice Expense and Delay Reduction Plan shall remain in effect until December 31, 1997, and it is further

**ORDERED** that the Civil Justice Expense and Delay Reduction Plan is promulgated by this Court pursuant to 28 U.S.C. §§471, 472 and that this Plan, as it may be amended from time to time, shall be maintained in the Office of the Clerk of Court for public inspection, and, it is further

**ORDERED** that the fact of the Civil Justice Expense and Delay Reduction Plan's extension shall be published by the Clerk of Court to inform members of the bar and public of its adoption and extension and to afford opportunity for public notice and comment.

**FOR THE COURT:**

**/s/ Edward N. Cahn** \_\_\_\_\_  
**EDWARD N. CAHN**  
**CHIEF JUDGE**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**NOTICE**

On September 22, 1997, the Court amended its Standing Order of December 1, 1993, so as to rescind Section 1(c), by which the Court opted out of the limitations of Federal Rules of Civil Procedure 30(a)(2), 31 (a)(2), concerning depositions, and 33(a) concerning interrogatories. The Court also retitled Section 1(d) as Section 1(c). These amendments will apply to all cases filed on or after October 1, 1997. All members of our bar should familiarize themselves with this revised Standing Order.

A copy of the revised Standing Order is reproduced below. Additional copies of the revised Standing Order may be obtained from the office of the Clerk of Court by submitting a written or faxed request. The fax numbers are as follows: 215-597-6390 or 215-580-2167. The proposed amendment can also be downloaded from an Electronic Bulletin Board which may be reached at 215-597-0646 or 215-597-5384 and is available on the Internet at <http://www.paed.uscourts.gov>.

**/s/ Edward N. Cahn**  
**EDWARD N. CAHN**  
**Chief Judge**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN THE MATTER OF:** :  
:   
**APPROVAL OF PRE-JUDGMENT** : **Miscellaneous No.:**  
**NOTICE OF 28 U.S.C. § 3101 (d)** :

**PROCEDURAL ORDER**

In accordance with Section 3101(d) of the Federal Debt Collections Procedures Act of 1990, 28 U.S.C. § 3101(d), the form and content of the pre-judgment notice to be provided to the debtors when the government seeks a pre-judgment remedy under Section 3101, *et. seq.* as set forth below, is hereby APPROVED:

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**United States of America,** )  
*Plaintiff* )  
 )  
**v.** ) **Case No.: \_\_\_\_\_**  
 )  
*Defendant(s)* )

**CLERK'S NOTICE OF PREJUDGMENT ( \_\_\_\_\_ )**  
[Attachment, Garnishment, Receivership, Sequestration]

You are hereby notified that this [property] is being taken by the United States Government ("the Government"), which believes that [name of debtor] owes it a debt of \$ [amount] for [reason for debt]. The Government has filed a lawsuit to collect this debt. The Government has determined that it must take possession of this property at this time because [recite the pertinent ground or grounds from section 3101(b)]. The Government wants to be sure [name of debtor] will satisfy any indebtedness the court determines is due.

You are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the Government if [name of debtor] can show that the exemptions apply. Attached is a summary of the major exemptions which apply in most situations in the State of [State where property is located]:

[A statement summarizing in plain and understandable English the election available with respect to such State under Section 3014 and the types of property that may be exempted under each of the alternatives specified in paragraphs (1) and (2) of Section 3014(a), and a statement that different property may be so exempted with respect to the State in which the debtor resides.]

If you are [name of debtor] and you disagree with the reason the Government has given for taking your property at this time, or if you think you do not owe the money to the Government that it says you do, or if you think the property the Government is taking qualifies under one of the above exemptions, you have a right to ask the court to convene a hearing so it can consider your views, including returning your property to you.

If you want a hearing, you must promptly notify the court. You must make your request in writing, and either mail it or deliver it in person to the Clerk of Court at [address]. If you wish you may use this notice to request the hearing by checking the box below and mailing or delivering this notice to the court clerk. You must also send a copy of your request to the Government at [address], so the Government will know that you want a hearing and can be present at the hearing. The hearing will take place seven (7) days after the clerk receives your request, if you ask for it to take place that quickly and if the court can hear you that soon. Under all circumstances the hearing will take place as soon as possible.

At the hearing you may explain to the judge why you think you do not owe the money to the Government, why you disagree with the reason given by the Government for having to take your property, or why you believe the property the Government has taken is exempt or is owned by someone else. You may present any or all of these claims at the hearing.

If you think you live outside the Federal judicial district in which the court is located, you may request, within twenty-one (21) days after you receive this notice, that this proceeding to take your property be transferred by the court to another court located in the Federal judicial district in which you reside. You must make this request in writing, and either mail it or deliver it in person to the Clerk of Court at [address]. You must also send a copy of your request to the Government at [address], so the Government will know you want the proceeding to be transferred to another court location.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

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**CLERK**  
**UNITED STATES DISTRICT COURT**

It is further Ordered that a copy of the Pre-Judgment Notice shall accompany all Pre-Judgment Writs issues by the Court.

**DATED: May 7, 1992**

**/s/ Louis C. Bechtle**  
**LOUIS C. BECHTLE**  
**Chief Judge**



**ORDERED** as follows:

1. Until further action by this Court, the following provisions in the Federal Rules of Civil Procedure will not be in effect in this district:
  - a. The requirement in Rule 26(a)(1) for Initial Disclosures. The provisions for Self-Executing Disclosure in section 4:01 of the Plan will continue to be in effect.
  - b. The requirement in Rule 26(a)(4) that disclosures be filed. Demands for disclosure under the Plan, disclosures under Rules 26(a)(2) and (3) of the Federal Rules of Civil Procedure and stipulations under Rule 29 of those rules that do not require court approval will be subject to all of the provisions in paragraphs (a) through (e) in Local Rule of Civil Procedure 26.1.
  - c. The requirements in Rule 26(f) for a meeting of the parties, the development of a proposed discovery plan and a written report to the court and the prohibition in the first sentence of Rule 26(d) against seeking discovery before the occurrence of a 26(f) meeting.

The provisions in Sections 3:01 and 7:01 of the Plan, requiring the parties to confer, and the provision in Section 4:01(b) on timing and Sequence of Discovery will continue to be in effect except that, notwithstanding the provision in Section 4:01(b), a party may take a deposition before the time specified in that section if the notice contains a certification in accordance with Rule 30(a)(2)(c) of the Federal Rules of Civil Procedure.

2. Nothing in this Standing Order shall be construed to limit the discretion of any judicial officer to take whatever steps he or she decides are appropriate in the interest of just and speedy disposition of a case assigned to him or her, including steps identical with or similar to provisions in rules that this Standing Order provides are not in effect in this district.
3. References in this Standing Order to specific provisions of the Plan as continuing to be in effect are solely for clarification. The Plan in its entirety, except as expressly stated in paragraph 1(c) of this Standing Order, continues to be in effect.
4. The requirements and limitations in the Federal Rules of Civil Procedure identified in paragraphs 1(a), (b), and (c) of this Standing Order as not being in effect in this district shall not be in effect in the United States Bankruptcy Court for the Eastern District of Pennsylvania.
5. Suggestions for consideration by the court in its evaluation of the new provisions in the Federal Rules of Civil Procedure should be submitted in writing to the Clerk of Court, 2609 United States Courthouse, Philadelphia, Pennsylvania, 19106-1797, on or before January 31, 1994.



*AS AMENDED OCTOBER 1, 1997.*

**FOR THE COURT:**

**/s/ Edward N. Cahn**  
**EDWARD N. CAHN**  
**CHIEF JUDGE**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**RE: PRESENTENCE :  
INVESTIGATIONS :  
AND TIME LIMITS :**

**ORDER**

**AND NOW**, this 13<sup>th</sup> day of **JUNE, 1994**, in accordance with the resolution approved by the Judges of this court this same day, it is hereby

**ORDERED** that the following standing order is adopted for use in criminal cases in which sentences are imposed under the Sentencing Reform Act of 1984:

1. Sentencing will occur without unnecessary delay and not less than eighty (80) days following the date on which a defendant pleads guilty, nolo contendere, or is found guilty, unless an individual judge directs that the sentence be imposed on an earlier or later date.
2. At the time the presentence investigation and report are ordered, a sentencing hearing date will be fixed by the sentencing judge; and, the attorney for the Government will make available to the probation officer all investigative and file material relevant to the case. The sentencing hearing date may be continued if necessary.
3. Not less than thirty-five (35) days before the sentencing hearing, the probation officer must furnish the presentence report to the defendant, the defendant's counsel, and the attorney for the Government. The probation officer's recommendation for sentence will not be disclosed unless directed by an individual judge.
4. Within fourteen (14) days after receiving the presentence report, the parties shall deliver in writing to the probation officer, and to each other, any objections to any material information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the presentence report. If no objections will be filed, the probation officer shall be so notified in writing within the aforesaid time limits. Any objection not filed will be deemed waived unless the Court finds good cause for allowing it to be raised.

5. Should the attorney for the Government intend to file a motion for a downward departure under United States Sentencing Guideline Section 5K1.1, or from a statutory mandatory minimum, the probation officer will be notified in writing on or before the submission date set for the filing of objections, and be provided with whatever information supports the motion.
6. Not later than seven (7) days before the sentencing hearing, the probation officer must submit the presentence report to the Court, together with an addendum setting forth any unresolved objections, the grounds for those objections, and the probation officer's comments on the objections. At the same time, the probation officer must furnish the revisions of the presentence report and the addendum to the defendant, the defendant's counsel, and the attorney for the Government.

(This standing order takes into account the amendments to Rule 32 of the Federal Rules of Criminal Procedures which have an effective date of December 1, 1994).

**FOR THE COURT:**

**/s/ Edward N. Cahn**  
**EDWARD N. CAHN**  
**CHIEF JUDGE**