

**UNITED STATES DISTRICT COURT
Eastern District of Pennsylvania**

JUDGE SAVAGE'S POLICIES AND PROCEDURES

I. Communications with Chambers

Written communications concerning any case must be by the filing of a pleading, motion, application, or other similar filing provided for in the Federal Rules of Civil Procedure or the Local Rules of Civil Procedure. Counsel shall not send copies of correspondence among and between counsel to the Court.

Correspondence is permitted only in the following instances:

- (1) When there is an unanticipated personal matter concerning counsel, a party, a witness, or counsel's immediate family, such as medical problems or other personal problems; or
- (2) To advise that a case has been settled.

Law clerks have no authority to give advice on substantive or procedural matters. Therefore, unless contacted by a law clerk, counsel should not communicate with the law clerks.

When a written communication concerning a case cannot timely address a problem, counsel may initiate necessary telephone communications with chambers.

Telephone inquiries should be directed as appropriate to either one of the following:

Judicial Assistant: Joanne Tyer - 267-299-7480

Contact for matters relating to civil scheduling, case management, and general procedures.

Courtroom Deputy: Alex Eggert - 267-299-7489

Contact for matters regarding all criminal matters, courtroom procedures, trial setup, and transcripts.

Counsel are advised to submit current telephone and fax numbers to the Clerk's Office, the Courtroom Deputy, and the Judicial Assistant.

Facsimile transmittal of pleadings, motions, other filings, or correspondence to chambers is not permitted.

Counsel shall file all pleadings electronically through ECF. Memoranda of law shall be filed in PDF - searchable format, that is, PDF-A. Courtesy copies of filings shall not be provided, except for documents that are filed under seal.

II. Pretrial Procedure

A. Rule 16 Conference and Rule 26(f) Meeting

The Rule 26(f) meeting should not be viewed as perfunctory, but rather as a meaningful and substantive discussion among professionals to formulate the proposed discovery plan required by the Rule and to discuss the parties' factual and legal positions.

Topics addressed at the initial pretrial conference are those listed in Local Rule of Civil Procedure 16.1(b), and Federal Rule of Civil Procedure 16(b) and (c), the progress of self-executing disclosure under Federal Rule of Civil Procedure 26(a), discovery, the preservation and production of electronically stored information, settlement and mediation proposals, and facts regarding liability, damages and relief sought. A Rule 16 Scheduling Order is issued at the conclusion of the conference.

Outstanding motions will not excuse the requirements of holding the meeting and submitting the plan. Parties who do not comply will have no voice at the scheduling conference and may be subject to additional sanctions.

Lead trial counsel, not an associate, must attend the Rule 16 conference. Counsel shall have a thorough comprehension of the facts and shall be prepared to discuss all claims and defenses in detail, including settlement, and have authority from their clients to do so. Counsel shall be prepared to discuss the merits of any outstanding motions at the conference.

Counsel moving for the *pro hac vice* admission of an attorney must file a motion setting forth the attorney's admissions, the reason why the party desires the attorney to participate and why the attorney is especially qualified to do so. The form application provided by the Clerk is inadequate. If the motion does not comply with this requirement, it will be denied.

III. Discovery

The Federal Rules of Civil Procedure call for voluntary, cooperative discovery in a timely manner. The information required to be disclosed pursuant to Fed. R. Civ. P. 26(a) is required to be exchanged no later than fourteen (14) days after the date of the Order scheduling the Rule 16 conference. Compliance with the Rules is mandatory. Counsel are expected to act in accordance with both the letter and the spirit of the Rules.

The parties are required to commence discovery immediately upon receipt of notice of the Rule 16 conference. Pending motions will not excuse counsel from proceeding with discovery. Counsel will be required to report on the progress of discovery at the Rule 16 conference.

When timely discovery is not forthcoming after a reasonable attempt has been made to obtain it, the immediate assistance of the court should be sought after compliance with Local Rule 26.1(f). The certification must state in detail what efforts were made to resolve the dispute.

The court encourages the submission of discovery disputes by telephone conference. If a discovery motion is filed, it is routinely acted upon before a response is filed either with or without a telephone conference.

IV. Motions Practice

A. Oral Argument

Oral argument is not routinely scheduled. A party desiring oral argument may request it in the body of the motion or responsive pleading.

B. Reply Briefs

Reply briefs, addressing only issues raised in the brief in opposition and not repeating arguments in the brief, may be filed within seven days of service of the opponent's brief in opposition and shall be limited to ten pages. No further briefs may be filed.

V. Final Pretrial Conference

In the pretrial memoranda, counsel must detail the substance of the testimony of each witness. Identifying a witness as giving testimony on liability and/or damages is insufficient.

The parties shall provide the Court with one copy of each exhibit and two copies of a schedule of exhibits which shall describe each exhibit. At trial, the parties shall provide the Court an additional copy of each exhibit. Exhibits shall be arranged and tabbed in a three-ring binder.

One of the goals of the final pretrial conference is to resolve all evidentiary issues to avoid delay at trial and to provide counsel with advance notice of evidentiary requirements. Therefore, rulings on all outstanding motions and objections to witnesses and exhibits will be made at the final pretrial conference.

Counsel shall be prepared to state their objections to witnesses and exhibits, and to respond to opposing counsel's objections. It is expected that counsel have discussed and have attempted to resolve all objections to exhibits and testimony prior to the final pretrial conference, leaving only those objections the parties could not resolve.

Any party intending to use depositions, written or video, at trial must notify all other parties in the pretrial memorandum. Objections to deposition testimony shall be made prior to the pretrial conference in writing, setting forth the page and line numbers of the challenged testimony and a clear statement for the basis of the objection. The objecting party must provide the Court with a copy of the deposition transcript with the challenged testimony highlighted.