

POLICIES AND PROCEDURES
EFFECTIVE August 2026

The Honorable Antonio M. Pozos
United States District Court
Eastern District of Pennsylvania
James A. Byrne U.S. Courthouse
601 Market Street
Philadelphia, Pennsylvania 19106-1797
Telephone: 267-299-7330
Chambers_of_Judge_Antonio_Pozos@paed.uscourts.gov

PRELIMINARY GENERAL MATTERS

I. Communications with Chambers

As a general matter, requests and written communication with chambers should be made through an appropriate ECF filing. Requests for relief should almost always be made by motion. Judge Pozos permits correspondence with the Court (copying all parties and counsel of record) under the following circumstances:

- A. When letters of transmittal accompany documents required to be sent to, or filed with, the Court or in another official office in the courthouse;
- B. When counsel is specifically requested by the Court to communicate some information to the Court by letter, email, or otherwise directly to Chambers;
- C. When the participation of counsel in the case is expected to be affected by a personal matter concerning counsel, a party, a witness or counsel's immediate family, such as medical problems, or other similar personal problems or questions;
- D. To confirm or advise the Court that a case has been settled, dismissed or otherwise finally disposed;
- E. All other written communications with the Court concerning any case assigned to the Court's calendar should be by the filing of a pleading, motion, application, brief, legal memorandum or other similar filing provided for in the Federal Rules of Civil or Criminal Procedure or our Local Rules of Civil or Criminal Procedure. Do not write letters to the Court that are properly the subject of these filings.

II. **Communications with Law Clerks:** Judge Pozos strongly discourages communication with his law clerks. All telephone inquiries should be directed to Judge Pozos' Deputy Clerk.

III. **Telephone Conferences**

- A. Judge Pozos may hold telephone conferences to resolve scheduling matters or discovery disputes. The Court will notify counsel of the date and time for the telephone conference. In a civil case, counsel for the moving party will be responsible for initiating the telephone conference and contacting Judge Pozos through his Deputy Clerk after all parties are present on the call. In a criminal case, the United States Attorney's Office will be responsible for initiating the call and contacting Judge Pozos through his Deputy Clerk after all parties are present on the call.
- B. Judge Pozos may also hold video conferences. The Court will provide additional instructions regarding the logistics for such video conferences.
- C. Counsel and parties are prohibited from recording any conferences or proceedings, including via any artificial intelligence tool.
- D. When a written communication concerning a case cannot timely address a problem, counsel may initiate necessary telephone communications with chambers. Issues appropriately addressed by telephone contact include:
 - 1. Scheduling of conferences or proceedings, including pretrial and trial conferences;
 - 2. Attendance of witnesses;
 - 3. Exhibit handling or arrangements for video replay;
 - 4. Arrangements for telephone conferences regarding discovery disputes;
 - 5. Requests for ***absolutely necessary*** extensions of time to file any response, reply, brief, memorandum of law or the like.

Under no circumstances may any party or counsel communicate ex parte with any Chambers personnel concerning substantive matters.

IV. **Oral Arguments and Evidentiary Hearings:** Judge Pozos will schedule hearings and argument when requested or warranted. Judge Pozos may schedule hearings and argument on certain days or times, or specially set the matter for hearing, as appropriate.

V. **Disclosure Statements and Pro Hac Vice Admissions**

- A. **Disclosure statements.** Immediate adherence to Rule 7.1, especially Rule 7.1(a)(2), is mandatory. Citizenship of a limited liability company, professional corporation, limited partnership, partnership, and unincorporated association is

determined by the citizenship of all its members or partners. Complete disclosure is mandatory. Knowing the definition of citizenship for federal-jurisdiction purposes is mandatory.

- B. **Pro hac vice admissions.** Motions for pro hac vice admission must be made using the Eastern District of Pennsylvania's form, available on the Court's website: [https:// https://www.paed.uscourts.gov/forms/forms-miscellaneous miscellaneous](https://www.paed.uscourts.gov/forms/forms-miscellaneous-miscellaneous) (under the heading "Motion for Pro Hac Vice Admission"). Sponsoring counsel and other associated members of the bar of the Eastern District of Pennsylvania are responsible for the conduct of pro hac vice co-counsel and for the integrity of all representations to the Court. See Rule 11. Absent leave, the presence of at least one member of the bar of the Eastern District of Pennsylvania is required at hearings and trials.

VI. **Pro Se (Unrepresented) Litigants: Assistance From a Lawyer**

- A. Pro se litigants who are not being formally represented by lawyers, but have received substantive assistance (i.e. help, guidance, direction or the like with the development of strategy or tactics, drafted pleadings, motions or briefs, etc.) from an attorney for any material filed with the Court shall, in the filed material, identify the attorney, the attorney's contribution to the filing, and the scope of the attorney's limited representation. Failure to identify any such attorney will amount to a representation by the pro se litigant's submission for which no substantive assistance from an attorney was received.

VII. **Use of Electronic Court Filing (ECF)**

- A. The Court expects all counsel (including pro se Plaintiffs or Defendants) to be registered on the ECF system for the District Court of the Eastern District of Pennsylvania. All official filings submitted to the Clerk of Court must be filed directly by the filing attorney onto ECF. The Court's orders, opinions, and other docketed materials will be filed onto ECF and notice of the filing will be communicated to counsel either by ECF or ordinary first-class mail. Requests to be excused from ECF registration must be made in writing directly to Judge Pozos.
- B. All ECF filings must be text-searchable, including exhibits. Within the limits of what the ECF system allows, ECF descriptions and filenames must reflect the contents of the filing (e.g., use "Ex. A - Contract" or "Ex. B - Smith Dep. Transcript" instead of "Exhibit A").
- C. When referencing a document already on the docket, do so by docket number so that it may easily be retrieved (e.g., ECF No. 12). If the docket entry lacks its own page numbering, use the ECF header page numbers.
- D. You must attach as exhibits copies of any web pages relied upon.

VIII. **Stipulations, Consent Decrees and Proposed Orders**

- A. Contrary to Local Civil Rule 5.1.2(9), parties must file all stipulations, consent decrees and proposed orders via the ECF system, and complex proposed orders, such as scheduling orders in class actions or lengthy discovery orders, should also be e-mailed to chambers in Word version to facilitate editing.
- B. Any stipulations, consent decrees, proposed orders or other documents requiring Court approval or signature **are not effective unless and until approved by the Court.**

IX. **Courtesy Copies:** The Court generally does not require courtesy copies, with the following two exceptions. First, for any filings made under seal, the filing party shall send a courtesy copy via e-mail to Chambers the same day as the filing. Second, for any motions with more than five (5) or more than fifty (50) pages of exhibits, the parties shall provide the Court with a courtesy copy of the exhibits within two (2) business days of filing. Courtesy copies should be submitted as a hard copy and on a thumb drive.

X. **Professionalism**

- A. All who appear before Judge Pozos should be punctual, courteous and polite to one another, as well as to all parties, witnesses and court personnel at all times.
- B. Rise when the Judge and the jury enter and leave the courtroom.
- C. The Court will make every effort to commence proceedings on time. Counsel, parties and witnesses shall be on time.
- D. Witnesses and parties should be instructed to wear proper attire to court.
- E. Cell phones and other electronic devices must be turned off (not on silent or vibrate mode) before entering the courtroom. A violation of these rules may result in confiscation of the cell phone or device. Attorneys are responsible for their own electronic devices and those of their witnesses and clients.
- F. Food, drink and chewing gum are prohibited in the courtroom, and witnesses should be so instructed.
- G. Counsel shall dress in an appropriate professional manner including when appearing on video conference. Proceedings shall at all times be conducted in a dignified and formal manner. Counsel shall not raise their voices any louder than is necessary to be clearly heard by the Court, witnesses and the jury. All remarks should be addressed to the Court. Counsel should never act or speak disrespectfully to the Court or to opposing counsel in any manner.
- H. Counsel's demeanor should be one of courtesy and professionalism. Neither counsel nor the parties by their body language or facial expression shall convey their reaction to the testimony of a witness.
- I. Counsel must rise to address the Court. Address the Court as "Your Honor."

XI. Development of Younger Lawyers

- A. Judge Pozos encourages lead counsel to assign court presentations to less experienced attorneys, particularly where the less experienced attorney is more familiar with the matter at hand (e.g., discovery hearings). If necessary, Judge Pozos will permit two lawyers to make an argument to ensure that a more experienced counsel has an opportunity to buttress a younger lawyer's presentation, if the request is made in advance. Judge Pozos will draw no inference from a party's decision to have a younger lawyer make a particular presentation, including as to whether the client deems the issue "important."

CIVIL CASES

I. Rule 12 Motions to Dismiss and Amended Pleadings

- A. Any party that intends to file a motion under Federal Rule of Civil Procedure 12 must contact opposing counsel to discuss the substance of the contemplated motion and to provide an opportunity to cure any alleged pleading deficiencies. This conversation must happen at least seven (7) days before the due date for the relevant motion. These efforts must include substantive verbal communications, either in person or by video conference. Exchanges of letters or e-mails are not sufficient. It is not sufficient to report that opposing counsel was not available or that the parties made "reasonable efforts." The Court will deny a Rule 12(b)(6) motion that does not meet these requirements.
- B. If the parties cannot reach agreement, at least two (2) business days prior to the filing the relevant motion(s), they must file a joint report via ECF, not to exceed five (5) pages: (i) summarizing the parties' discussions regarding the substance of the motion (including citation to any dispositive or otherwise particularly significant authorities); (ii) specifying the length of the conference; (iii) identifying the parties and/or counsel that participated in the conference; and (iv) stating the parties' positions whether or not discovery should proceed while the Rule 12 motion is pending.
- C. In their positions regarding whether discovery should proceed while a Rule 12 motion is pending, the parties should take into consideration applicable factors such as: (i) whether the motion addresses all counts of the complaint or has the potential to fully resolve or greatly simplify the case; (ii) the complexity of the motion; (iii) the potential for avoiding wasted time; and (iv) the need for expeditious resolution of the case.
- D. If Judge Pozos decides that discovery should commence, the Court will issue an appropriate order. The parties are, of course, always free to engage in voluntary discovery.
- E. Amended pleadings must always be accompanied by a redline version reflecting the amendments that were made.

- II. **Rule 16 Conference:** Judge Pozos will schedule a Rule 16 conference once an answer is filed, or after a Rule 12 motion is filed if the Court determines that discovery should proceed while the motion is pending.
- A. Lead trial counsel must attend the Rule 16 conference and enter their appearance prior to the conference. If lead counsel is unable to attend for a compelling reason, the Court will reschedule the conference. However, any such request must be made as early as possible and must be based on a pre-existing or otherwise unforeseen and unavoidable commitment.
 - B. The Court relies on counsel's good faith compliance in all respects with Rule 26(f). The Rule 26(f) meeting shall take place as soon as possible once the Court schedules a Rule 16 conference, and no later than 21 days before the initial Rule 16 conference. A joint status report pursuant to Fed. R. Civ. P. 26(f) is due at least seven (7) days prior to the Rule 16 conference and must be submitted to the Court via e-mail. The parties must use the Court's sample Rule 26(f) form that will be attached to the order scheduling the Rule 16 conference. This form is also available on Judge Pozos' page on the Court's website.
 - C. The conference should not be viewed as perfunctory, but rather as a meaningful and substantive discussion among professionals to formulate the discovery plan required by the Rule.
 - D. Counsel taking part in any pretrial conference must be prepared to speak on every subject, including settlement, and have authority from their clients to do so. Counsel shall be prepared to discuss all claims and defenses in detail, as well as all topics listed in Local Rule of Civil Procedure 16.1(b) and Fed. R. Civ. P. 16(b)–(c) and 26(a) and shall have a thorough understanding of the facts of the case.
 - E. The Court will issue a Rule 16 Scheduling Order following the conference.

III. **Continuances and Extensions**

- A. Where compelling circumstances require, counsel may request an extension of a filing or other deadline.
- B. Requests for extensions of time must be made by motion or stipulation filed by ECF (and not sent to the Clerk of Court, e-mailed to Chambers, or requested by telephone).
- C. Such requests — even if joint or unopposed — must show good cause for proposed extension. Lack of diligence generally defeats good cause.
- D. If a request for an extension is unopposed, counsel must so state and may submit the request via joint stipulation. Opposed requests must so state and be filed as a motion.
- E. Judge Pozos will extend the deadline for filing dispositive motions or a trial date

only in very limited circumstances and where genuinely necessary.

- F. Any request for an extension or continuance must be made at least seven (7) days before the applicable deadline or include a showing of good cause as to why the party making the request could not comply with that requirement.

IV. **Discovery**

- A. **Length of Discovery Period:** The Court usually allows between 90 and 120 days from the date of the Rule 16 conference to complete discovery. If counsel anticipates that additional time for discovery will be required, they should raise the issue at the Rule 16 conference or a subsequent status conference.
- B. **Proportionality:** Discovery must be proportional to the needs of the case and should focus specifically on obtaining information truly necessary to resolve the litigation. Counsel must carefully and realistically assess the actual need for the information sought.
- C. **Mandatory Informal Discovery Disclosures:** Counsel and unrepresented parties must comply with Federal Rule of Civil Procedure 26 concerning mandatory informal self-executing disclosures prior to the initial Rule 16 conference.
- D. **Discovery Conferences and Dispute Resolution:**
 - 1. Judge Pozos urges parties to settle discovery disputes among themselves. However, if the parties remain unable to resolve a dispute despite making a good faith effort, counsel for the aggrieved party shall file with the Court a motion in conformity with Local Civil Rule 26.1(b), with a form of order and short brief, not to exceed five (5) pages (not including exhibits), describing the dispute. Any opposition to the motion shall be filed within seven (7) days and shall not exceed five (5) pages (not including exhibits).
 - 2. All discovery motions must attach the discovery requests at issue, as well as the written response. The Court will schedule a hearing with counsel to discuss the motion.
 - 3. In filing a discovery motion, the certificate of counsel must provide specific details of the parties' efforts to resolve the dispute informally. These efforts must include verbal communications, whether by in person, by phone or video conference. Exchanges of letters or e-mails are not sufficient. It is not sufficient to report that opposing counsel was not available or that the parties made "reasonable efforts." The Court will deny a discovery motion that does not meet these requirements.
 - 4. In most cases, the Court expects to rule promptly on discovery motions and often decides such motions during the telephone conference. All motions must contain the certification required under Local Civil Rule 26.1(f).

5. Counsel should call Chambers for any issues that arise during depositions. Counsel should not walk out of a deposition before making an effort to contact the Court and obtain guidance.
- E. Privilege Logs: Parties preparing privilege logs must provide information sufficient for the opposing party to determine the basis for the assertion of privilege. For claims of privilege covering multiple e-mails, the party asserting privilege must describe the specific e-mails that are being withheld, as opposed to only the e-mail at the top of the e-mail string, and the basis for withholding each e-mail. Where several e-mails are exchanged between individuals, and the same privilege claim applies to all of the e-mails, the party asserting privilege may describe the e-mails collectively, rather than one-by-one.
- F. Protective Orders and Confidentiality Agreements: The Court will only approve confidentiality or sealing orders for good cause shown. *See Pansy v. Borough of Stroudsburg*, 23 F.3d 772 (3d Cir. 1994); *In re: Avandia Marketing Sales Practices and Products Liability Litig*, 924 F.3d 662 (3d Cir. 2019). All such orders must contain the following language or language substantially similar: “The court may order disclosure of any subject covered by this stipulation or modify this stipulation at any time in the interest of justice.”
- G. Expert Witnesses and Reports: The time for disclosure of the identity of experts and for discovery pursuant to Federal Rule of Civil Procedure 26(a)(2)(B), will be set forth in the scheduling order issued at the conclusion of the Rule 16 conference. Parties should identify expert witnesses and provide the experts’ written reports pursuant to the scheduling order. Failure to do so may bar the use of the expert’s testimony at trial.
- V. General Motion Practice: Except as set forth here, motion practice will be conducted in accordance with Local Rule 7.1. Every factual assertion in a brief shall be supported by a citation to the record where that fact may be found. Both legal citations and citations to the record shall include pinpoint cites.
- A. Briefs and Memoranda: Any brief or memorandum filed in support of or in opposition to a motion must be limited to twenty-five (25) pages of double-spaced 12-font text, excluding the table of contents and any attachments or addenda. Reply briefs are permitted. Reply briefs must be filed within seven (7) days of the date that a non-moving party files its opposition brief, may not exceed ten (10) pages, and must be limited to issues newly raised in the opposing party’s response. Sur-reply briefs are not permitted absent prior permission of the Court upon good cause shown. The sur-reply brief may not exceed five (5) pages. The Court will not necessarily delay its decision while awaiting a reply or sur-reply brief. Any brief of ten (10) pages or more shall include a table of contents and table of authorities.
- B. Time to Respond to Rule 12(b) and Rule 56 Motions: For cases pending before Judge Pozos, parties have twenty-one (21) days after service of a motion to dismiss under Federal Rule of Civil Procedure 12(b) or a motion for summary judgment under Federal Rule of Civil Procedure 56 to file their response.

- C. Oral Argument on Motions: Judge Pozos schedules oral argument on motions when requested and/or when he believes it may be helpful in the Court's decision-making process. Counsel is encouraged to bring clients to oral argument on dispositive motions.

VI. **Summary Judgment Motions**: A motion for summary judgment, pursuant to Fed. R. Civ. P. 56, must follow the procedures below:

- A. When one party intends to move for summary judgment, that party shall initiate a process whereby the parties shall meet, confer and develop a single, joint statement of facts and a joint appendix of all exhibits, including any and all exhibits that may be referenced in their respective briefs.
- B. The joint appendix shall be filed by the movant no later than the date the initial motion for summary judgment is docketed. All pages of the joint appendix shall be consecutively "Bates stamped" and referenced in the motions and briefs by the Bates number assigned each page. The joint appendix shall include a table of contents. The parties shall make every effort to include all necessary exhibits in the initial joint appendix. Should it become necessary for the non-moving party to submit additional exhibits, however, it may do so at the time it files its opposition brief. Any addendum to the joint appendix shall be consecutively Bates stamped, beginning at the page number where the joint appendix left off, and shall include a table of contents. Judge Pozos will not consider material not included in the appendix.
- C. Statements of Facts:
 - 1. A summary judgment motion must be accompanied by: (a) a single, consolidated statement of facts that the parties will prepare jointly and that will be separately filed on the docket; and (b) a joint set of all exhibits cited in the statement of facts. Parties should prepare the statement of facts as follows:
 - 2. At least 28 days before the deadline to file a motion, the moving party must serve on all other parties (but not file) a statement of undisputed material facts in a numbered, paragraph-by-paragraph recitation that contains specific citations to exhibits or testimony supporting each factual assertion;
 - 3. At least 14 days before the deadline to file a motion, any responding party must serve on all other parties (but not file) a response to the statement of facts that includes the following: (a) the responding party's response to each factual assertion, which shall be directly under the original paragraph and must include citation to any evidence that the responding party contends creates a material factual dispute and/or any argument for why the evidence that the moving party has cited does not support the factual assertion or is not admissible; and (b) any additional facts that the responding party intends to submit as part of the summary judgment briefing; and

4. The moving party may then respond to any statements or arguments in the responding party's submission, directly under the relevant paragraph, and file the joint statement of facts and joint set of exhibits concurrently with the movant's motion for summary judgment.
 5. Counsel for the moving party shall also email a copy to Chambers in Microsoft Word format.
 6. In the event that there will be cross-motions for summary judgment, each movant may file a separate statement of facts that follows the above procedure for each motion, but Judge Pozos requires the parties to prepare a single, consolidated set of exhibits.
 7. These procedures for a joint statement of facts do not apply to cases in which a party is a pro se prisoner.
 8. If a party's motion for summary judgment, or an opposition thereto, is based in whole or in part on an argument that expert testimony is not admissible, then the party must raise such argument in a contemporaneous Daubert motion. That is, the party may not simply include arguments about expert inadmissibility within the summary judgment briefing. The argument must be the subject of a separate motion.
- D. **Briefs from Co-Plaintiffs or Co-Defendants:** When multiple plaintiffs or defendants appear in a case, they must file joint motions with their co-parties unless there are clear conflicts in their position. The applicable page limits for individual parties shall apply for joint pleadings absent leave of Court.
- E. **Incorporation by Reference:** Parties may not incorporate by reference arguments from other briefs in the case, including briefs filed by other parties or briefs filed earlier in the case. If a party needs to repeat an argument that was made earlier in the case, then that party must include the substance of the argument in the brief. If a party purports to incorporate an argument by reference, Judge Pozos will not consider the argument.
- F. **Reconsideration:** Parties should seek reconsideration sparingly. Opposing parties shall not respond to a motion for reconsideration absent a Court order to do so.
- G. **Injunctions:** Judge Pozos will schedule promptly hearings and/or arguments on any injunctive matters assigned to him.
1. **Temporary Restraining Orders:** Except in cases where the nature of the emergency precludes it, Judge Pozos requires the petitioner to notify the respondent of the nature of the request for a Temporary Restraining Order; to serve the petition and proposed Order upon the respondent, if practical; and to provide the respondent with notice of the date, time and location of the hearing or argument.

2. Proposed Findings of Fact and Conclusions of Law: At an argument or hearing on a petition for a TRO or preliminary injunction, Judge Pozos prefers to have proposed findings of fact and conclusions of law before the hearing. Recognizing that the emergency nature of such a hearing may make this difficult, he may require proposed findings of fact and conclusions of law no later than twenty-four (24) hours after such a hearing.
3. Expedited Discovery: In appropriate cases, Judge Pozos permits expedited and intensive discovery in injunctive matters.

VII. **Settlement**: Settlement may be discussed at the initial Rule 16 status conference and at any subsequent conference. A case may be referred to a Magistrate Judge for a settlement conference.

VIII. **Arbitration**: Appeals from arbitration are scheduled for trial promptly. Upon demand for trial *de novo* from an arbitration award, the Court will issue a Scheduling Order setting the date for trial at the earliest date available to the Court. Ordinarily, neither discovery nor dispositive motions will be allowed after the arbitration hearing is held.

IX. **Final Pretrial Matters**

- A. Unless otherwise ordered by the Court, the pretrial memoranda shall be prepared in accordance with the provisions of Local Rule of Civil Procedure 16.1(c), and should also include the following:
 1. All stipulations of counsel;
 2. Any objection to: (1) the admissibility of any exhibit based on authenticity; (2) the admissibility for any reason (except relevancy) of any evidence expected to be offered; (3) the adequacy of the qualifications of an expert witness expected to testify; or (4) the admissibility of any opinion testimony from lay witnesses pursuant to Federal Rule of Evidence 701. Such objection shall describe the ground(s) and the authority for the objection; and
 3. Deposition testimony (including videotaped deposition testimony) that the party intends to offer during its case-in-chief. The statement should include citations to the page and line number and the opposing party's counter-designations.
- B. Counsel must prepare one unified and agreed upon set of proposed jury instructions on substantive issues and one proposed verdict form or set of special interrogatories to the jury.
 1. If counsel cannot agree on a particular instruction, they must submit their competing versions along with a statement explaining why the Court should give their proposed instruction.
 2. Proposed jury instructions must be tailored and personalized for the case

and should include accurate quotes from, and citations to, cases and pattern jury instructions where appropriate.

3. If pattern instructions are to be given, those instructions should be taken from the Third Circuit Model Jury Instructions wherever possible. United States Supreme Court or Third Circuit Court of Appeals cases should be cited wherever applicable.
4. In addition to filing the proposed jury instructions and verdict form on the Court's docket, the parties must e-mail the documents in Word format to Chambers_of_Judge_Antonio_Pozos@paed.uscourts.gov.

X. **Final Pretrial Conference:** The Court will generally hold a Final Pretrial Conference (in court or in chambers) with all counsel shortly before trial.

- A. The Final Pretrial Conference must be attended by lead trial counsel.
- B. Any logistical issues that may impede the smooth flow of the trial, such as taking witnesses out of order, using video depositions, *etc.*, shall be raised. Counsel shall also be prepared to discuss significant or unusual legal issues concerning the case and evidentiary issues that may arise during the trial.
- C. Counsel shall also be prepared to address any objections to admissibility of documents on the opposing party's exhibit list.
- D. All parties should have a realistic view of how long it will take to present their case, and, in some cases, the Court may impose time limits on the presentation of evidence by a particular party or on the length of time that may be taken for examination of specific witnesses.
- E. Prior to attending any pretrial conference, counsel should confer with each other about the topics expected to be discussed at the conference, including a substantive discussion of potential settlement. Counsel are also expected to have discussed with their respective clients prior to the conference the issues to be addressed at any conference with the Court and to come to the conference with all necessary authority.

XI. **Trial Procedure**

- A. **Scheduling Cases:** A date for trial will be determined at the initial Rule 16 conference. Once the trial date is scheduled, counsel, parties, and witnesses should be ready to start trial on the scheduled date.
- B. **Continuances:** Requests for continuances are strongly discouraged. In civil cases, counsel must have good cause for the request. If good cause exists, a continuance must be sought as soon as possible by motion filed via ECF, and stating whether the request is opposed or unopposed.
- C. **Conflicts of Counsel:** Counsel should notify the Court immediately upon learning of any unavoidable and compelling professional or personal conflicts affecting the

trial schedule that could not have been foreseen at the Rule 16 conference.

- D. Cases Involving Out-Of-Town Parties or Witnesses: Judge Pozos schedules the trial of cases involving out-of-town counsel, parties or witnesses in the same manner as all other cases. Counsel is responsible for the scheduling of witnesses.
- E. Unavailability of Witnesses: If a witness is unavailable at the time of trial, as defined in Fed. R. Civ. P. 32(a)(4), the Court expects an oral or videotaped deposition to be used at trial for that witness, whether the witness is a party, a non-party or an expert. The unavailability of such witness will not be a ground to delay the commencement or progress of trial.
- F. Courtroom Technology: The parties should discuss the technology available in Judge Pozos' courtroom with his courtroom deputy in advance of trial.
- G. Court Seating: Under local practice, the plaintiff's table is closest to the jury box. Any requests concerning seating (*e.g.*, requests for more than one counsel table for all plaintiffs or all defendants or special requests for seating, visual aids, *etc.*) should be submitted to the Deputy Clerk at least one week before trial. Only counsel and parties, if desired, shall sit at counsel table.
- H. Voir dire: Judge Pozos will conduct voir dire with input from the parties.
- I. Note Taking by Jurors: Judge Pozos permits jurors to take notes.
- J. Trial Briefs: Each party should submit a trial brief on the legal issues involved in the case seven (7) days prior to the trial date.
- K. Exhibits:
 - 1. Preparation of Exhibits: Exhibits must be pre-marked and exchanged in advance of trial. In civil cases, the parties will prepare one joint exhibit book with all exhibits that counsel may use at trial. The joint exhibit book must contain an exhibit list briefly describing each exhibit. Counsel should provide the joint exhibit book as a hard copy and electronically on a thumb drive to the Court at the final pretrial conference.
 - 2. Offering Exhibits into Evidence: Generally, unless the parties have an agreement as to the admissibility of a proposed exhibit, a witness may not testify as to its content until it has been admitted into evidence. Note also that pleadings, requests for admissions, admissions of parties contained in depositions and interrogatories are not part of the evidence at trial unless counsel moves for their admission and they are admitted.
- L. In Limine Motions: The time for filing motions in limine will be determined at the Rule 16 conference and will be confirmed in the Scheduling Order. Any brief or memorandum filed in support of or in opposition to a motion in limine must be limited to five (5) pages of double-spaced 12-point font. Absent leave of court, a party shall not file more than five (5) motions in limine.

- M. No Contact with Jurors: From the time the jury is selected until it is discharged, counsel, the parties and their witnesses shall avoid all forms of contact with individual jurors. For example, if the jury, or any individual juror, is entering an elevator, counsel and his or her client(s) are advised to take another elevator.
- N. Joint Statement of the Case for Reading to the Jury: At least three days before the trial the parties must provide to Chambers a joint statement of the case. The Joint Statement shall include: (1) a brief statement of the facts; (2) the essential elements of plaintiffs causes of action; (3) a brief statement of defendant's position on liability; (4) the essential elements of any affirmative defenses; (5) the essential elements of any counterclaims, crossclaims or third-party claims; and (6) a brief statement of the position of the defendant on any counterclaims, crossclaims or third-party claims. It is generally limited to no more than three (3) pages.
- O. Opening Statements and Summations: Judge Pozos normally does not place time limits on opening statements. However, counsel should strive to keep opening statements under 30 minutes and summations under 45 minutes.
- P. Courtroom Protocol:
1. During oral arguments outside the presence of the jury, counsel can address the Court from counsel table or the lectern, at counsel's discretion. When examining a witness, counsel should speak from the lectern.
 2. Counsel shall direct all comments and questions to the Court or the witness, not to opposing counsel or the jury.
 3. The Court does not permit speaking objections. If counsel needs to be heard on a matter immediately, request a sidebar. The Court generally prefers to avoid sidebars. Therefore, the Court encourages counsel to raise evidentiary issues at the final pretrial conference or outside the presence of the jury, whenever possible.
- Q. Examination of Witnesses or Argument by More than One Attorney: Judge Pozos will permit more than one attorney for a party to examine different witnesses or to argue different points before the Court, but he will not permit two attorneys for a party to examine the same witness or argue the same point. *See Local Rule of Civil Procedure 43.1.*
- R. Examination of Witnesses: Counsel shall not approach a witness without leave of Court. When counsel approaches the witness, he or she should accomplish the reason for approaching and then return to the place from which he or she is questioning.
- S. Examination of Witnesses Out of Sequence: Judge Pozos will generally grant a request by counsel to take a witness out of turn for the convenience of the

witness, particularly when there is no objection by opposing counsel.

- T. Videotaped Testimony: Videotaped testimony should begin with the witness being sworn. Counsel should bring all objections to the Court's attention at the time of the Final Pretrial Conference. Objections should be accompanied by a copy of the transcript for the Court that is tabbed to indicate the exact location of the various objections. After the Court rules on any objections, counsel should edit the tapes before offering the videotaped testimony at trial. If a witness is testifying by way of videotape, counsel must resolve all issues of objections and redaction prior to or during the Final Pretrial Conference. Trial will not be delayed to argue about or edit a videotape.
- U. Reading of Material into the Record: Judge Pozos will allow the reading of stipulations, pleadings or discovery into the record when appropriate.
- V. Proposed Jury Instructions and Verdict Forms: The Scheduling Order will note the date on which the parties shall file joint proposed jury instructions on substantive issues and joint proposed verdict forms or special interrogatories to the jury. Each party shall also file proposed jury instructions, verdict forms or special interrogatories on those issues not agreed upon by the parties in their joint submission. The parties shall also provide chambers with the proposed instructions in digital form in Microsoft Word format. Counsel will have the opportunity to file supplemental points for charge during trial as necessary.
- W. Proposed Findings of Fact and Conclusions of Law: Proposed findings of fact and conclusions of law in non-jury cases should be submitted at least seven (7) days before the trial date. Counsel should submit them to chambers in digital form in Microsoft Word format. The parties may submit revised or supplemental findings of fact and conclusions of law with specific reference to the trial evidence at the conclusion of the case. A schedule for the submission of revised findings/conclusions will be discussed at the conclusion of trial.
- X. Stipulations: Counsel are strongly encouraged to stipulate to as many matters as possible before trial, including undisputed facts, exhibits, jury instructions and special interrogatories.
- Y. Decisions in Non-jury Cases: Counsel should be prepared for oral argument immediately following the close of all the evidence in a non-jury trial.

XII. Jury Deliberations

- A. Written Jury Instructions: Judge Pozos may provide the jury with a copy of written instructions in appropriate cases.
- B. Exhibits in the Jury Room: All exhibits admitted into evidence will be provided to jury for its consideration during deliberations.
- C. Availability of Counsel During Jury Deliberation: Unless excused by the Court, counsel must remain in the general vicinity of the courthouse and be available on ten (10) minutes' notice during jury deliberations.

- D. Handling of Jury Requests: Upon receipt of a note from the Jury, Judge Pozos will convene the attorneys for a discussion on how best to proceed.

XIII. **Voluntary Dismissal of Case**

- A. Counsel shall review and adhere to Rule 41 and Local Rule 41.1(b). Absent a scheduling emergency, do not call or send Chambers informal correspondence requesting that your matter be marked as settled.

CRIMINAL CASES

- I. **Motions**: All written submissions to Judge Pozos must be double-spaced, in at least 12-point font with at least one-inch margins. A party may use any proportionally spaced font. All footnotes shall appear in the same font and font size as the body of the submission. Any briefs longer than ten pages must include a table of contents and table of authorities. Counsel must post searchable versions of their briefs to the CM/ECF system.

II. **Trial Continuances**

- A. Any request for a continuance must be filed no later than fourteen (14) days in advance of the scheduled trial date. Requests for a continuance must be filed as a motion stating the reasons for the request.
- B. The motion should include the position of the defendant. Any such motion must be accompanied by a proposed form of Order which, if approved by the Court, would grant the relief sought by the motion. Judge Pozos does not permit continuance requests by letter.
- C. The proposed form of Order must be consistent with the requirements of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), (B), and must include a proposed finding that explains in reasonable detail why the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial.
- D. Any motion for a continuance of a trial date must be accompanied by a speedy trial waiver. The speedy trial waiver form can be found on Judge Pozos' webpage. For a continuance request, where the defendant will not sign a waiver, Judge Pozos will hold a hearing.

III. **Pretrial Hearings and Conferences**

- A. Judge Pozos typically holds suppression, *Starks*, and *Daubert* hearings at least fourteen (14) days prior to trial.
- B. Judge Pozos holds pretrial conferences in criminal cases as needed.

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

- A. Counsel must prepare one unified and agreed upon set of proposed jury instructions on substantive issues and one proposed verdict form.

- B. If counsel cannot agree on a particular instruction, they must submit their competing versions along with a statement explaining why the Court should give their proposed instruction.
 - C. Proposed jury instructions must be tailored and personalized for the case and should include accurate quotes from, and citations to, cases and pattern jury instructions where appropriate.
 - D. If pattern instructions are to be given, those instructions should be taken from the Third Circuit Model Jury Instructions wherever possible. United States Supreme Court or Third Circuit Court of Appeals cases should be cited wherever applicable.
 - E. In addition to filing the proposed jury instructions and verdict form on the Court's docket, the parties must e-mail the documents in Word format to Chambers_of_Judge_Antonio_Pozos@paed.uscourts.gov.
- V. **Voir Dire:** Judge Pozos conducts the voir dire in criminal cases. He encourages submissions of proposed voir dire questions by counsel, which shall be filed by ECF no later than 7 days prior to trial.
- VI. **Trial Memoranda:** At least seven days prior to the trial date, the Government must file a pre-trial memorandum setting forth the essential elements of the offense(s), the facts that it intends to present, the identity of each witness it intends to call, a statement of the substance of each witness's testimony, and any legal issues. The defendant is not required to file a pre-trial memorandum but may do so on the same schedule as the Government.
- VII. **Guilty Plea Memoranda:** The government must submit a guilty plea memorandum three (3) business days prior to the guilty plea. Such a memorandum shall include the elements of each offense to which the defendant is pleading guilty and legal citations for such elements, the maximum and any applicable minimum statutory penalties for each offense, the terms of any plea agreement, and the factual basis for the plea.
- VIII. **Sentencing**
- A. Sentencing motions, including for departures under U.S.S.G. § 5.K1.1 and supporting memoranda, must be filed at least seven (7) days prior to the scheduled sentencing date. Responses to any sentencing motions must be filed at least three (3) days prior to the scheduled sentencing date. Each party must file its sentencing memorandum no later than seven (7) days prior to the scheduled sentencing date.
 - B. Judge Pozos will set a sentencing date at the time Judge Pozos accepts a guilty plea or there is a conviction at trial. Judge Pozos discourages requests for continuances of sentencing and will continue a sentencing for good cause only. Absent extraordinary circumstances, Judge Pozos will not consider any request for a continuance exceeding 90 days.
 - C. In the rare event of a 90-day continuance, if counsel for both the Government and the defendant(s) believe that good cause exists for an additional continuance beyond the initial 90-day period, then counsel may jointly request in writing an additional

continuance. Any such request must state why good cause exists. If Judge Pozos grants such a request, counsel shall be required to submit in writing a joint status update every forty-five (45) days until the sentencing hearing takes place.

- D. If a defendant is responsible for restitution, then the Government must submit information in its sentencing memorandum to enable Judge Pozos to determine entitlement, the name and the address of each victim, the amount of loss for each victim, and documentary support for each amount. If liability for restitution is joint and several, then the Government shall itemize the restitution amount for which each defendant is responsible.