

**HONORABLE JOSÉ RAÚL ARTEAGA**  
**United States Magistrate Judge**  
James A. Byrne U.S. Courthouse  
601 Market Street, Room 3030 (Courtroom 3-H)  
Philadelphia, Pennsylvania 19106  
(267) 299-7420  
Chambers\_of\_Magistrate\_Judge\_Arteaga@paed.uscourts.gov

**Courtroom Deputy**  
Danielle Hauger  
danielle\_hauger@paed.uscourts.gov

**MAGISTRATE JUDGE ASSIGNMENT**  
Chief Judge Mitchell S. Goldberg  
Senior Judge Anita B. Brody  
District Judge Mary Kay Costello  
District Judge Catherine Henry

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**JUDGE ARTEAGA'S  
POLICIES AND PROCEDURES<sup>1</sup>**

**I. GENERAL MATTERS**

**A. Communications With Law Clerks**

Counsel may **not** communicate with the judge's law clerks. Counsel should communicate with Judge Arteaga's deputy clerk.

**B. Communications Between Counsel**

Counsel should be courteous and reasonable with each other.

**C. Extensions or Continuances**

Parties are expected to adhere to all deadlines that the Court has implemented by scheduling order or that are otherwise established by rule or statute absent a *compelling reason* to justify a change. Circumstances which ordinarily do not constitute compelling

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<sup>1</sup> Counsel shall also familiarize themselves with and comply with the Eastern District of Pennsylvania's Local Rules and Standing and Administrative Orders, which are available on the Court's website (<https://www.paed.uscourts.gov/>).

reasons for an extension include settlement negotiations, scheduling difficulties in the summer, counsel's obligations in other cases, and failing to diligently conduct discovery.

If a party believes a compelling reason exists for an extension or a continuance, Counsel shall request a new deadline or date in advance of the originally scheduled date via email (to [Chambers\\_of\\_Magistrate\\_Judge\\_Arteaga@paed.uscourts.gov](mailto:Chambers_of_Magistrate_Judge_Arteaga@paed.uscourts.gov)). The request shall describe the basis for the request in detail, state whether all other parties agree or disagree with the request and identify a suggested new deadline(s) or date(s).

A request for an extension or continuance of the date on which a case is listed for trial or the deadline for filing dispositive motions rarely will be granted. If the Court is dissatisfied with the compelling reason provided for the requested extension or continuance, Judge Arteaga may schedule a hearing to address the request.

## **II. SETTLEMENT CONFERENCES**

When a case is referred to Judge Arteaga for settlement purposes, counsel shall contact chambers to schedule a settlement conference in compliance with the district judge's referral order.

### **Before the Conference –**

Plaintiff(s) must make an updated, precise, and specific written settlement demand, inclusive of all attorney's fees, costs, and damages, at least **three weeks before** a scheduled settlement conference.

Defendant(s) must make an updated, precise, and specific written settlement offer at least **two weeks before** the conference.

If settlement is not a real possibility (*e.g.*, if the defendant will not make an offer or will offer only nuisance value), counsel shall notify the Court (jointly or individually) by a call or email to request a brief video conference regarding the lack of settlement possibility at least **one week before** the scheduled settlement conference.

If jointly requested by counsel, Judge Arteaga is available for *ex-parte* video conferences before the settlement conference. Please contact chambers to arrange any pre-conference video call.

Counsel for all parties must submit a confidential settlement summary and case synopsis via email (to [Chambers\\_of\\_Magistrate\\_Judge\\_Arteaga@paed.uscourts.gov](mailto:Chambers_of_Magistrate_Judge_Arteaga@paed.uscourts.gov)) **two weeks before** the conference. The case synopsis should be no more than five-pages in length. An example settlement summary is attached.

The synopsis should attach **key** summary expert reports, policy language excerpts, photographs, sketches, diagrams, charts, etc., to the conference memos. Judge Arteaga will

review them. Please attach **only** those excerpts which are **most relevant** to the claims at issue. Relevant portions must be delineated. Attachments should be **no more than 30 pages** and should be separated with labeled divider pages. Judge Arteaga may require parties to provide hard copies of lengthy materials.

In addition, the synopsis should address whether there are any outstanding lien holders or other third parties who should be invited to participate in the settlement conference.

Counsel for all parties should prepare their clients for the conference. Judge Arteaga will speak to them directly.

### **At the Conference—**

Judge Arteaga requires a principal for each party with an interest in the case who has full and complete settlement authority (*i.e.*, authority consistent with the most recent demand) to be present (either on the Zoom, or in person, as applicable) for the entire duration of the conference. If a party requires approval by an insurer to settle, a representative of the insurer with full and complete settlement authority consistent with the most recent demand must be present in addition to the relevant party principal.<sup>2</sup>

Judge Arteaga expects counsel to:

- Be prepared to discuss the weaknesses, as well as the strengths of their case.
- Be prepared to discuss factual and legal points of agreement and disagreement.
- Be prepared to discuss any impediments to settlement, whether legal, financial, or emotional.
- Be prepared to be present for the entire day (with their client(s)) for as long as needed to make substantial progress towards a mutually agreeable resolution.
- Organize and bring critical evidence (policy language, photographs, sketches, diagrams, charts, etc.) to the conference. Judge Arteaga may want to see them.
- Be patient. Settlement is a process. It takes time.

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<sup>2</sup> Having a client with settlement authority available by telephone is not an acceptable alternative unless compelling circumstances exist and there is prior approval from Judge Arteaga (*e.g.*, client is located in another state at the time of the conference). If a conference must be adjourned or continued to allow a party to obtain additional authority up to the most recent demand, that party may incur sanctions, including, but not limited to, payment of the opposing party's attorney's fees resulting from a need to reconvene.

- Be flexible. Avoid bottom lines or top numbers.
- Be creative.
- Manage their client's expectations.
- Manage their own expectations.

### III. CIVIL CONSENT CASES

#### A. **Scheduling Conferences**

After the consent of the parties and a referral of a case for trial, Judge Arteaga will hold a scheduling conference, often by videoconference. At that time, deadlines will be set and the case listed for trial. An example of a scheduling order is attached.

If a Rule 26(f) report is not already on the docket when a case is assigned to Judge Arteaga, the parties shall submit a copy of their Rule 26(f) report via email (to [Chambers of Magistrate Judge Arteaga@paed.uscourts.gov](mailto:Chambers_of_Magistrate_Judge_Arteaga@paed.uscourts.gov)) at least five days before the scheduled conference.

#### B. **Discovery Conferences and Dispute Resolution**

Discovery must be proportional to the needs of the case. Counsel for all parties are strongly encouraged to resolve any discovery disputes on their own. Judge Arteaga will **not** entertain a request for judicial intervention if parties or their counsel have exchanged emails or other correspondence but have not made a good faith effort to speak to each other by telephone or video conference regarding a discovery dispute.

If a party still requires Court intervention in a discovery dispute after making good faith efforts to communicate with an opposing party, the requesting party shall email [Chambers of Magistrate Judge Arteaga@paed.uscourts.gov](mailto:Chambers_of_Magistrate_Judge_Arteaga@paed.uscourts.gov) to request a telephone conference *before* filing any discovery motion on the docket. The request shall: (1) describe the parties' prior efforts to resolve their dispute in detail; (2) summarize the matters in dispute; and (3) attach any information relevant to Judge Arteaga's consideration of the dispute.

Parties are reminded that Federal Rule of Civil Procedure 37 requires parties who file discovery motions to certify "that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action." Fed. R. Civ. P. 37(a)(1). Rule 26.1(f) of the Eastern District of Pennsylvania Local Rules of Civil Procedure also requires discovery motions to include "a certification of counsel that the parties, after reasonable effort, are unable to resolve the dispute." E.D. Pa. Local R. Civ. P. 26.1(f).

### C. Confidentiality Agreements and Protective Orders

Public policy favors transparency in judicial proceedings. *See Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 784 (3d Cir. 1994).

Federal Rule of Civil Procedure 26(c) requires parties to confer and attempt to reach an agreement regarding the confidentiality of discovery materials before seeking Court intervention. Parties have “the option of agreeing privately to keep information concerning settlement confidential and may enforce such an agreement in a separate contract action.” *Id.* at 788–89. If parties who form a mutually acceptable confidentiality agreement want a Court order to memorialize their agreement, they must make **a formal motion**. Judge Arteaga will not accept stipulated proposed orders in lieu of a motion.

As Federal Rule of Civil Procedure 26(c) requires, a motion seeking a protective order must explain why there is good cause for the Court to issue the order. *Id.* at 786; *see In re Avandia Mktg., Sales Pracs. & Prod. Liab. Litig.*, 924 F.3d 662, 671 (3d Cir. 2019) (setting forth factors courts may consider in determining whether good cause exists); *Glenmede Trust Co. v. Thompson*, 56 F.3d 476, 483 (3d Cir. 1995) (cautioning that “[b]road allegations of harm, unsubstantiated by specific examples, . . . will not suffice”). A proposed order attached to the motion must itself also state the reasons good cause exists and state that the private interests in nondisclosure outweigh the public interests in disclosure.

In cases involving large scale discovery, Judge Arteaga will consider motions to approve protective orders that protect discovery materials on a categorical basis so long as each protected category is reasonably well defined. If a party later challenges such an order, the party seeking to maintain protection over the materials will bear the burden of justifying those materials’ continued protection on an item-by-item basis. *See Avandia*, 924 F.3d at 671 n.5.

Judge Arteaga will not approve any protective order unless it contains language providing that **“the Court reserves its inherent power to modify the terms of this agreement and permit the disclosure of information where the interest of justice so requires.”** Also, Judge Arteaga will not approve a protective order containing language that gives the parties discretion to file materials under seal without the Court’s prior and specific approval.

### D. Use of Generative Artificial Intelligence

Any attorney for a party or any *pro se* party who uses generative artificial intelligence (“A.I.”) to prepare any complaint, answer, motion, brief, or other paper filed with the Court in a matter assigned to Judge Arteaga shall: (1) disclose that generative artificial intelligence was used to prepare the filing; (2) identify precisely what portion or portions of the

document contain the generated content; (3) identify the specific tool used and how it was used; and (4) **certify** that each and every citation to the law or the record in the filing was verified as accurate in accordance with the obligations set forth in Rule 11 of the Federal Rules of Civil Procedure. **Failure to comply with this policy may result in consequences such as referral to the appropriate state bar, monetary sanctions, or any other sanction the Court deems appropriate.**

#### **E. Motion Practice**

Motion practice is governed by Eastern District of Pennsylvania Local Rule of Civil Procedure 7.1 except as described elsewhere in these Practices and Procedures, the Local Rules and applicable Standing Orders, or, as relevant, the Supplemental Rules for Social Security Actions under 42 U.S.C. § 405(g) or the Rules Governing Section 2254 Cases in the United States District Courts.

1. Every assertion of fact in a memorandum must be supported by a citation to the record where that fact may be found. Both legal citations and citations to the record must include pinpoint cites.
2. Memoranda must **not** exceed 30 pages in length (excluding table of contents and appendices), must be double spaced and must use 12-point font. Memoranda over 15 pages in length must include a table of contents and table of authorities.
3. **Rule 56 Motions:** Summary judgment practice must comply with Local Rule 7.1 and the following requirements:
  - a. **Joint Appendix:** A party who plans to file a motion for summary judgment must meet and confer with all other parties and develop a single, joint appendix of all exhibits that may be referenced in their respective memoranda. All pages of the joint appendix must be consecutively numbered with an appendix page number. Page references in the memoranda must be to the appendix page number, not internal document page numbers. The joint appendix must include a table of contents. The joint appendix must be filed by the movant no later than the date the initial motion for summary judgment is docketed.

If unusual circumstances make it necessary for a party to supplement the joint appendix, the party must move for permission to file a supplemental joint appendix. The supplemental joint appendix must contain the original appendix, add the supplemental materials at the end, continue the appendix page numbering, and provide an updated

table of contents. Judge Arteaga will not consider evidence not included in the joint appendix.

- b. **Statements of Fact:** At the same time as its motion for summary judgment, the moving party must also file a separate Statement of Facts (the “Statement”) containing a numbered, paragraph-by-paragraph recitation of the facts that the moving party contends are undisputed, with specific page references to the joint appendix in support of each paragraph. Each paragraph shall deal with one fact.

At the same time a response to the motion for summary judgment is filed, the responding party must file a separate Counterstatement of Facts that responds to each paragraph of the Statement by accepting or rejecting the contention in the paragraph. If a contention is rejected, the responding party must supply facts supporting the rejection by specific page reference(s) from the joint appendix.

#### F. Documents Filed Under Seal

Except in emergency situations, documents should not be filed under seal without first obtaining leave of court.

Any motion for leave to file under seal, including any motion for a proposed confidentiality/protective order that would permit a party to file any material under seal, must articulate, clearly and specifically, why the moving party’s “interest in secrecy” outweighs the “presumptive right of public access.” *Avandia*, 924 F.3d at 672. The motion—and the proposed order attached to the motion—must identify “clearly defined and serious injur[ies]” the movant will suffer if the materials are not kept under seal. *Id.* Judge Arteaga will not grant a motion for leave to file under seal that fails to identify the movant’s interests in nondisclosure with specificity.

Even when Judge Arteaga grants a motion for leave to file under seal, he will generally still expect the parties to file redacted versions of the sealed documents on the public docket unless the redactions would be so extensive as to render the document unreadable. Proposed orders attached to motions for leave to file under seal must include language requiring the parties to file redacted versions of the sealed documents to the public docket. If a movant omits this language from its proposed order, the movant must explain in its motion why redaction would render the documents unreadable.

All motions for leave to file documents under seal should be filed on the public docket. If a motion contains or refers to information that the movant seeks to file under seal, the movant may redact the relevant information in the copy of the motion filed on the docket. When a movant files a motion with redacted information, the movant must provide

the Court and all parties with an unredacted copy of the motion. The movant must also provide the Court and all parties with unredacted copies of all documents that the party proposes to file under seal.

Parties should also otherwise conform to the Clerk's general procedures for filing documents under seal.

#### **G. Pretrial Procedure**

The parties should ordinarily expect to file a joint pretrial stipulation, in the form attached, in lieu of complying with Eastern District of Pennsylvania Local Rule 16.1, which otherwise governs pretrial procedure.

Whether proceeding by Joint Pretrial Stipulation or complying with Local Rule 16.1, the parties jointly must:

1. File one document titled **"Proposed Joint Voir Dire Questions"** containing three sections: (1) agreed *voir dire* questions; (2) additional questions proposed by Plaintiff(s); and (3) additional questions proposed by Defendant(s).
2. File one document titled **"Proposed Joint Jury Instructions,"** containing three sections: (1) agreed jury instructions; (2) additional instructions proposed by Plaintiff(s); and (3) additional questions proposed by Defendant(s). Third Circuit standard instructions should be used, if available. Parties must cite the underlying authority for each instruction they propose, even if using the Third Circuit model.
3. File one document titled **"Proposed Joint Jury Verdict Form,"** containing: (1) an agreed verdict form; and, if necessary, (2) any alternative verdict form Plaintiff(s) propose; and (3) any alternative verdict form Defendant(s) propose.

The three jointly filed documents must be filed on ECF at the same time as Pretrial Memoranda [or Pretrial Stipulation]. At the time of filing the parties must submit to chambers an electronic version of the three documents, in Word format.

#### **H. Trial Procedure**

1. **Scheduling.** In most cases, Judge Arteaga will set a date certain for trial. Civil trials will take place in the James A. Byrne U.S. Courthouse, 601 Market Street, Courtroom 3-H, Philadelphia, Pennsylvania 19106. Judge Arteaga ordinarily sits from 9:00 a.m. until 5:00 p.m., with an



hour break for lunch and a brief recess in the morning and in the afternoon.

2. **Using the Lectern.** Judge Arteaga prefers that counsel use the lectern during trial. Counsel need not ask permission to approach a witness each time they do so; once is enough.
3. **Juror Note-taking and Questions.** The jury may take notes. The jurors may propose questions during trial by writing them down and handing them to Judge Arteaga, who will preview them with counsel.
4. **Voir Dire.** Judge Arteaga conducts *voir dire* questioning. Counsel may ask additional questions after the judge has questioned the panel.
5. **Sidebars.** Sidebars are disfavored but will be granted if necessary. If issues need to be addressed outside the presence of the jury, counsel should ordinarily do so before and after court sessions, or during breaks.
6. **Examination of Witnesses.** The same lawyer for a party must examine and handle objections to the examination of a witness. Only one lawyer per party per witness. Judge Arteaga will generally restrict counsel from examining witnesses beyond re-direct and re-cross. If Judge Arteaga asks questions of the witnesses, he may permit additional questions from counsel that may be prompted by the witnesses' answers to the judge's questions.
7. **Videotaped Testimony.** Judge Arteaga requires counsel to review all videotaped depositions and have them edited, after consultation with each other, 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.
8. **Objections.** When objecting, counsel may indicate briefly the nature of the objection, *e.g.*, "irrelevant," "unduly prejudicial," "hearsay," but should not launch into argument. If Judge Arteaga desires argument, he will ask for it.
9. **Exhibits.** Counsel should confer and stipulate to the admission of exhibits, whenever possible. When stipulated exhibits are introduced counsel should note the exhibit is admitted by stipulation. Non-stipulated exhibits should be moved into evidence as soon as a foundation for admission is established. Exhibits not moved and admitted into evidence may not be displayed to the jury. Any objections

or proposed limitations on the use of an exhibit must be aired at the time the exhibit is introduced. Objections or proposed limitations not voiced at the time the exhibit is moved into evidence are waived.

**10. Jury Deliberations.**

- a. Exhibits in the Jury Room.** Exhibits that have been admitted into evidence are made available to the jury during deliberations, together with a copy of the Court's jury instructions.
- b. Availability of Counsel During Jury Deliberations.** Judge Arteaga will not require counsel to remain in the courthouse during deliberations but will require counsel to be available on short telephone notice. Counsel should provide the deputy clerk with their cellphone number.
- c. Interviewing the Jury.** After the verdict has been recorded, and the jury has been discharged, counsel must seek permission from Judge Arteaga before speaking with jurors. If granted by the Court, counsel must advise the juror(s) in clear terms that they have no obligation to speak with counsel.

**III. CRIMINAL CASES**

**A. Sentencing Memoranda**

When a pretrial sentence report is utilized, Judge Arteaga encourages counsel to submit sentencing memoranda.

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

Judge Arteaga requires that all relevant documents be delivered to Chambers in advance of court. Counsel may contact Danielle Hauger at (267.299.7420) if there are any questions regarding the matters before the Court.

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

Judge Arteaga 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 Court's attention.

#### IV. FORMS

##### MODEL SETTLEMENT CONFERENCE ORDER

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PARTY NAME	:	
	:	
	:	
	:	CIVIL ACTION
v.	:	NO. ##-####
	:	
PARTY NAME	:	
	:	
	:	

##### SETTLEMENT CONFERENCE ORDER

A settlement conference will be held on [day], [month], 202[  ], at 9:30 A.M. before the Honorable José Raúl Arteaga, United States Magistrate Judge, via Zoom. A link will be supplied later.

##### **BEFORE THE CONFERENCE:**

- Plaintiff(s) must make a precise and specific written settlement demand, inclusive of all attorney's fees, costs, and damages, on or before **[three weeks before the conference]**.
- Defendant(s) must make a precise and specific written settlement offer on or before **[two weeks before the conference]**.
- Counsel for all parties must submit the attached summary and their **confidential** case synopsis to [Chambers of Magistrate Judge Arteaga@paed.uscourts.gov](mailto:Chambers_of_Magistrate_Judge_Arteaga@paed.uscourts.gov) on or before **[two weeks before the conference]**. The synopsis should be **no more than five (5) pages in length, single spaced**.
- The synopsis should attach **key** summary expert reports, policy language excerpts, photographs, sketches, diagrams, charts, etc. Only attach **excerpts** which are most relevant to the claims at issue. Relevant portions must be delineated. **Attachments** should be **no more than thirty (30) pages** and should be **separated with labeled divider pages**. Judge Arteaga may require hard copies of lengthy materials.

- **If settlement is not a real possibility** (*e.g.*, if defendant will not make an offer or will offer only nuisance value), counsel shall notify the Court (jointly or individually) to request a brief video conference regarding their status on or before **[one week before the conference]**.
- If jointly requested by counsel, Judge Arteaga is available for *ex-parte* Zoom conferences before the settlement conference. Please contact chambers to arrange a pre-conference video call.

**AT THE CONFERENCE:**

- Judge Arteaga requires a principal for each party with an interest in the case who has full and complete settlement authority (*i.e.*, authority consistent with the most recent demand) to be present (either on the Zoom, or in person, as applicable) for the entire duration of the conference. If a party requires approval by an insurer to settle, a representative of the insurer with full and complete settlement authority consistent with the most recent demand must be present in addition to the relevant party principal.<sup>1</sup>

**BY THE COURT:**

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**HON. JOSÉ RAÚL ARTEAGA**  
*United States Magistrate Judge*  
*Eastern District of Pennsylvania*

Date: \_\_\_\_\_, 202[ ]

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<sup>1</sup> Having a client with settlement authority available by telephone is not an acceptable alternative unless compelling circumstances exist and there is prior approval from Judge Arteaga. If a conference must be adjourned or continued to allow a party to obtain additional authority up to the most recent demand, that party may incur sanctions, including, but not limited to, payment of the opposing party's attorney's fees resulting from a need to reconvene.

## **MODEL SETTLEMENT CONFERENCE SUMMARY**

### **SETTLEMENT CONFERENCE SUMMARY<sup>1</sup>**

**CAPTION:** \_\_\_\_\_

**DISTRICT COURT JUDGE:** \_\_\_\_\_

**TRIAL POOL DATE:** \_\_\_\_\_ **JURY / NONJURY (Circle One)**

#### **COUNSEL ATTENDING SETTLEMENT CONFERENCE:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Client: \_\_\_\_\_

**CLIENT ATTENDING SETTLEMENT CONFERENCE:** Individual with full and complete settlement authority who will be present for the entire duration of the settlement conference (include company and position where applicable):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### **CURRENT DEMAND/OFFER:**

**PLAINTIFF(S):** \_\_\_\_\_

\_\_\_\_\_  
**DEFENDANT(S):** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

#### **IDENTIFY PENDING MOTIONS:**

\_\_\_\_\_  
\_\_\_\_\_

#### **OTHER RELEVANT MATTERS (include details regarding any outstanding liens):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ATTACH CASE SYNOPSIS** (The synopsis will include a candid discussion of the submitting party's factual and legal strengths and weaknesses in the case as well as an offer/demand settlement proposal and **IS STRICTLY LIMITED TO NO MORE THAN FIVE (5) PAGES SINGLE SPACED.**)

The synopsis should attach **key** summary expert reports, policy language excerpts, photographs, sketches, diagrams, charts, etc. Only attach **excerpts** which are most relevant to the claims at issue. Relevant portions must be delineated. **Attachments** should be **no more than thirty (30) pages** and should be **separated with labeled divider pages** Judge Arteaga may require hard copies of lengthy materials.

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<sup>1</sup> Counsel shall familiarize themselves with Judge Arteaga's policies and procedures at <https://www.paed.uscourts.gov/sites/paed/files/documents/procedures/artpol.pdf>.

**MODEL SCHEDULING ORDER (JURY TRIAL)**

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

<i>Plaintiff,</i>	:	CIVIL ACTION
	:	
v.	:	
	:	NO.
	:	
<i>Defendant.</i>	:	
	:	

**SCHEDULING ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_ 202\_, following a conference with counsel for the parties, it is **ORDERED** that:

1. Counsel shall advise the Court of the status of any settlement discussions and if a settlement conference would be productive on or before **[2 weeks before dispositive motion deadline]**, 202\_.
2. Any motions for leave to join other parties or for leave to amend the pleadings shall be filed on or before **[fact discovery deadline or earlier]**
3. All fact discovery shall be completed on or before **[+90 days]**.
4. Plaintiff shall produce any and all expert reports on or before **[fact discovery deadline]**. Defendant shall produce its expert reports on or before **[+2 weeks]**. All expert discovery, including rebuttal reports and depositions shall be completed on or before **[+2 weeks]**.

5. Counsel for all parties are strongly encouraged to resolve discovery disputes on their own. *See* Fed. R. Civ. P. 37(a)(1); E.D. Pa. Local R. Civ. P. 26.1(f). If Court intervention is required, the parties shall request a conference before filing any discovery motion.<sup>1</sup>

6. Any and all dispositive motions and motions to exclude expert witness evidence pursuant to Federal Rule of Evidence 702 shall be filed on or before **[+4 weeks]**. Responses to any such motions shall be filed by **[+2 weeks]** and replies, if any, shall be filed on or before **[+1 week]**.<sup>2</sup>

7. All other motions *in limine* shall be filed on or before **[fourteen days prior to Pretrial Stipulation]**. Responses shall be filed on or before **[+1 week]**.

8. The parties shall file their joint Pretrial Stipulation<sup>3</sup>, along with proposed *voir dire*, jury instructions with citations to relevant authority, and verdict forms, on or before

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<sup>1</sup> All requests for Court action shall be by motion, *see* Fed. R. Civ. P. 7(b), except for routine requests, which may be by email to the Court with copies to all parties. Any requests shall state whether it is made with the other party's consent. Responses to all motions are due within the period prescribed by Local Rule 7.1(c).

<sup>2</sup> Briefs accompanying motions and responses to motions are limited to thirty pages absent leave of Court. Any reply brief is limited to the issues raised in the response, may not raise theories or issues not discussed in the original motion, and shall not exceed fifteen pages absent leave of Court. Any exhibits should be docketed in compliance with Local Rule of Civil Procedure 5.1.2(5)(b).

<sup>3</sup> The Joint Pretrial Stipulation shall be signed by trial counsel for each party and shall set forth: (1) a realistic, good faith estimate of the total time for trial; (2) the parties' agreed-upon facts and their disputed facts; (3) their respective claims and defenses; (4) the relief sought; (5) a list of lay and expert witnesses that identifies the subject(s) of their expected testimony and any expected objections to admissibility; (6) a list of exhibits to be used or introduced into evidence and any objections to their authenticity; (7) a summary of applicable law, including, in diversity cases, the basis for choosing the applicable law; and (8) any other disclosures required under Federal Rule of Civil Procedure 26(a)(3). Any objections to anticipated testimony or exhibits shall describe with particularity the ground and the authority for the objection.



**[fourteen days prior to date certain].**<sup>4</sup> All objections to the authenticity of exhibits are waived unless noted in the Pretrial Stipulation. Counsel should work together to narrow any areas of dispute before trial.

9. A final pretrial conference and oral argument on motions *in limine* (if necessary) will be held on **[seven days before date certain]** at \_\_\_ **a.m./p.m.** in **Courtroom 3H**. Counsel shall confer in advance and shall be prepared to discuss all aspects of their Pretrial Stipulation, proposed jury instructions, and verdict form, including any disputed issues. A principal with full settlement authority shall be in attendance for each party.

10. Jury Selection will take place on **[date certain]** at \_\_\_ **a.m./p.m.** in **Courtroom 3H**.

11. Trial will commence on **[date certain]** at \_\_\_ **a.m./p.m.** in **Courtroom 3H**. Counsel and all parties shall be prepared to commence trial on that date.

12. Counsel shall familiarize themselves with and comply with the Local Rules of Civil Procedure for this District and this Court's Policies and Procedures. Both are available

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The Joint Pretrial Stipulation should also alert the Court of any unusual legal issues which would serve as the basis for a motion for a judgment as a matter of law under Federal Rule of Civil Procedure 50 or any other dispositive motions with citations to relevant legal authority.

<sup>4</sup> Counsel should prepare one agreed-upon set of proposed jury instructions and verdict form. If counsel cannot agree on a particular instruction, they must submit their competing versions along with their explanations about why their proposed instruction should be given with citation to relevant authority.

In addition to filing the proposed jury instructions and verdict form on the Court's docket, the parties must e-mail Word versions of the documents to [Chambers of Magistrate Judge Arteaga@paed.uscourts.gov](mailto:Chambers_of_Magistrate_Judge_Arteaga@paed.uscourts.gov).

through the website for the Eastern District of Pennsylvania  
(<https://www.paed.uscourts.gov/>).

13. Plaintiff's counsel shall promptly advise the Court of any settlement.

**BY THE COURT:**

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**HON. JOSÉ RAÚL ARTEAGA**  
*United States Magistrate Judge*  
*Eastern District of Pennsylvania*

**MODEL JOINT PRETRIAL STIPULATION**

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

<i>Plaintiff,</i>	:	CIVIL ACTION
	:	
v.	:	
	:	NO.
	:	
<i>Defendant.</i>	:	
	:	

**JOINT PRETRIAL STIPULATION**

1. **Estimate of total time for trial.** [A realistic good faith estimate.]
2. **Agreed facts.** [Make a conscientious effort to narrow the areas of dispute.]
3. **Disputed facts.** [Outline the fact disputes that must be decided.]
4. **Parties' respective claims and defenses.** [Explain undisputed and disputed legal issues remaining for trial and supply authority for the parties' respective positions.]
5. **Relief sought.** [Identify the relief sought.]
6. **List of lay and expert witnesses and the subject of their testimony.** [Counsel must list all witnesses (except rebuttal witnesses) and supply a short explanation of their expected testimony. Any objections to anticipated testimony shall describe with particularity the ground and the authority for the objection. Parties who intend to use video equipment to present the testimony of a witness should either supply that equipment or request, *at least two weeks before trial*, that the Court reserve equipment for them by email to [Chambers\\_of\\_Magistrate\\_Judge\\_Arteaga@paed.uscourts.gov](mailto:Chambers_of_Magistrate_Judge_Arteaga@paed.uscourts.gov).]
7. **Exhibits, marked for trial.** [All objections to authenticity should be noted or will be considered waived. Any objections to exhibits shall describe with particularity the ground and the authority for the objection. Exhibits are to be provided to the Court in the form of two jointly prepared loose leaf exhibit books – one for the judge and one for his law clerk—each book containing **tabbed** Joint Exhibits, Plaintiffs Exhibits, and Defendant's Exhibits.]

9. Any other Required Federal Rule of Civil Procedure 26(a)(3) disclosure.

10. **Proposed *voir dire* questions, jury instructions, and jury verdict form.**  
[Counsel shall comply with the format prescribed in my Practices and Procedures].

Stipulated on the dates listed below:

*[signatures of trial counsel for each party and dates]*