

**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**

Judge Anita B. Brody  
Judge Michael M. Baylson  
Judge Mitchell S. Goldberg

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**JUDGE ARTEAGA'S  
PRACTICES AND PROCEDURES**

**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. 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**. The Court 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, the Court 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.

The Court 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, the Court 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. Documents Filed Under Seal**

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

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.* The Court 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 the Court grants a motion for leave to file under seal, the Court 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.

## **II. CIVIL CASES**

### **A. Settlement Conferences**

At the time a case is referred for settlement, counsel shall contact my chambers to schedule a settlement conference in compliance with the district judge's referral order. Plaintiff(s) must make a demand no later than two weeks before the settlement conference, and defendant(s) must make an offer no later than one week before the conference. The judge requires that a principal with full settlement authority attend the conference and requires counsel for all parties to submit confidential position papers one week prior to the settlement conference. The parties should submit the position papers via email to [danielle\\_hauger@paed.uscourts.gov](mailto:danielle_hauger@paed.uscourts.gov).

At the settlement conference, Judge Arteaga will expect counsel to:

- Be prepared to discuss the weaknesses, as well as the strengths of their case.

- Prepare the client. Judge Arteaga will speak to them directly.
- Organize and bring critical documents. Judge Arteaga will want to see them.
- Attach relevant summary expert reports to the conference memos. Judge Arteaga will review them.
- Bring any photographs, sketches, diagrams and charts. Judge Arteaga will review them.
- Be patient. Settlement is a process. It takes time.
- Be flexible. Avoid bottom lines or top numbers.
- Be creative.
- Manage their client's expectations.
- Manage their own expectations.

An example of the notice is attached. The settlement conference summary should be no more than a five-page synopsis. If it is necessary for the judge to look at documents or pictures, please attach only the particularly relevant pages or photographs. Please notify the court by joint telephone conference one week before the conference if settlement is not a real possibility, for example, if the defendant will not make an offer or will offer only nuisance value.

## **B. Scheduling Conferences**

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

## **C. Motion Practice**

Except as described below, motion practice is governed by Local Rule 7.1.

**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. The judge 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.

#### **D. Pretrial Procedure**

Pretrial procedure is governed by Local Rule 16.1. The parties may agree to file a joint stipulation, in the form attached, in lieu of complying with Local Rule 16.1.

Whether complying with Local Rule 16.1 or proceeding by Pretrial Stipulation, the parties jointly must file one document titled “**Proposed Joint Voir Dire Questions**” containing three sections: (1) agreed *voir dire* questions; (2) additional questions proposed by the plaintiff; and (3) additional questions proposed by the defendant. The parties also must file a joint document titled “**Proposed Joint Jury Instructions**,” using the same three-part format. Third Circuit standard instructions should be used, if available. The parties must supply authority for their proposed instructions. The parties must file a joint document titled “**Proposed Joint Jury Verdict Form**,” using the same three-part format.

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.

## **E. Trial Procedure**

**1. Scheduling of Cases.** In most cases, the judge 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 9:30 a.m. until 4:30 p.m., with an hour break for lunch and a brief recess in the morning and in the afternoon.

**2. Using the Lectern.** The judge 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. Note-taking and Questions by Jurors.** The jury may take notes. The jurors may propose questions during trial by writing them down and handing them to the judge, who will preview them with counsel.

**4. Voir Dire.** The judge 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 the judge asks questions of the witnesses, the judge 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 the judge 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 the court 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 the submission of sentencing memoranda by counsel.

#### 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 (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 attention of the Court.



#### IV. FORMS

*[Caption]*

##### PRETRIAL STIPULATION

- (1) **Estimate of total time for trial.** [A realistic good faith estimate.]
- (2) **Agreed facts.** [A conscientious effort should be made to narrow the areas of dispute.]
- (3) **Disputed facts.** [The parties should outline the fact disputes that must be decided.]
- (4) **Parties' respective claims and defenses.** [The parties should explain undisputed and disputed legal issues remaining for trial and supply authority for their positions.]
- (5) **Relief sought.** [The parties should 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 the witnesses' 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.]
- (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.]
- (8) Any other disclosure required under Federal Rule of Civil Procedure 26(a)(3).
- (9) **Proposed voir dire questions, jury instructions, and jury verdict form.**  
[Counsel shall comply with the format prescribed in section II(D) of my practices and procedures].

Stipulated on the dates listed below

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

*[Caption]*

## SCHEDULING ORDER

AND NOW, this \_\_\_ day of \_\_\_\_\_ 2024, 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], 2024.**

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 telephone conference before filing any discovery motion.<sup>1</sup>

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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

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

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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 twenty-five 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.

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.

before **[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.

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

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<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).

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*

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

	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	NO.
	:	
	:	
Defendants.	:	

SETTLEMENT CONFERENCE ORDER

A settlement conference will be held on \_\_\_\_\_, 202\_\_ at 10:00 AM before the Honorable José Raúl Arteaga, United States Magistrate Judge, United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania, in Courtroom 3H.

- Please notify the Court if settlement is not a real possibility.
- The conference will not be held unless counsel has clients with full and complete settlement authority physically present for the duration of the conference. Full and complete authority means the party's representative must possess authority consistent with the most recent demand.<sup>1</sup>
- If the defendant does not intend to make a settlement offer, or intends to offer only a nuisance value, defendant should arrange a telephone conference with chambers and counsel for plaintiff.
- If jointly requested by counsel, the judge is available for *ex-parte* telephone conferences with each side before the scheduled

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<sup>1</sup> Parties include all persons, corporations or other business entities, and insurance companies with an interest in the case, and each entity with an interest in the case must attend the conference. In the case of corporate or other business entities, the corporate official with ultimate settlement authority is required to attend. Where an insurance company is involved, a representative with full and complete settlement authority is also required to attend.

settlement conference. Please contact chambers to arrange a pre-conference telephone call.

Please complete the attached summary and email it with the case synopsis to **Chambers\_of\_Magistrate\_Judge\_Arteaga@paed.uscourts.gov** on or before \_\_\_\_\_, **202\_\_**. After receipt and review of the above summaries, the parties are to exchange updated settlement positions and submit a joint letter via email setting forth updated settlement positions \_\_\_\_\_, **202\_\_**.

**BY THE COURT:**

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

Date:

**SETTLEMENT CONFERENCE SUMMARY**

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

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

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

**COUNSEL ATTENDING SETTLEMENT CONFERENCE:**

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

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

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

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

**CLIENT ATTENDING SETTLEMENT CONFERENCE:**

Name of Individual with full and complete settlement authority who will be present at the settlement conference (include company and position where applicable):

\_\_\_\_\_

**MOTIONS PENDING:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**OTHER RELEVANT MATTERS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PRIOR DEMANDS/OFFERS (include demand/offer dates):**

\_\_\_\_\_

\_\_\_\_\_



**ATTACH SYNOPSIS OF CASE** (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.**) Counsel may attach particularly relevant trial exhibits to their submissions. If such exhibits are lengthy, the relevant portions must be delineated.