POLICIES AND PROCEDURES — WENDY BEETLESTONE, J.

The Honorable Wendy Beetlestone
United States District Court
Eastern District of Pennsylvania
James A. Byrne U.S. Courthouse
601 Market Street
Philadelphia, Pennsylvania 19106-1797
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PRELIMINARY GENERAL MATTERS

I. **Correspondence with the Court**: Judge Beetlestone permits correspondence with the Court 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;

C. When there is an uncontested request for a continuance of the Rule 16. Scheduling Order deadlines not affecting the trial date or pool placement;

D. To seek the Court's assistance in resolving a discovery dispute;

E. 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 similarly personal problems or questions;

F. To confirm or advise the Court that a case has been settled, dismissed or otherwise finally disposed;

G. 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 Beetlestone strongly discourages communication with her law clerks. All telephone inquiries should be directed to Judge Beetlestone's deputy.

III. **Telephone Conferences**

A. Judge Beetlestone 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 Beetlestone through her 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 Beetlestone through her Deputy Clerk after all parties are present on the call.

B. 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.

All such inquiries should be directed to the Deputy Clerk. Counsel should submit current email, telephone numbers and any changes to the Clerk's Office, and to Judge Beetlestone's Deputy Clerk.

IV. **Oral Arguments and Evidentiary Hearings**: Judge Beetlestone does not set aside certain days or times for oral argument, motions, or evidentiary hearings. Hearings and argument are scheduled when requested or warranted.

V. ***Pro Hac Vice* Admissions**: To be admitted appearing before Judge Beetlestone *pro hac vice*, associate counsel of record should submit a written motion for admission prior to the day of the first appearance of out-of-state counsel. The admission of out-of-state counsel *pro hac vice* does not relieve associate counsel of responsibility for the matter before the Court.

VI. **Courtesy Copies**: Counsel should send one (1) courtesy copy of any motion, brief, or memorandum that exceeds (10) pages in length to chambers at the time of filing. Courtesy copies should be printed double-sided in a three-ring binder, with dividers between the exhibits.

VII. **Stipulations and Consent Decrees**: Any stipulations, consent decrees, or other documents requiring Court approval or signature must be submitted in a form containing original signatures (faxed signatures are accepted). **Please do not file Stipulations on ECF. Stipulations are not effective until approved by the Court.**

VIII. **Professionalism**:

A. All who appear before Judge Beetlestone should be punctual, courteous and polite to one another, as well as to all parties, witnesses and court personnel at all times.

B. When sending correspondence to the Judge, spell her last name correctly. The Judge's last name is spelled **BEETLESTONE** not **BETTLESTONE.**

C. Rise when the Judge and the jury enter and leave the courtroom.

D. The Court will make every effort to commence proceedings on time. Counsel, parties and witnesses shall be on time.

E. Witnesses and parties should be instructed to wear proper attire to court.

F. 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.

G. Food, drink and chewing gum are prohibited in the courtroom, and witnesses should be so instructed.

H. 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.

I. 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.

J. Counsel must rise to address the Court. Address the Court as "Your Honor."

CIVIL CASES

I. **Rule 16 Conference**: Judge Beetlestone will schedule a preliminary pretrial conference as described in Federal Rule of Civil Procedure 16(b) and (c) shortly after each defendant has been served or has filed an appearance or pleading. At least three business days prior to the pretrial conference, counsel must complete and submit to the Court via ECF filing the joint status report of the Rule 26(f) meeting.

A. The Court relies on counsels' good faith compliance with Rule 26(f) in all respects. The Rule 26(f) meeting should take place as early in the case as possible. Outstanding motions will not excuse the requirements of holding the meeting and submitting the plan. The meeting should be a meaningful and substantive discussion to formulate the proposed discovery plan required by the Rule. Parties who do not comply may have no voice at the scheduling conference and may be subject to additional sanctions. Initial disclosures pursuant to Rule 26(a) shall be completed no later than seven (7) days before the Rule 16 conference.

B. It is expected that the parties will reach an agreement on how to conduct electronic discovery. The parties shall discuss the parameters of their anticipated e-discovery at the Rule 26(f) conference and should be prepared to address e-discovery at the Rule 16 conference with the Court.

C. At the initial pretrial conference, the parties should be prepared to address all topics listed in Local Rule of Civil Procedure 16.1(b) and Federal Rule of Civil Procedure 16(b) and (c), the progress of self-executing disclosures under Federal Rule of Civil Procedure 26(a), and any settlement or mediation proposals. The Court will issue a Rule 16 scheduling order at the conclusion of the conference.

D. Lead trial counsel must attend the Rule 16 conference. If a party fails to appear at a scheduled Rule 16 Conference, absent good cause, monetary sanctions may be applied. Counsel taking part in any pre-trial 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 and shall have a thorough comprehension of the facts.

II. **Continuances and Extensions**: Where compelling circumstances so require, counsel may request an extension of a filing or other deadline. If the request is for an extension or continuance of the trial date, discovery deadline, or the deadline for filing dispositive motions, it must be made sufficiently prior to the due date to allow time for the Court to consider it. Judge Beetlestone will extend the deadline for filing dispositive motions or a trial date only in very limited circumstances and where genuinely necessary. If a request for an extension is unopposed, counsel must so state and may submit the request via letter or joint stipulation. Opposed requests must so state and be filed as a motion.

III. **Discovery**

A. Length of Discovery Period: In standard track cases, the Court usually allows up to ninety (90) days from the date of the Rule 16 conference to complete discovery. In other cases, the Court may permit additional time to conduct discovery if the parties identify a need to do so at the initial Rule 16 conference, or any subsequent status conferences. Extensions of time are granted for a time certain on a specific showing of a need for that time for a specific purpose.

B. Discovery Management: Parties are expected to manage discovery without involving Judge Beetlestone, unless absolutely necessary.

1. *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.

2. *Discovery Deadlines*: Judge Beetlestone expects discovery to commence upon receipt of the Notice scheduling the initial Rule 16 conference. Judge Beetlestone establishes discovery deadlines at the initial Rule 16 conference.

C. Discovery Conferences and Dispute Resolution:

1. When a discovery dispute arises, the parties shall make every effort to resolve the matter themselves before seeking the Court's assistance.

2. If the parties cannot resolve the problem through the reasonable efforts required by Local Civil Rule 26.1(f), they may file on the docket submit brief letters explaining the dispute and requested relief.

3. Judge Beetlestone will generally hold a telephone conference to address the dispute.

4. If a discovery dispute is not resolved following a telephone conference and a motion to compel becomes necessary, the motion and any

supporting memorandum, together, shall not exceed ten (10) pages of double-spaced 12-point font. The responding party may file a response within five (5) days, also limited to ten (10) pages of double-spaced 12-point font.

5. All discovery motions must contain the certification required under Local Civil Rule 26.1(f). The Rule requires that counsel who is submitting the dispute to the Court include a certification that a good faith resolution effort has been made by counsel involved in the dispute. Judge Beetlestone expects that such a certification will be substantive, specific, and meaningful.

6. If the Court's intervention is required to resolve a discovery dispute, the Court may impose sanctions in favor of the prevailing party.

7. Judge Beetlestone permits telephone conferences to resolve disputes during depositions in cases where the deposition would otherwise have to be adjourned. However, counsel should resort to such efforts only sparingly and certainly only after making all appropriate efforts to resolve the impasse.

D. 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."

E. 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 pretrial 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.

IV. **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 thirty (30) 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 twenty (20) 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 Beetlestone, 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 Beetlestone schedules oral argument on motions when requested and/or when she believes it may be helpful in the Court's decision-making process. Counsel is encouraged to bring clients to oral arguments on dispositive motions.

D. Immigration Cases: Pursuant to the Guide to Judiciary Policy, Vol. 7, Ch. 2 § 210.20.20(a)(2), and *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001), Judge Beetlestone will consider appointment of the Federal Defender for financially eligible petitioners in § 2241 actions arising out of immigration enforcement.

V. **Summary Judgment Motions**: All parties SHALL comply with the following protocol with respect to Rule 56 Motions:

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 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 Beetlestone will not consider material not included in the appendix.

C. Statements of Facts

1. Upon motion for summary judgment, counsel shall also submit a separate Statement of Undisputed Material Facts containing a numbered, paragraph-by-paragraph recitation of facts with specific citations to the joint appendix in support of all of those facts as to which the moving party contends no genuine issue exists.

2. Counsel opposing a motion for summary judgment shall submit a separate Statement of Disputed Material Facts, which incorporates the moving party's Statement of Undisputed Material Facts, stating after each consecutive paragraph whether that party accepts or rejects that each fact as stated by the moving party is undisputed. If a party contends that a fact is in dispute, citation must be made to the joint appendix that supports the party's view that that particular fact is in dispute. The party should then list its own additional disputed facts in the same format with specific citations to the joint appendix.

3. Counsel for the moving party shall then submit—even if not filing a reply brief—a separate Reply Statement of Undisputed Material Facts which incorporates the non-moving party's Statement of Disputed Material Facts, stating after each consecutive paragraph whether that party accepts or rejects that each additional fact as stated by the opposing party is disputed. If a party contends that a fact is undisputed, citation must be made to the joint appendix that supports that party's view that the particular fact is undisputed. The Reply Statement of Undisputed Material Facts shall be a single document containing all of the submissions of material facts and responses thereto. Counsel for the moving party shall email a copy of the Reply Statement of Undisputed Material Facts to Chambers in Microsoft Word format.

D. **Injunctions**: Judge Beetlestone will schedule promptly hearings and/or arguments on any injunctive matters assigned to her.

1. Temporary Restraining Orders: Except in cases where the nature of the emergency precludes it, Judge Beetlestone 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 Beetlestone 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, she 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 Beetlestone permits expedited and intensive discovery in injunctive matters.

4. Consolidation of Hearings on Preliminary & Final Injunctions: When appropriate and consistent with the nature of the case, Judge Beetlestone favors advancing and consolidating the trial of the action on the merits of the request for a final injunction with the preliminary injunction hearing pursuant to Federal Rule of Civil Procedure 65(a)(2).

VI. **Settlement**: Settlement may be discussed at the initial Rule 16 status conference and at any subsequent conference. Judge Beetlestone will not participate in settlement negotiations in non-jury cases. A case may be referred to a Magistrate Judge for a settlement conference.

VII. **Arbitration**: Judge Beetlestone has no standard procedures or practices for arbitration cases except pretrial conferences are not normally held in such cases and, except in unusual cases, scheduling orders are not issued. 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.

VIII. **Final Pretrial Proceedings**: 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:

A. All stipulations of counsel;

B. 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;

C. 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.

IX. **Final Pretrial:** The Court will generally hold a Final Pretrial Conference (in court or in chambers) with all counsel shortly before trial. The Final Pretrial Conference must be attended by lead trial counsel. 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. Counsel shall also be prepared to address any objections to admissibility of documents on the opposing party's exhibit list. 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.

X. **Trial Procedure**

A. Scheduling Cases: Judge Beetlestone usually will assign a case a date certain for trial. The Court may start as early as 9:00 a.m. and may sit until 5:00 p.m. or later. Questions relating to scheduling matters should be directed to Judge Beetlestone's Deputy Clerk.

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. Requests for continuances must be in writing and should be e-mailed to chambers copied to opposing counsel. A formal motion is not required. The party requesting a continuance must present the position of opposing counsel. If opposing counsel opposes the request, the requesting party must set up a conference call with the Court to resolve the matter.

C. Conflicts of Counsel: When counsel become aware of any unavoidable and compelling professional or personal conflicts affecting the trial schedule, they should notify Judge Beetlestone and opposing counsel immediately. Such notice may be given to Judge Beetlestone's Deputy Clerk by telephone, but it must be confirmed in writing.

D. Cases Involving Out-Of-Town Parties or Witnesses: Judge Beetlestone 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. Courtroom Technology: The parties should discuss the technology available in Judge Beetlestone's courtroom with her courtroom deputy in advance of trial.

F. 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.

G. Voir dire: Judge Beetlestone conduct voir dire with input from the parties.

H. Notetaking by Jurors: Judge Beetlestone rarely permits jurors to take notes.

I. Trial Briefs: Judge Beetlestone encourages submission of trial briefs when necessary or likely to be helpful to the Court.

J. Exhibits:

1. *Preparation of Exhibits*: So as to avoid duplication of exhibits and confusion regarding exhibit numbers, Judge Beetlestone strongly suggests that the parties work together to prepare a single set of sequentially numbered trial exhibits, without regard for who will propound the exhibit at trial. The parties need not agree on the admissibility of any exhibit in preparing the exhibit binder(s). The Court will rule on the admissibility of individual exhibits in the course of trial. Counsel should assemble all exhibits to be offered at trial and number those exhibits from 1 to whatever number the case demands. Only one copy of a document should be included in the exhibits. Thus, if a document the defendant intends to introduce is included among the plaintiff's exhibits, the defendant should not include a second copy of the document in its exhibits. All proposed exhibits shall be placed in binders accompanied by a table of contents. The table of contents should include the following columns: Exhibit # - Bates #; a brief description of the document; a column entitled "Stipulations" a column entitled "Introduced"; and a column entitled "Admitted". In cases involving multiple exhibit binders, counsel shall prepare a master table of contents that also specifies the volume in which each exhibit appears. Unless the Court orders otherwise two copies of the exhibit binder(s) shall be made available for the Court's use. As exhibits are offered at trial, counsel shall refer to the exhibit by the same number (and volume number, in cases involving multiple exhibit binders), *i.e.:* Direct: "Please look at the contract, Exhibit 32, and tell the jury . . . ." Cross: "Turning now to Exhibit 32, the contract, isn't it true that . . . ." At the close of evidence, the parties shall submit to the Court a thumb drive which includes only those exhibits admitted into evidence. The documents on the thumb drive shall be provided to the Jury. Judge Beetlestone's policy on exhibits reflects her belief that well organized and identified exhibits are of great value to counsel in their efficient presentation of the case as well as to jurors in their understanding of the case.

1. *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 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.

K. In Limine Motions: Judge Beetlestone will hear any outstanding in limine motions during the Final Pretrial Conference. She prefers such motions to be in writing and filed sufficiently in advance of trial so that she can consider the motion and make an appropriate ruling.

L. 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.

M. 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.

N. Opening Statements and Summations: Judge Beetlestone normally does not place time limits on opening statements. Judge Beetlestone will generally charge the jury prior to counsels' closing arguments.

O. Sidebars: Judge Beetlestone discourages the use of sidebar conferences. Counsel should avoid the need for sidebar conferences by anticipating legal issues and objections and raising them during pretrial proceedings or at a recess or after adjournment. Sidebar conferences, when necessary, are on the record.

P. Witnesses: The rule of civility is absolute in addressing witnesses, whether on direct or cross examination. Witnesses should be treated with fairness and consideration; they should not be shouted at, ridiculed or abused in any manner. Counsel on direct must ensure that a witness is speaking into the microphone for ease of recording and hearing. If a witness was on the stand at a recess or adjournment, the witness should be on the stand ready to proceed when court resumes. Counsel are reminded that they may not

discuss a witness's testimony with him or her once that witness has begun testifying until the witness is excused. Judge Beetlestone expects trial to proceed smoothly without delay, and counsel is advised to avoid running out of witnesses during a trial day. If there will be a problem with the scheduling of any witness, counsel should inform the Court at the preliminary conference and at the beginning of that day's proceedings. Counsel shall provide opposing counsel and the Court with a list of witnesses for the next day in the order they are expected to testify.

1. *Examination of Witnesses or Argument by More than One Attorney*: Judge Beetlestone will permit more than one attorney for a party to examine different witnesses or to argue different points before the Court, but she 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.

2. *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.

3. *Examination of Witnesses Out of Sequence*: Judge Beetlestone 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.

4. *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.

5. *Reading of Material into the Record*: Reading of material into the record may be done in a manner agreed upon by the Court and counsel.

Q. 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.

R. 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.

S. Stipulations: Counsel are strongly encouraged to stipulate to as many matters as possible before trial, including undisputed facts, exhibits, jury instructions and special interrogatories.

T. 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.

XI. **Jury Deliberations**

A. Written Jury Instructions: Judge Beetlestone 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: During jury deliberations, counsel may leave the courthouse, but they must leave cell phone numbers with the Deputy Clerk and be able to return to the courthouse within ten minutes. As a practical matter, this means that counsel must stay in or very near the courthouse.

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

CRIMINAL CASES

I. Approach to Oral Arguments and Motions: Judge Beetlestone permits oral argument on motions in criminal cases.

II. Trial Continuances: 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. 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. 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.

III. Pretrial Conferences: Judge Beetlestone holds pretrial conferences in criminal cases as needed.

IV. Proposed Jury Instructions and Verdict Forms: Judge Beetlestone requires that at least three (3) working days before the date the case is set for trial, each party shall submit to the Court and serve on each other, two (2) copies of proposed points for charge and a proposed verdict form, and also shall provide those documents to Chambers in digital form in Microsoft Word format. Each point for charge shall be numbered and on a separate sheet of paper identifying the name of the requesting party. Supplemental points for charge will be permitted during and at the conclusion of the trial. Points for charge should be accompanied by appropriate citations of legal authority.

V. Voir Dire: Judge Beetlestone conducts the voir dire in criminal cases. She encourages submissions of proposed voir dire questions by counsel. She permits counsel to follow up and ask individual questions where warranted.

VI. Guilty Plea Memoranda: Judge Beetlestone requires the government to submit a guilty plea memorandum five (5) 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.

VII. Sentencing Memoranda: Judge Beetlestone requires the parties to submit objections to the Pre-Sentence Investigation Report and sentencing memoranda in accordance with the Notice of Sentencing, which will be issued shortly after the entry of a guilty plea or conviction. The sentencing memoranda should be submitted to the Court no later than five (5) days prior to the sentencing hearing. All requests for continuance of sentencing hearings should include the position of the defendant.