

JUDICIAL POLICIES AND PROCEDURES

Judge Kelley B. Hodge

United States District Court for the Eastern District of Pennsylvania
James A. Byrne United States Courthouse
601 Market Street, Room 15614
Philadelphia, Pennsylvania 19106
Telephone: 267-299-7550
Email: Judge_Hodge_Chambers@paed.uscourts.gov

I. GENERAL INFORMATION

A. Communication with Chambers

Judge Hodge permits communications with Chambers by telephone, or letter sent via email regarding scheduling and other non-substantive matters. **An email request without a letter will not be considered.** All other issues must be addressed by an appropriate motion or other document filed on the docket. Under no circumstances may any party or counsel communicate *ex parte* with any Chambers personnel concerning substantive matters. Law clerks may not render advice to counsel and have no authority to grant continuances or any other relief. For civil and criminal scheduling, case management and general inquiries contact:

Leesa Ciamaichelo, Deputy and Courtroom Services Clerk
Telephone: 267-299-7550 (Chambers) or 267-299-7559 (Direct Dial)
Email: Leesa_ciamachelo@paed.uscourts.gov and
Judge_Hodge_Chambers@paed.uscourts.gov

Judge Hodge prohibits any communications to her personal email.

B. Telephone/Video Conferences

Counsel may request a telephone or video conference with Judge Hodge to resolve straightforward discovery disputes and other issues, but complicated matters should be resolved by formal motion and briefing. Counsel must make a substantive effort to address all discovery disputes with opposing counsel before requesting Judge Hodge's assistance and submit a certification to that end along with any discovery motions. Counsel should submit a letter by email to Chambers summarizing the reason for the requested telephone conference. **An email request without a letter attached will not be considered.**

Counsel must comply with the Court's [Protocols for Remote Proceedings](#), found in the "News & Announcements" section of the Court's website – www.paed.uscourts.gov.

C. Stipulations

Any stipulations requiring Court approval or the Judge's signature must be submitted by email to Chambers. Counsel must provide the basis for any relief sought by stipulation. A stipulation absent any basis for the requested relief will be rejected by the Court.

D. Electronic Case Filing

Judge Hodge requires all counseled parties to use Electronic Case Filing ("ECF"). Proposed orders should be attached to corresponding motions or memoranda of law. **Submission of pleadings, motions, or other filings to Chambers by any method other than ECF is not permitted.** Except as expressly provided in Section I.C. Stipulations (above), the Court will not act on any submission that has not been docketed.

E. Courtesy Copies

Parties **must** provide **two (2) courtesy copies** to the Court of any document submitted which is **twenty-five (25) pages or more, including exhibits**. The exhibits in the Court's courtesy copies shall be clearly marked, tabbed, and bound in a 3-ring binder. Courtesy copies should be delivered by first-class mail or other delivery service. **Courtesy copies will not be accepted via email.**

F. Document formatting

All documents shall be filed in **12-point Times New Roman** font with **one-inch** margins. All PDF documents filed must be text searchable.

G. Standing Orders

Judge Hodge requires compliance with the following standing orders:

1. **Meet and Confer Certification with Dispositive Motions:** Counsel contemplating filing a motion under **Fed. R. Civ. P. 12 or 56, 28 U.S.C. §1441, or 28 U.S.C. §1404**, shall contact opposing counsel prior to filing to discuss the substance of the contemplated motion and to provide an opportunity to cure any alleged pleading deficiencies or strike certain matter to see if the filing of the contemplated motion is then necessary. This conference shall take place at least seven (7) days before the filing of the motion. The parties shall conduct substantive verbal communications. Exchanges of letters or emails are insufficient. A report that opposing counsel was not available or that the parties made reasonable but unsuccessful efforts to meet and confer is likewise insufficient. If the parties cannot reach a resolution that eliminates the need for any of the above-mentioned motions, counsel for the moving party shall include, along with the motion, a Certification indicating the date(s) of discussion(s) and shall inform the court of the parties' inability to reach a resolution. **The Court will deny any motion that fails to conform with these requirements.**

2. **Pronouns and Honorifics:** Counsel and unrepresented parties are invited to provide the names, pronouns, and honorifics they would like used by the Court in hearings, conferences, and opinions via an email to Chambers.
3. **Artificial Intelligence:** Anyone—counsel or *pro se* litigant—using Generative Artificial Intelligence (“GAI”) in connection with the filing of a pleading, motion, or paper in this Court or the serving/delivering of a request, response, or objection to discovery must comply with Rule 11(b) and Rule 26(g) of the Federal Rules of Civil Procedure, and any other relevant rule, including all applicable ethical rules.

H. Conflicts of Interest

In compliance with Federal Rule of Civil Procedure 7.1, counsel are expected to inform the Court of any change of ownership to avoid potential conflicts of interest.

I. General Expectations

Judge Hodge expects all counsel to be prompt, prepared and professional adhering to the [*ABA Model Rules of Professional Conduct*](#) at all times, both in the presence of the Court and otherwise. Decorum is of paramount importance and arguments should be presented zealously, thoughtfully, and thoroughly to the Court not to one another. Judge Hodge expects counsel to be punctual for all conferences, hearings, and trials.

The Court believes in the opportunity for growth and development of all attorneys. Thus, Judge Hodge encourages all counsel, regardless of years in the profession, who have skilled knowledge on the matter to be given the opportunity to appear and make argument before the Court.

II. CIVIL CASES – PRETRIAL

A. Rule 16 Conference

Judge Hodge will schedule a Rule 16 conference once an answer is filed or, in some instances, while a motion to dismiss or other preliminary motion is pending. Judge Hodge will issue an Order for a Rule 16 scheduling conference to be held by video-conferencing or in person (or, in the case of *pro se* parties, on the record).

The parties **must** file on ECF (unless leave of Court is requested) and email to Chambers a Rule 26(f) report **using the template provided** on Judge Hodge’s website at least **seven (7) days** before the Rule 16 conference. The report should include a statement as to whether and when the parties will be prepared to discuss settlement. The report should also include specific dates for all pretrial deadlines. Lead trial counsel must participate in the Rule 16 conference and must enter an appearance before the conference unless Judge Hodge approves a substitution. All applications to appear *pro hac vice* must be approved before the conference. After the conference, Judge Hodge will issue a Scheduling Order to govern further proceedings in the case.

B. Rule 26(f) Meeting

Judge Hodge relies on good-faith compliance in all respects with Federal Rule of Civil Procedure 26(f). The Rule 26(f) meeting shall take place as soon as possible and no later than **fourteen (14) days** before the Rule 16 scheduling conference. The meeting should not be viewed as perfunctory, but rather as a meaningful and substantive discussion to formulate the discovery plan required by the Rule. Compliance is mandatory. Parties who do not comply will have no voice at the scheduling conference and may be subject to sanctions. Outstanding motions will not excuse the parties from holding the Rule 26(f) meeting and submitting a report in a timely manner.

Before the Rule 16 conference, counsel will have discussed the nature and basis of the parties' claims and defenses, the possibility of a prompt settlement, and a discovery plan pursuant to Rule 26(f). Counsel must be prepared to present argument at the conference on any pending motions. At the conference, counsel should be prepared to discuss the strengths and weaknesses of the case and should therefore be conversant in the essential facts and issues involved. Counsel must have full authority to negotiate a settlement of the case or be accompanied by a client or client representative who has such authority or arrange for the client to be available by telephone for the duration of the conference.

C. Settlement Conferences

Judge Hodge addresses the possibility of settlement at all stages in the proceedings. In addition, consistent with Local Rule of Civil Procedure 53.3, Judge Hodge directs all parties to consider the use of an alternative dispute resolution process at an appropriate stage in the litigation. Judge Hodge also encourages early referral to a Magistrate Judge for settlement discussions. Upon reaching a settlement, counsel must notify Judge Hodge's Chambers immediately and request dismissal of the action pursuant to Local Rule of Civil Procedure 41.1.

D. Requests for Extension of Time and Continuances

Where compelling circumstances exist, counsel may request an extension of a filing or other deadline. Extension requests should be made by letter sent via email and counsel requesting the extension shall include the basis for the request and state the position of opposing counsel. Any counsel opposing the extension shall submit a responsive letter via email setting forth the reasons for opposition. Counsel may not extend any deadlines without Court approval. **An email request without a letter attached will not be considered.** For unopposed extension requests, counsel must submit a stipulation signed by counsel for all parties sent via email with a signature line for Judge Hodge. Unopposed extension requests are not automatically granted. Counsel should make every effort to file such stipulations as early as the need for an extension is known. **If the stipulation or motion is filed less than two business days before the deadline, the Court does not guarantee a decision will be made before the deadline.**

Since trial and hearing dates are set in advance, Judge Hodge is extremely reluctant to grant continuances especially if the attorneys have not been diligent in moving the case forward.

However, the Court will consider such continuance requests upon a showing of compelling circumstances and good cause.

E. Final Pretrial Conference

There will be a final pretrial conference scheduled on a date by the Court in advance of the trial date. During this conference, the Court will address factual and legal issues, the admissibility of exhibits, scheduling issues, and settlement. See Section III.F. below for information on pretrial memoranda.

III. CIVIL CASES – SUBMISSIONS TO THE COURT

A. Discovery Matters

When a discovery dispute arises, counsel are strongly urged to settle it among themselves. However, if after making a good faith effort, counsel are unable to resolve a disputed issue, counsel for the aggrieved party shall file with the Court a motion in conformity with Local Civil Rule 26.1(b), with a form of order, and short brief not to exceed **five (5) pages** describing the disputed issue(s). Within **seven (7) days** of the filing of the motion, any counsel opposing the motion shall file with a Court a response to the motion not to exceed **five (5) pages** in conformity with Local Rule 26.1(b). The Court will determine the need for a telephone or video conference with counsel to discuss the motion on a case-by-case basis. In most cases, the Court expects to rule promptly on discovery motions and may decide such motions during a video conference. All motions must contain the certification required under Local Civil Rule 26.1(f).

B. Oral Argument

A party desiring oral argument should request it by letter or in the body of the motion or responsive pleading. If Judge Hodge believes oral argument will be helpful in deciding a matter, she will schedule it, particularly when it involves a dispositive motion. Not all requests for oral argument will be granted but will be determined by the judge on a case-by-case basis.

C. Length and Content of Briefs or Legal Memoranda

All grounds for relief should be set forth in a single, comprehensive motion. A motion to dismiss, for example, should not be divided into separate motions for each count, but rather the singular motion should include all bases for relief. Any brief or memorandum filed in support of the motion should be limited to **twenty-five (25) pages**. Any brief or memorandum filed in opposition or in response to a motion is subject to the same page limitation. If a party requires more than twenty-five (25) pages to explain its position to the Court, a motion to exceed the page limit **shall be filed prior to the deadline**, setting forth good cause for granting an exception to this rule.

D. Reply and Surreply Briefs

Reply briefs, addressing only issues raised in the brief in opposition and not repeating arguments in the brief, may be filed within **seven (7) days** of service of the opponent's brief in opposition and shall be limited to **ten (10) pages**. The parties **must** seek leave of court prior to file a surreply. If leave is granted, surreplies may not exceed **five (5) pages**.

E. Rule 56 Motions - Motion for Summary Judgment

Initial Filing of Moving Party: A party moving under Rule 56 may move without reference to supporting affidavits or other evidence and, in doing so, the party making the motion shall: (1) identify in outline form the issue(s) and/or sub-issue(s) as to which the Motion is directed; (2) affirm, on the basis prescribed in Rule 11, that there is no legally sufficient evidentiary basis for the non-movant to prevail upon the issues so identified; (3) provide a separate, concise Statement of Undisputed Material Facts, as described below; and (4) request judgment.

The initial filing by the moving party should **not exceed twenty-five (25) double-spaced, typewritten pages**, excluding the Statement of Undisputed Material Facts. The initial filing of the moving party must include a concise Statement of Undisputed Material Facts, which sets forth, in numbered paragraphs, the material facts that the moving party contends are undisputed and entitle the movant to judgment as a matter of law. Each factual assertion shall be accompanied by a citation to the specific portion(s) of the record that support the assertion, including the exhibit, page, and line number.

Response of Non-Moving Party: The non-moving party shall file a response within **twenty-eight (28) days** after the Motion for Summary Judgment is served, unless otherwise ordered by the Court. The response shall be supported with affidavits, depositions, documents or other evidence permitted by Rule 56. Opposition to a Motion for Summary Judgment shall include a separate filing of a Statement of Material Facts, responding to the numbered paragraphs in the movant's Statement of Undisputed Material Facts, which the respondent contends present genuine issues for trial. The responding party also shall set forth, in separate numbered paragraphs, any additional facts which the respondent contends preclude summary judgment. Where applicable, references to such evidence must include specific citations to exhibit, page, and line number. The response may not exceed **twenty-five (25) pages**.

Reply of Moving Party: The movant shall file a reply and the reply must be filed not later than **fourteen (14) days** after the response from the non-moving party is served, unless otherwise ordered by the Court. The reply must specify the relevant exhibit, page, and line numbers when referring to the record. The reply may not exceed **ten (10) pages**.

Surreply of Non-Moving Party (Optional): The non-moving party may, **within seven (7) days after the reply is received**, file a surreply. The surreply must specify the relevant exhibit, page, and line numbers when referring to the record and may not exceed **ten (10) pages**.

F. Trial Documents

The Court will issue a trial scheduling order outlining parameters and deadlines for all requisite trial documents after dispositive motions are decided or if no dispositive motion is filed.

G. Confidentiality Agreements

Judge Hodge will only consider entry of stipulated confidentiality or sealing orders if the parties demonstrate that “good cause” exists pursuant to Fed. R. Civ. P. 26(c)(1)(G). See Pansy v. Borough of Stroudsburg, 23 F.3d 772, 786 (3d Cir. 1994). All such orders must contain the following language (or language substantially similar): “*The Court retains the right to allow disclosure of any subject covered by this stipulation or to modify this stipulation at any time in the interest of justice.*”

H. Experts

Parties should identify expert witnesses and provide the experts’ written reports pursuant to the scheduling order entered in the case. Failure to do so will bar the use of the expert’s testimony at trial.

I. Injunctions

When a temporary restraining order or preliminary injunction is requested, Judge Hodge will schedule a conference if necessary to decide the TRO or injunction as soon as possible. Generally, Judge Hodge permits expedited discovery for injunctive matters. Judge Hodge may require submission of proposed findings of fact and conclusions of law.

For any civil litigation issues not addressed above, please consult the Local Rules of Civil Procedure for the Eastern District of Pennsylvania at:

<https://www.paed.uscourts.gov/sites/paed/files/documents/locrules/civil/cvrules.pdf>

IV. CRIMINAL CASES

A. Motions Practice

All pretrial motions—including motions *in limine* and any motions challenging the indictment, seeking suppression of evidence, or raising any dispositive matters—shall be controlled by the Scheduling Order. Any responses to a pretrial motion must be filed in accordance with the Scheduling Order. Except in rare circumstances, hearings on any pretrial motions and responses will be heard on a date before the scheduled trial date.

In multi-defendant proceedings, all motions will be heard jointly. **Defendants may not join in codefendants’ pretrial motions without leave of the Court.** If granted leave, supporting memoranda shall be filed as soon as possible and **no later than seven (7) days before the hearing.** Such supporting memoranda **shall not exceed twenty (20) double-spaced pages.**

All post-trial motions must be filed in accordance with the Federal and Local Rules of Criminal Procedure. Response memoranda **shall not exceed twenty (20) double-spaced pages**. Reply and surreply memoranda may be filed only with leave of Court and shall not exceed **ten (10) double-spaced pages**.

B. Continuance Request

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 motions stating the reasons for the request.** 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), and 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. Requests by letter are **not** permitted. The defendant must provide a signed waiver of Speedy Trial Act rights or a continuance hearing will be scheduled.

C. Pretrial Conference

If requested by counsel or needed, Judge Hodge will schedule a pretrial conference with counsel at least **three (3) days** before the scheduled trial date. The conference will be conducted in person or, in limited circumstances, on a virtual platform. Any issues related to *voir dire*, motions *in limine*, jury instructions, and jury verdict forms will be addressed at that time.

D. Voir Dire

Counsel must submit proposed *voir dire* questions in Microsoft Word format via email to Chambers and should do so in accordance with the Scheduling Order. Judge Hodge will conduct the *voir dire* in criminal jury matters. Upon request, counsel may have an opportunity to ask follow-up questions to the venire.

E. Proposed Jury Instructions and Verdict Forms

Each party must submit to the Court and serve on opposing counsel proposed points for charge and any proposed jury interrogatories in accordance with the Scheduling Order.

F. Guilty Plea

Before a defendant offers a guilty plea, the guilty plea memorandum, guilty plea agreement (if applicable), and acknowledgment of rights must be completed and reviewed with the defendant and must be provided to the Court via email to Chambers **seven (7) days** prior to the change of plea hearing, except in extenuating circumstances. The guilty plea memorandum should include: the elements of each offense to which the defendant will plead guilty and legal citations for the elements, the statutory maximum penalties for each offense, the terms of any plea agreement, and the factual basis for the plea.

G. Sentencing

If the Court accepts a guilty plea or there is a conviction at trial, Judge Hodge will schedule a speedy sentencing for a date selected at the time of the plea or verdict. Judge Hodge discourages continuances of sentencing, and sentencing will be continued for good cause only. Judge Hodge will generally not consider any request for a continuance exceeding 90 days.

Sentencing motions and supporting memoranda must be filed at least fourteen (14) days before the scheduled sentencing date, and any response thereto must be filed at least seven (7) days before the scheduled sentencing date. Sentencing memoranda (exclusive of motions) must be filed **no later than seven (7) days** before the scheduled sentencing date.

For any criminal litigation issues not addressed above, please consult the Local Rules of Criminal Procedure for the Eastern District of Pennsylvania at:

<https://www.paed.uscourts.gov/sites/paed/files/documents/locrules/criminal/crrules.pdf>