

The Honorable Mia Roberts Perez
United States District Court
Eastern District of Pennsylvania
James A. Byrne U.S. Courthouse, Courtroom 6A
601 Market Street
Philadelphia, Pennsylvania 19106

POLICIES AND PROCEDURES

May 2024

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I. GENERAL MATTERS**A. Communications with Chambers**

Judge Perez permits communications with Chambers by telephone or email regarding scheduling and other non-substantive matters. All other issues must be addressed by motion or other filing. Under no circumstances may any party or counsel communicate *ex parte* with any Chambers personnel concerning substantive matters.

Inquiries should be directed to Judge Perez's Courtroom Deputy. If the Deputy is not available, then Judge Perez permits counsel to speak with her Judicial Assistant. If necessary, attorneys may speak to Judge Perez's law clerks regarding scheduling matters; however, law clerks may not render advice to counsel.

Courtroom Deputy: Mia Harvey
Telephone: (267) 299-7589

Judicial Assistant: Patrick Mountney
Telephone: (267) 299-7580

Chambers e-mail: Perez_Chambers@paed.uscourts.gov

All writings submitted to Judge Perez's Chambers should be written in 12-point Times New Roman font with 1-inch page margins.

B. Pro Se (Unrepresented Litigants) Communications

All pro se communications must be directed to the Clerks' Office to be docketed. Pro se litigants may not contact Judge Perez or her Chambers directly.

C. ECF Filings

All ECF filings must be text-searchable, including exhibits. Exhibits must be given file names that identify what the document is. When referencing a document on the docket, parties shall refer to that document by its docket number. Any document that is already on the docket should not be used as an exhibit.

D. Pro Hac Vice Motions

Motions for pro hac vice admission must be made using the Eastern District of Pennsylvania's form; this is available on the Court's website:

<https://www.paed.uscourts.gov/attorneys>. Sponsoring counsel and other associated members of the bar of the Eastern District of Pennsylvania are responsible for the conduct of pro hac vice co-counsel and for the integrity of all representations to the Court. Absent leave, the presence of at least one member of the bar of the Eastern District of Pennsylvania is required at hearings and trials.

E. Disclosure Statements

Parties and intervenors must file a disclosure statement that identifies any third party that is funding any portion of the litigation. This requirement is in addition to Federal Rule of Civil Procedure 7.1's requirements.

F. Magistrate Judge

The Honorable Pamela A. Carlos is the designated magistrate judge for Judge Perez's docket. Judge Carlos's contact information, policies, and forms are available here:

<https://www.paed.uscourts.gov/judges-info/magistrate-judges/pamela-carlos>.

Parties may request that Judge Carlos preside over settlement discussion at the Rule 16 Conference or as soon as possible after the Rule 16 Conference. Judge Perez will then issue a referral order.

II. PRETRIAL MATTERS

A. Rule 16 Conferences

Judge Perez will schedule a Rule 16 conference once an answer is filed, or in some instances, while a motion to dismiss or another preliminary motion is pending. All conferences will be held in person in Judge Perez's Chambers. Unless Judge Perez approves a substitution in advance, lead trial counsel must attend the Rule 16 conference and enter their appearance prior to the conference. A scheduling order will be issued at the conclusion of the conference.

Counsel must coordinate to prepare and submit a joint report pursuant to Rule 26(f) prior to the deadline set forth in the Rule 16 Scheduling Order. Any reports containing flawed or incomplete responses will be returned to counsel for revision and resubmission.

All motions to dismiss, transfer, or add parties and other threshold motions should be filed before the Rule 16 conference. Counsel should be prepared to present arguments at the conference on any pending motions.

B. Final Pretrial Conferences

Judge Perez will hold a final pretrial conference prior to trial in all civil and criminal cases. In advance of the final pretrial conference, counsel shall file a pretrial memorandum that sets forth the information required under Local Civil Rule 16.1.

Counsel is also expected to coordinate and submit agreed-upon jury instructions, special interrogatories, and verdict forms concurrently with their pretrial memoranda. Proposed instructions should include only substantive issues regarding the elements of each cause of action or charged offense, and each defense. If counsel cannot agree, proposed alternative instructions must be submitted with authority for each instruction. Submission of proposed instructions does not constitute a waiver of objection.

C. Guilty Pleas

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. These documents must also be provided to the Court two days prior to the change of plea hearing. The guilty plea memorandum must include: (1) the elements of each offense to which the defendant will plead guilty and legal citations for the elements; (2) the statutory maximum penalties for each offense; (3) the terms of any plea agreement; and (4) the factual basis for the plea.

III. MOTIONS PRACTICE

A. Length Limitations

Any motion and its supporting memorandum of law, as well as opposition briefs, shall not total more than 20 pages. In those rare instances in which counsel believes additional pages are necessary, counsel should seek leave to exceed the page limit by motion.

Reply briefs in support of a dispositive motion may be submitted without leave of Court. Replies must be responsive to arguments raised by opposing counsel and shall not exceed 7 pages. A sur-reply may only be filed with permission of the Court upon good cause shown and may not exceed 5 pages. Replies and sur-replies must be filed no later than 7 days after the filing to which it responds, but Judge Perez reserves the right to rule on the motion in the interim.

In civil cases, all motions should be filed in compliance with the Scheduling Order. Oral argument will be scheduled as needed by the Courtroom Deputy.

In criminal cases, the Courtroom Deputy will contact counsel within 72 hours of the defendant's arraignment to schedule a status conference with the Court. At the status conference, counsel should be prepared to discuss potential motions and case deadlines.

B. Conferences Before Filing Rule 12 Motions

Except in cases where either side is *pro se*, or in bankruptcy or social security appeals, any party intending to file a motion under Federal Rule of Civil Procedure 12 must contact opposing counsel to discuss the substance of the contemplated motion and to provide an opportunity to cure any alleged pleading deficiencies or strike certain matter. This conference shall take place at least seven days prior to the filing of the motion.

If the parties are unable to reach a resolution that eliminates the need for a Rule 12 motion, counsel for the moving party shall include, along with the motion, a certification that the parties met and conferred regarding the alleged pleading deficiencies or matter sought to be stricken. The Court will deny any motion that fails to conform with these requirements.

Upon the filing of a complaint, the Court will issue an order to this effect.

C. Motions for Summary Judgment

All summary judgment motions must be accompanied by a statement of facts that the parties will prepare jointly and that must be separately filed on the docket. All parties must attach a joint list of all exhibits referenced in the statement of facts, in addition to an index of the exhibits.

The Parties should prepare the statement of facts in accordance with the following guidelines:

1. At least 28 days before the deadline to file a motion, the moving party must serve all other parties a statement of undisputed facts in a numbered, paragraph-by-paragraph statement that contains specific citations to the record that support each factual assertion.
2. At least 14 days before the deadline to file a motion, a responding party must serve on all other parties, a response to the moving party's statement of facts that responds to each factual assertion. All responses should be directly under the original paragraph of the moving party's motion and must include citations to any evidence that the responding party believes is necessary to show that the moving party has not cited evidence that supports a factual

assertion.

3. The moving party may then respond to any statement or arguments in the responding party's submission, directly under the paragraph in question.

The final product of this process should result in a single statement of facts with detailed paragraphs where an opposing party is responding in agreement with a factual assertion or questioning the factual assertion, allowing Judge Perez to see each party's position on each factual assertion. If there are cross-motions for summary judgment, each movant may file a statement of facts that follows the above guidelines. However, there must be a single, consolidated set of exhibits.

This process of serving and responding should not be filed with the Court on the docket but must be realized with all other parties.

IV. TRIAL PROCEDURE

A. Scheduling

Counsel shall comply with all deadlines set forth in the scheduling order. Counsel for cases in the trial pool must be prepared to commence trial upon 48-hours' notice. Any requests to extend a trial date must be submitted to Chambers in writing 30-days prior to trial.

B. Jury Selection & *Voir Dire*

Counsel shall discuss and agree upon *voir dire* questions. If necessary, disputes regarding *voir dire* questions may be submitted to Judge Perez for resolution. Prior to the final pretrial conference, counsel shall submit a joint neutral statement of the facts and joint questions for *voir dire*, highlighting only the disputed questions. *Voir dire* should not be more than 15 questions.

C. Exhibits

During trial, counsel shall meet each morning to discuss between themselves the order in which witnesses will be called and evidence will be presented. Counsel must inform the Court of such order.

Counsel will determine which exhibits will be given to the jury after it retires to deliberate. If counsel cannot agree, they should request a ruling immediately after the jury retires to the deliberation room.

D. Opening Statements & Closing Arguments

Counsel will be permitted a maximum of 30-minutes for opening statements and 45 minutes for closing arguments.

E. Objections & Sidebars

Speaking objections are discouraged and should include only the word “objection” and the relevant rule number. Sidebars will be permitted only sparingly.

F. Sentencing

All motions for downward departure, except motions filed under § 5K1.1 of the U.S. Sentencing Guidelines, must be filed two weeks prior to sentencing. Such motions should include legal and factual support for the proposed departure. A government motion pursuant to § 5K1.1 must be filed at least one week prior to sentencing.

Both the government and the defendant must submit sentencing memorandum no later than one week prior to sentencing. If a defendant is responsible for restitution, the government must include sufficient information in its memorandum to enable the Court to determine entitlement. This includes the name and address of each victim, and the amount of loss for each victim. Documentary support for each amount should also be included.