

JUDGE C. N. CLEVERT, JR.'S CASE MANAGEMENT PROCEDURES

Form of Filed Documents	Pleadings, motions, briefs, stipulations, affidavits, proposed orders, and other documents submitted to the court should be in the format set forth in General L.R. 5(a).
Scheduling Orders	After all parties have answered, the court sets a date for a Fed. R. Civ. P. 16 scheduling conference and the filing of a joint planning report. The parties must confer and file the joint planning report as required by Fed. R. Civ. P. 26(f). The court's scheduling order is issued orally at the Rule 16 conference.
Extensions of Time	<p>A party seeking the extension of any deadline should confer with all other parties in the case to determine whether the extension is contested.</p> <p>If all parties agree to the extension, a joint or agreed motion or a stipulation should be filed. The deadline is not extended until the court enters an order, regardless of the stipulation.</p> <p>Any request for an extension of time, including a stipulation, should set forth the reasons for the extension, such that the court can determine whether good cause exists under Fed. R. Civ. P. 6(b).</p>
Separate Order Required	<p>The court does not sign at the end of stipulations. A proposed order should be submitted as a separate document.</p> <p>The caption of a proposed order should reflect the subject of the motion or request, for example "Order Granting Motion for Extension of Time" rather than "Order." Proposed orders should be e-mailed to ClevertPO@wied.uscourts.gov in WordPerfect (not PDF) format.</p> <p>The court may enter text-only orders in the docket as deemed appropriate.</p>

<p>Nondispositive Motion Practice</p>	<p>Parties may file expedited motions on nondispositive matters following the procedures in Civil L.R. 7(h). The court will contact the parties if it determines that a telephonic conference is necessary.</p> <p>Note that the parties must confer prior to filing a motion regarding a discovery dispute. See Fed. R. Civ. P. 37(a); Civil L.R. 37. The court encourages the parties to work out discovery disputes and discourages discovery motions.</p>
<p>E-Filing and Courtesy Copies</p>	<p>Chambers' staff does not receive immediate notification of CM/ECF filings. Therefore, a hard copy of any document seeking expedited relief or filed within 48 hours of a hearing must be delivered to chambers promptly. Alternatively, parties may telephone chambers to alert staff of the filing.</p> <p>Any e-filed document exceeding 10 pages (including attachments) or relating to summary judgment must be provided in hard copy as well. The parties should e-file the documents and deliver a hard copy of every such document directly to chambers promptly, with a notation on the first page of each document indicating the date on which the document was e-filed and the document's docket number. Where lengthy or multiple exhibits are attached, such exhibits must be tabbed and securely bound (for instance by three ring binder or large clip) for ease of use and to prevent inadvertent loss of pages. The court may require parties to resubmit any documents not properly tabbed or bound.</p> <p>Documents to be considered by the judge must be e-filed. E-mailing a document to the proposed order e-mail address does not constitute e-filing. Copies of proposed orders, jury instructions, and findings of fact in word-processing format should be e-mailed to ClevertPO@wied.uscourts.gov in addition to, not in lieu of, e-filing.</p>
<p>Citation Form</p>	<p>Parties should follow the citation form in <i>The Bluebook: A Uniform System of Citation</i>. Citations should be placed within the text of a brief rather than in footnotes.</p>
<p>Temporary Restraining Orders</p>	<p>The court prefers that any request for a TRO or preliminary injunction be served upon the opposing party or counsel before the motion is heard and decided.</p>

<p>Protective Orders and Documents Filed under Seal</p>	<p>Proposed protective orders should not contain language giving the parties advance permission to file documents under seal. No document treated as confidential under a protective order may be filed under seal unless the court, on separate motion for good cause shown, grants leave to file under seal. Any request for filing under seal should be limited to the smallest portion of the document that requires sealing. In other words, the confidentiality of matters in one exhibit or on a few pages of a lengthy brief will not justify the sealing of other exhibits or the entire brief. See General L.R. 79(d) and Committee Comment.</p>
<p>Summary Judgment Motions</p>	<p>As noted above, all documents relating to a summary judgment motion must be provided in hard copy.</p> <p>Parties must comply with Civil L.R. 7 and 56 as applicable. Parties are encouraged to file stipulated facts under Civil L.R. 56(b) to the extent possible. Stipulated facts or proposed findings of fact should be e-mailed in WordPerfect format to ClevertPO@wied.uscourts.gov.</p>
<p>Oral Argument</p>	<p>Most motions are decided on briefs. The parties may request oral argument, but whether oral argument will be set is a matter within the court's discretion.</p>
<p>Content of Hearings, Status Conferences, and Scheduling Conferences</p>	<p>At any hearing or conference, the parties should be prepared to discuss all pending motions, regardless of whether briefing is complete.</p>
<p>Motions in Limine</p>	<p>Motions in limine in civil cases are generally due one month before a final pretrial conference so the decision can be issued at or before the final pretrial conference. Parties should refer to the scheduling orders issued in their cases for exact dates. Response briefs should be filed in accordance with Civil L.R. 7 if no briefing schedule is otherwise set by the court.</p>

<p>Voir Dire and Jury Instructions</p>	<p>The court uses standard voir dire questions to elicit the background of the jurors. Additional questions may be submitted in the Fed. R. Civ. P. 16(c) pretrial report.</p> <p>The court has standard jury instructions regarding the evidence to be considered, the burden of proof, and the jury’s procedures while deliberating. The court’s standard civil jury instructions are available on the Eastern District’s website.</p> <p>Parties must confer prior to the final pretrial conference in an attempt to prepare a joint set of jury instructions on the substantive issues. Instructions proposed by the parties should be e-mailed to ClevertPO@wied.uscourts.gov in WordPerfect format.</p>
<p>Exhibits and Exhibit Lists</p>	<p>Parties should confer prior to the final pretrial conference to seek stipulations regarding the admission of as many exhibits as possible. Exhibits shall be numbered in accordance with General L.R. 26. Parties should not designate “plaintiff” or “defendant” on the exhibits.</p> <p>Parties should submit to the court prior to the start of trial an exhibit list in hard copy and in an electronic format. The preferred format is found on the Eastern District’s website under the “Form Repository” tab.</p>
<p>Courtroom Decorum</p>	<p>Counsel are expected to address clients, witnesses and all parties by their surnames.</p> <p>When objecting, counsel shall briefly state the grounds for doing so. During jury trials, the court will call a side-bar or excuse the jury if further argument is necessary.</p> <p>One attorney should speak on behalf of a client as to any issue under consideration during a trial or hearing.</p> <p>Counsel should address the court rather than each other during the course of hearings or trials.</p>
<p>Courtroom Equipment</p>	<p>The courtroom is equipped with an ELMO, VCR, cassette player, and video monitors. Counsel may connect personal laptop computers to display evidence from CDs, DVDs, or other formats. If counsel are unfamiliar with the equipment but wish to use it, contact court staff in advance of the hearing or trial.</p>

Transcripts	<p>Information on ordering transcripts is located on the Eastern District's website under "Court Reporting & Transcripts."</p> <p>Most hearings are recorded digitally rather than by court reporter. To order a transcript or CD of a digitally recorded hearing, contact the clerk's office and complete the appropriate forms as directed on the website.</p> <p>If a court reporter records a hearing, transcripts may be ordered through the court reporter directly or through the clerk's office. Parties should request the name of the court reporter before or at a hearing if a transcript will be ordered; also, the court reporter's name is noted in court minutes.</p> <p>Parties seeking daily copy or real time reporting during a trial must contact a court reporter well in advance of trial.</p>
Pro Hac Vice Admissions	<p>The court does not grant permission to appear in this district pro hac vice. Any attorney appearing in this court must apply for regular admission to practice in the district. Contact the clerk's office for information on admission to practice in the district. See General L.R. 83(c).</p>