

Preferred Procedures and General Information for Litigants Appearing Before Judge William C. Griesbach

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| Scheduling Conferences | <p>After all parties have appeared in an action, they will receive notice from the Court as to the date set for a Rule 16(b) scheduling conference. <i>See</i> Fed. R. Civ. P. 16(b). The Court prefers that counsel having knowledge of the case attend the scheduling conference and be prepared to discuss the value of the claims asserted by them, the expected discovery, possible defenses, threshold issues, and a case management plan and schedule. The Notice will also contain the due date for filing of the proposed discovery plan developed at the Rule 26(f) conference. A scheduling order will be entered by the Court after the Rule 16 conference is held.</p> |
| Requests for Extensions of Time, Leave to File Amended Pleadings, etc. | <p>When reasonably able to do so, a party seeking an extension of any deadline, leave to file an amended pleading or enlarged brief, or similar relief should confer with all other parties in the case to determine whether any party objects. A motion seeking such relief should, where possible, indicate whether the motion is opposed.</p> <p>Most requests for such relief will be addressed promptly when no party objects or all parties stipulate. 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> |
| Proposed Order Mailbox | <p>Proposed orders, when appropriate, should be emailed to GriesbachPO@wied.uscourts.gov in word processing format (not PDF). The subject line of the e-mail should contain the case number and the type of relief requested (e.g., 08-C-999 Order Extending Time).</p> <p>It is not necessary to prepare proposed orders on motions for summary judgment, contested motions to dismiss, or similar motions where it is reasonably anticipated that the Court will issue a written decision.</p> |
| Temporary Restraining Orders and Expedited Motion Practice | <p>Parties requesting relief of an immediate or emergency nature should call the deputy clerk or chambers directly. Unless immediate <i>ex parte</i> relief is warranted, the Court will generally set the matter for a telephone status conference upon notification of opposing counsel.</p> <p>Non-dispositive matters that require expedited attention may be addressed through an expedited motion following the procedures in Civil L.R. 7(h). The Court will contact the</p> |

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| | <p>parties if it determines that a telephone conference is necessary.</p> |
| Discovery Disputes | <p>Note that all parties <i>must</i> confer prior to filing a motion regarding a discovery dispute. <i>See</i> Fed. R. Civ. P. 37(a) and Civil L.R. 37. If available, the Court will promptly hold a telephone conference to address a discovery dispute that arises in anticipation or in the course of a deposition.</p> <p>Generally, discovery disputes that are factually or legally complex should be presented by written motion, but the parties are invited to request a telephone conference with the Court in advance of filing a discovery motion if they are unable to resolve the matter in the Rule 37 conference. Requests for a hearing are frequently granted, especially if further difficulty is anticipated and additional guidance is sought.</p> |
| Motions to Strike | <p>Objections to another party's submission should normally be raised in the objecting party's merits brief, rather than in a separate motion to strike.</p> |
| E-Filing Bookmarked Exhibits (Multiple Exhibits in Complex Cases) | <p>Usually, litigants are expected to file exhibits as individual, separately named attachments to a filing. If a filer intends to file a large number of attachments, the filer may consider combining all attachments into a single PDF. The PDF must have bookmarks to the first page of each exhibit that describes the exhibit. The combined PDF should be submitted as an attachment to a Main Document filing. The bookmarked file shall be named so as to indicate how many attachments are combined in the file (e.g., Exhibits 1-25 bookmarked).</p> <p>The Court's megabyte limit for documents remains in effect. Therefore, it may be necessary to file multiple bookmarked files in some cases. In such an event, multiple bookmarked files may be attached to the Main Document filing (e.g., Attachments: #1 Exhibits 1–25 bookmarked, #2 Exhibits 26–35 bookmarked, #3 Exhibits 36–50 bookmarked).</p> <p>In the event the filer intends to file sealed or restricted exhibits, a redacted version of the exhibit or a placeholder page should be included in the combined PDF. Each sealed or restricted exhibit should be added as a separate attachment to the Main Document filing. The filer must provide a descriptive label for each restricted exhibit (e.g., Attachments: #1 Exhibits 1–25, #2 Ex. 23 - Unredacted Contract).</p> |

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| Summary Judgment Motions | <p>In most cases, parties should comply with Civil L.R. 7 and with Civil L.R. 56 as applicable. Parties are encouraged to file stipulated facts under Civil L.R. 56(b)(5) to the extent possible.</p> <p>As an alternative to the more formal procedure set forth in Civil L.R. 56, which is generally used after all or almost all discovery has been completed, a party may elect to use a more streamlined procedure, hereinafter referred to as the Streamlined Summary Judgment (SSJ) Procedure. This streamlined procedure may be used when a wholly or partially dispositive issue is narrow, discrete, and capable of early resolution without the need for extensive discovery, i.e., statute of limitations, statute of frauds, issues of contract interpretation, or is capable of resolution by conclusive video evidence. Upon request of counsel and when appropriate, the Court (1) may stay unrelated discovery and other proceedings in the case in order to avoid unnecessary expense to the parties, or (2) extend the time for responsive briefing to permit related discovery and other proceedings in the case as contemplated by Fed. R. Civ. P. 56(f). Because the issue such a procedure is intended to address is narrow, discrete, and capable of early resolution without extensive discovery, there is no need for the parties to submit proposed findings of fact or responses thereto. The court will determine from the affidavits submitted by the parties and exhibits attached thereto whether a dispute of material fact exists that precludes granting the motion. A party using this procedure may not file more than three affidavits not exceeding five pages in length, excluding exhibits and attachments, absent leave of the Court. The party opposing an SSJ motion is likewise limited to three affidavits not exceeding five pages, excluding exhibits and attachments, absent leave of the Court. Unless otherwise ordered, the page limitations and deadlines set forth in Civil L.R. 56 remain. Parties who file SSJ motions must clearly indicate they are using the SSJ Procedure described in the Procedures for Litigants Appearing Before Judge Griesbach. If the opposing party is pro se, the moving party must comply with Civil L.R. 56(a), except that the text to Civil L.R. 56 should not be included as part of the motion. Use of this streamlined procedure will not preclude a later motion from being filed by any party under Fed. R. Civ. P. 56 where appropriate, except that any ruling by the Court on an SSJ motion becomes the law of the case.</p> |
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| Oral Argument | Oral argument is set at the Court’s discretion. Most motions are decided on briefs, but the parties should advise the Court if argument is requested and the reasons therefor. |
| Motions in Limine | Motions in limine in civil cases are generally due at least 14 days before the final pretrial conference, with responses due 7 days later, so that a decision can be issued at or before the final pretrial conference. Earlier filing of motions in limine raising more complex issues is appreciated. |
| Courtroom Decorum and Procedure for Trial | <p>Counsel are expected to address clients, witnesses, and all other parties by their surnames.</p> <p>In making an objection, counsel shall briefly state the grounds for the objection. During jury trials, the Court will call a brief sidebar if further discussion is necessary. A full record can be made once the jury is excused.</p> <p>Counsel are to address the Court, rather than each other, during the course of any trial or hearing.</p> <p>When the Court is in trial, especially jury trials, all non-essential matters are rescheduled so that interruptions are kept to a minimum. The trial generally starts at 9:00 a.m. (some of our jurors travel long distances), but attorneys are expected to be in court at 8:30 a.m., at least on the first day, to address any housekeeping matters. In addition to a 10-15 minute break mid-morning and mid-afternoon, a one-hour lunch break is taken. The Court usually adjourns the trial at 5:00 p.m., unless additional time is needed to complete the testimony of a witness or there is good reason to continue. The Court strongly prefers to address matters that are required to be taken up outside the presence of the jury during a regular break, in the morning before trial starts, or after the jury is excused.</p> <p>The Court generally conducts its own voir dire but incorporates questions proposed by counsel where appropriate. Attorneys may request the Court to ask follow-up questions. Preliminary instructions concerning the elements of the claim or crime, definition of evidence, burden of proof, order of trial, and role of the jury are given, usually while the attorneys are taking their peremptory strikes. In civil cases, the Court generally seats an eight-person jury.</p> <p>Exhibits should be marked by counsel before trial. Documents identified as exhibits should be numbered sequentially, with only one exhibit number assigned to a</p> |

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| | <p>document or physical object throughout the course of the trial. Exhibit numbers 1-999 are reserved for plaintiff's or prosecution's exhibits and numbers 1000-1999 are reserved for the defendant's exhibits. If there are more than two parties, successive blocks of 1000 can be reserved for each additional party, and counsel should consult with the clerk regarding which block to use. <i>Parties are to avoid offering duplicate exhibits and are encouraged to stipulate to the admission of exhibits before trial so as to avoid interrupting the testimony.</i> Exhibits are not to be displayed to the jury prior to their admission absent stipulation by the parties. Upon request and when appropriate, jurors may be provided copies of a specific exhibit or exhibit binders.</p> <p>The Court generally allows jurors to take notes during trial. The Court also provides copies of the verdict to the jurors during closing argument and copies of the instructions during jury deliberations. Generally, the Court reads all of the instructions to the jury before the attorneys make their closing arguments, except for the brief closing instructions which are read after the arguments.</p> |
| Courtroom Equipment | <p>The Court has an easel and a wall projector screen (5' x 6½') available for use by counsel. In some cases, including prisoner cases, testimony by video conference is also available. Counsel may use personal laptop computers or contract for other technology at their own expense. Counsel may make arrangements with court staff for access to the courtroom for the purpose of setting up any equipment prior to a trial or hearing.</p> |
| Transcripts or Copies of Digital Recording | <p>All hearings are digitally recorded. Information on ordering transcripts is available on the Court's website: https://www.wied.uscourts.gov/transcript-orders. Questions may be directed to the Office of the Clerk.</p> |