

**PRACTICES AND PROCEDURES OF
JUDGE DONETTA W. AMBROSE
(Effective 5/8/15)**

I. GENERAL MATTERS¹

A. Communications with the Court

Counsel are not to send correspondence to Judge Ambrose, except where she specifically requests or approves the same.

B. Telephone Conferences

Requests for attorneys and parties to participate in conferences by telephone will be considered on a case by case basis. However, unless otherwise ordered by the Court, settlement conferences and the case management conference will not be conducted over the phone. (For settlement conferences, both counsel and parties are expected to appear in person.) See Settlement Conferences, *infra*.

When a telephone conference is permitted, counsel shall initiate the conference and contact the Court only after all parties are on the telephone.

If the parties are calling regarding a dispute over a nondispositive matter, Judge Ambrose prefers that the parties call her Chambers to resolve the matter, rather than filing a motion.

C. Pro Hac Vice Admissions

Pro Hac Vice admissions should be done by motion, however the motion need not be in writing.

D. Comments to the Media

Counsel are expected to adhere to the Rules of Professional Conduct in all dealings, including their dealings with the media as they relate to a pending matter.

II. CIVIL CASES

A. Pretrial Procedures

1. Local Rule 16.1

The Court utilizes a standard form case management order based on L.R. 16.1.

2. Position Letters

At least three (3) business days prior to all conferences (case management, settlement, or pretrial), counsel for every party shall submit a position letter to this Court. The position letter shall set forth the following: (a) A brief recitation

¹Unless otherwise noted, Judge Ambrose follows all Local Rules of Court in civil, criminal bankruptcy, and admiralty cases.

of the facts; (b) A discussion of your party's strengths and weaknesses; and (c) Your party's settlement posture. To ensure candor, the position letters are not to be filed nor shared with opposing counsel, but rather, are to be faxed directly to this Court's Chambers at (412)208-7357. All position letters will be kept confidential.

3. **Case Management Conference**

A case management conference is scheduled within thirty (30) days of the filing of an answer(s) by the defendant(s). If a motion to dismiss is filed, a case management conference will be scheduled within thirty (30) days of the date of the order disposing of the motion. All parties shall be available by telephone.

At the case management conference, a case management order will be issued after discussion with counsel as to the length of time necessary for discovery, handling of expert witnesses and other matters. Settlement and ADR options also will be discussed in depth. Accordingly, counsel shall speak with their clients about both of these issues prior to attending the conference and be prepared to respond.

Additional case management conferences take place on request of counsel or at the Court's discretion.

4. **Settlement Conferences**

Following the conclusion of discovery, the Court will conduct a settlement conference on the date set forth in the case management order. Counsel must attend the conference and cannot participate by telephone, unless permission is otherwise granted in advance. Parties must either attend or be available by telephone.

One purpose of this conference is to discuss settlement. Another purpose of this conference is to discuss the filing of dispositive motions. Specifically, counsel who intends to file such a motion should contact opposing counsel at least three (3) working days prior to the conference to inform them of the claims to be included in the motion and the basis for the same. At the conference, counsel should be prepared to specifically discuss their position regarding the motion.

Following this discussion, should any party still desire to file a motion, the Court will give filing dates, if none have already been given. Counsel shall be aware that the dates for any such filings shall occur shortly after the conference.

It if is agreed upon by the parties that no motion will be filed, a pretrial order will be issued. See Chambers' Rules for Pretrial Conferences, *infra*.

5. **Pretrial Conferences**

Following the conclusion of discovery and/or the resolution of any summary judgment motion, the Court shall hold a pretrial conference. During such

conference, the Court will again explore the possibility of settlement. Counsel must attend the conference and cannot participate by telephone, unless permission is otherwise granted in advance. Parties must either attend or be available by telephone.

If settlement is not reached, the Court will issue a pretrial order setting forth dates for pretrial statements, motions *in limine*, voir dire, jury instructions, and verdict form. The Court will solicit counsel's input on the number of days necessary for each side to try its case. Dates certain will then be given for the trial.

B. Discovery Matters

1. Length of Discovery Period and Extensions

The Court will solicit counsel's input on an appropriate length of time for discovery. Generally, however, the Court permits between ninety (90) and one hundred and twenty (120) days for all discovery, including expert discovery. Requests for extensions are discouraged.

2. Discovery Disputes

For discovery disputes that arise during a deposition, the attorneys together may contact the Court by telephone to resolve the matter at that time. For all other discovery disputes, counsel may contact the Court by telephone. Written motions are discouraged.

C. Motions Practice

1. Oral Argument

Oral argument is entertained only on selected, factually and legally complex matters, but not otherwise. An order will be issued should the Court deem oral argument necessary.

2. Briefs

All motions shall be accompanied by a brief except motions for extensions of time, and motions for continuance, for which no briefs are required. Briefs are to be filed at the same time as the motion. The briefs must contain all information relevant to disposition of the motion therein - incorporating previously filed motions or briefs is prohibited. There is a page restriction of twenty (20) pages regarding all moving and responsive briefs filed with the Court. With the exception of reply briefs filed in accordance with Local Rule 56.1, reply briefs are not to be filed without leave of Court. Reply briefs are limited to five (5) pages.

3. Chambers' Copies of Motion Papers

Courtesy copies of exhibits or attachments that exceed forty (40) pages are requested. Such courtesy copies shall be the filed documents printed from ECF so as to contain the docketing information at the top of each page.

4. **Responses to Motions - Scheduling**
The Court will send out notices for deadlines in filing any responses to pending motions, unless dates are previously provided to counsel during a conference.
5. **Motions for Summary Judgment**
Counsel are to follow Local Rule 56.1. In addition, the page limitation set forth above in II.B. shall supersede any other page limitation set forth in the Local Rules.
6. **Motions *In Limine***
Deadlines for filing motions *in limine*, with their supporting briefs, will be set forth in the pretrial order.
7. **Line Spacing, Font and Pagination**
All motions and briefs must be double spaced and cannot use a font size smaller than 12. Pagination is required for all motions and briefs.
8. **Proposed Orders**
Each and every motion shall be accompanied by a proposed order of court. The order of court shall include language detailing the specific relief sought and not simply that the motion "is granted."

D. Injunctions and Temporary Restraining Orders

Ex parte contact with the Court should be avoided. Therefore, in an injunction and/or temporary restraining order, the moving party must establish that serious efforts were made to contact the opposing party or its counsel prior to seeking relief, supported by the F.R.Civ.P.65(b) affidavit regarding the same.

E. Trial Procedures

1. **Scheduling of Cases**
A date certain will be given for trial as set forth in the pretrial order. Vacation schedules, family conflicts and personal conflicts are accommodated where possible, but counsel must notify the Court of any such conflict as soon as possible.
2. **Trial Hours/Days**
Generally, court is in trial Monday through Friday, 9:30 a.m. to 4:30 p.m. with breaks when appropriate.

The Court allots each party a particular amount of time, based on the estimations given at the pretrial conference, within which to present its case. The time allotted includes the presentation of opening and closing statements, direct and cross examinations, sidebars, objections, and any motions. The Court keeps track of each party's use of time and will distribute time sheets at the close of each day, detailing the time used and the time remaining.

3. **Voir Dire**
Parties intending to file proposed voir dire must do so by the date given in the pretrial order. The Judge's deputy clerk conducts both general and individual voir dire. The Judge may become involved if the situation warrants.
4. **Note Taking by Jurors**
Jurors are permitted to take notes and are provided with notebook paper to do so.
5. **Side Bars**
The Court believes counsel should be considerate of the use of jurors' time. Consequently, side bars are highly disfavored because they waste the jury's time and unduly extend the length of the trial. Counsel are expected to anticipate matters to be discussed outside of the jurors' hearing and shall raise such matters at the conclusion of each day.
6. **Examination of Witnesses Out of Sequence**
It is permitted to examine witnesses out of sequence for logistical purposes.
7. **Exhibits**
All exhibits shall be listed in the pretrial statements. Plaintiff's exhibits should be identified by number. Defendant's exhibits should be identified by letter.

Exhibits must be marked and exchanged prior to trial. It is permissible to introduce exhibits out of sequence. Visual aids are also permissible, but they must be marked and introduced into evidence if they are to be given to a jury.

F. Jury Deliberations

1. **Written Jury Instructions**
The jury will be provided with a copy of the jury instructions.
2. **Exhibits in the Jury Room**
Generally, the jury will be given all admitted exhibits for use in deliberations.
3. **Jury Questions**
Jury questions must be in writing.
4. **Availability of Counsel During Jury Deliberations**
Trial counsel need not remain in the courtroom area, but must be available by telephone so that they can promptly return to the courthouse upon being contacted by the Court.

III. CRIMINAL CASES

The Court will follow the Federal Rules of Criminal Procedure and any applicable Local Rules of Criminal Procedure.

IV. **SOCIAL SECURITY APPEALS (TO THE DISTRICT COURT)**

A. **Motions**

1. **Oral Argument**

An order will be issued should the Court deem oral argument necessary.

2. **Briefs**

All motions shall be accompanied by a brief except motions for extensions of time and motions for *in forma pauperis*, for which no briefs are required. Briefs are to be filed at the same time as the motion. The briefs must contain all information relevant to the disposition of the motion therein. All factual statements must be contained in the brief.² All briefs are limited to twenty (20) pages. Reply briefs are not to be filed without leave of Court. When leave is granted, reply briefs are limited to five (5) pages.

3. **Line Spacing, Font and Pagination**

All motions and briefs must be double spaced and cannot use a font size smaller than 12. Pagination is required for all motions and briefs.

4. **Proposed Orders**

Each and every motion shall be accompanied by a proposed order of court detailing the relief sought.

V. **BANKRUPTCY APPEALS (TO THE DISTRICT COURT)**

The Court will follow all of the appropriate rules of court.

² Separate statements of material fact are prohibited.