

## Judge Ranjan's Practices and Procedures (rev. 1/6/20)

These procedures are intended to supplement the local and federal rules of civil and criminal procedure. They apply to all counsel and *pro se* parties.

### **I. General procedures**

- a. **Telephone calls to chambers.** Except to schedule a telephonic conference for discovery disputes, to raise a dispute occurring during a deposition, or in an emergency, counsel should not contact chambers.
- b. **Decorum.** Counsel should not exhibit familiarity with witnesses, jurors, opposing counsel, or the Court. During trial, counsel should not block the jurors' view of a witness and should generally not approach a witness. Counsel should stand when speaking for the record and when addressing the Court, except for brief objections during testimony, or when informally discussing the case during status conferences.
- c. **Court reporter.** In criminal cases, the Court will have a court reporter present for all proceedings. In civil cases, the Court will generally only have a court reporter present for oral arguments on substantive motions, the final pre-trial conference, and all trial proceedings. If no court reporter is present and counsel has an objection, or otherwise desires the proceeding be on the record for any reason, counsel has the right to and should request a court reporter to be present and then place the objection or proceedings on the record.
- d. **Continuances.** If a party seeks to continue a court proceeding, the party must include in the motion at least two proposed dates/times near the original hearing date when all counsel are available, or explain why they cannot do so. Motions to continue court proceedings will be granted only for good cause (such as a medical procedure, family emergency, pre-paid vacation, or previously scheduled court proceeding).

## II. Civil case procedures

- a. **Appearances.** To ensure efficient communication of early scheduling orders through ECF, all counsel should enter their appearances as soon as practicable.
- b. **Initial case management conference.** After all defendants are served or all defense counsel have entered appearances, the Court will schedule an initial case management conference. Before that conference, the parties will be ordered to confer and submit a Rule 26(f) report and ADR stipulation. In completing the Rule 26(f) report, counsel should be specific in identifying areas of discovery (*i.e.*, should not simply state that discovery will be taken on “all claims and defenses”), and give serious thought as to what experts, if any, they may retain. In completing the ADR stipulation, counsel should ensure that the time/date of the ADR session is stated within 60 days of the initial case management conference, as well as the name/title of the individuals who will attend. The Court will strike ADR stipulations that do not comply with these requirements. The initial case management conference itself will occur in the courtroom. If one or both lead counsel are from out of town, they may request that the conference occur by telephone. Counsel should be prepared to engage in substantive discussion at the initial case management conference.
- c. **Rule 12 motions.** In a civil case, if a defendant elects to file a Rule 12 motion, defense counsel must meet and confer with plaintiff’s counsel before filing to determine whether any purported defects with the complaint can be cured. Any motion to dismiss must come with a certificate stating that the defendant has made good-faith efforts to confer with the plaintiff to determine whether the identified pleading deficiencies properly may be cured by amendment. Motions to dismiss that do not contain the required certification will be denied. A Rule 12 motion will not ordinarily stay discovery.
- d. **Discovery length.** The Court has no set period for the completion of discovery, but the date that is proposed in the Rule 26(f) report should be a realistic deadline based on the nature of the case—*i.e.*, a deadline by which both parties can reasonably complete all

discovery without further extension. In cases where the Court has set a “presumptive trial date” at the onset, the parties’ proposed discovery deadlines should account for that date.

- e. **Discovery disputes.** For all discovery disputes, if the matter cannot be resolved after the parties confer in good faith, the parties should contact chambers to schedule a telephonic conference to discuss the dispute. No discovery-related motions should be filed until after the conference. In the event discovery motions are subsequently filed, counsel for each side should, pursuant to Rule 37, provide support for their reasonable expenses (including attorneys’ fees), as expenses will be awarded to the prevailing party when permitted under Rule 37.
- f. **Routine motions.** For routine motions (including motions for leave to amend the pleadings, extensions of time, or continuances), counsel for movant must confer with opposing counsel to obtain consent, and state in the motion whether consent was obtained. Briefs are not necessary.
- g. **Rule 56 motions.** The Court will issue a briefing schedule for all Rule 56 motions. For certain motions, the Court may excuse the requirements under Local Rule 56, such as having the parties forego the submission of separate concise statements and responsive statements of material facts. For cross-motions for summary judgment, the Court uses a briefing schedule like that used in cross appeals under Federal Rule of Appellate Procedure 28.1. In complex cases, the Court will permit issue-specific briefs on summary judgment.
- h. **Briefing schedule.** Unless ordered otherwise, the principal brief in support of a motion should be no more than 20 pages. The Court will issue briefing schedules for all motions, which will provide the due dates and page limits for any later brief.
- i. **Briefing content.** Counsel are free to structure their briefs in the manner and style that they believe to be most persuasive. Counsel are encouraged to review the “brief-writing preferences” document, which is on the Court’s webpage.

- j. **Oral argument.** The Court will entertain requests for oral argument only on certain issues or motions. But if counsel designates an associate or more junior attorney to argue the matter, the Court will likely allow oral argument.
- k. **Injunctions.** If a complaint seeks a TRO or preliminary injunction, the Court will schedule a telephonic conference as soon as possible. The plaintiff should make all efforts to ensure that the defendant is served and has counsel, as the Court will rarely grant *ex parte* motions.
- l. **Trial.** The Court will issue a separate pre-trial order, which outlines trial procedures. In certain cases, the Court will issue an order setting a “presumptive trial date,” with the trial to generally occur approximately 12-18 months from the date of the initial case management conference. In those cases, the trial date will be finalized at the initial case management conference, and all pre-trial deadlines will be set to account for that date. Requests to continue the trial date will be granted only in extraordinary circumstances.

### III. Criminal case procedures

- a. **Initial case conference.** The Court will conduct an initial case conference about 40 days after arraignment, with the Defendant present. After obtaining an extension from the magistrate judge at arraignment, defense counsel should not file any motions to extend the pre-trial motion deadline until after the initial conference. Any motions filed before the initial case conference will be summarily denied without prejudice. At the conference, counsel should be prepared to engage in a preliminary, substantive discussion of the case. For example, in most circumstances, the government should anticipate being asked to provide the Court with an overview of the evidence against the defendant and to answer questions about its case. Counsel for both parties should expect to discuss any anticipated discovery needs or disputes.
- b. **Extensions to file pre-trial motions.** The Court will grant motions to extend the pre-trial motion deadline for good cause, such as where a case is factually complex, involves multiple defendants, or

involves voluminous discovery. Otherwise, counsel should expect to propose a realistic final deadline for all pre-trial motions at the initial conference, and the Court will attempt to set a final deadline in the case at that time.

- c. **Pre-trial motion status conference.** About seven days before the final pre-trial motion deadline, the Court will hold a status conference to discuss whether pre-trial motions will be filed. If none will be filed, then a trial date will be set at that time. If a defendant intends to plead guilty, counsel will advise the Court, and the change of plea will instead occur at this conference.
- d. **Change of plea hearings.** In plea hearings, defense counsel and the defendant should stand at the lectern. Typically, at least two days before a hearing, the government will be ordered to e-mail defense counsel the summary of the evidence it would present at trial so that defense counsel can review it with the defendant before the hearing. If there is a plea agreement, the government should e-mail defense counsel and the Court a copy of the agreement two days in advance of the hearing.
- e. **Sentencing.** The Court follows the schedule for pre-sentencing submissions and deadlines in the local rules.
- f. **Trial.** The Court will issue a separate pre-trial order, which outlines trial procedures. A final trial date will be set once pre-trial motions are decided.

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