THE HONORABLE WILLIAM S. STICKMAN IV
PRACTICES AND PROCEDURES
(Effective February 21, 2020)

The Court adheres to all Local Rules of Court in civil, criminal, bankruptcy, patent and admiralty cases unless otherwise noted herein.

I. GENERAL MATTERS

A. Communications with the Court

Except as set forth at Section III.A below, communication with the Court shall be in the form of motions, accompanied by proposed orders specifying the relief requested. Counsel should not send correspondence to the Court, except where it specifically requests or approves the same.

B. Communications with the Courtroom Deputy and Law Clerks

Communications with the Courtroom Deputy Clerk, Elizabeth Abbott, and the Career Law Clerk, Rebecca Good McBride, Esq., concerning the administration, but not the merits of a case, are permissible. Such inquiries include those pertaining to the status of any pending matter. No substantive legal matter should be discussed.

C. Emergency/Time Sensitive Submissions: Counsel shall provide chambers with electronic courtesy copies of emergency or time sensitive submissions by email immediately after filing on the CM/ECF System. Emails should be addressed to the Career Law Clerk at Rebecca_McBride@pawd.uscourts.gov and the Courtroom Deputy Clerk at Elizabeth_Abbott@pawd.uscourts.gov.

II. CIVIL MOTIONS PRACTICE

A. Motions

A motion should consist of a document setting forth, in a short and plain statement, the specific relief sought, the factual and legal grounds for the relief sought, and shall affirmatively state whether the motion has been discussed with all other parties, and their position as to the relief sought. Evidentiary materials in support of, or opposition to, a motion should be plainly marked and may be attached to the motion. Counsel should furnish only the evidentiary materials that are necessary to deciding the motion. A proposed order setting forth the specific relief requested shall be filed as a separate attachment. "General" orders (e.g. "the motion is granted") are not sufficient.

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.

Parties generally are given twenty-one (21) days to file a response to a dispositive motion and fourteen (14) days to respond to a non-dispositive motion, unless otherwise ordered by the Court. Replies to a dispositive motion should be filed in seven (7) days. No replies are permitted to non-dispositive motions except by leave of court. No sur-replies for any motion are permitted except by leave of court.

B. Rule 12 Motions

If a party elects to file a Rule 12 motion, counsel for the movant shall meet and confer with opposing counsel before filing the motion to determine if any purported defects with the Complaint can be cured by amendment. A motion to dismiss must be accompanied by a certificate stating that the movant has made a good faith effort to confer with opposing counsel to determine whether the identified pleading deficiencies may be cured by amendment.

C. Briefing

No briefs should be filed for motions for extension of time and motions for continuance. No briefs should be filed regarding discovery disputes unless directed otherwise by the Court after a telephonic status conference.

Briefs in support of and opposing dispositive motions should not exceed twenty (20) pages, excluding tables. Briefs in support of and opposing all other motions should not exceed ten (10) pages, absent leave of court. Reply briefs as to dispositive motions should not exceed fifteen (15) pages; and as to all other motions they should not exceed five (5) pages.

The argument portion of any brief in support of or in response to a motion shall cite to current authority from the Supreme Court of the United States or the United States Court of Appeals for the Third Circuit. Otherwise, citation to current authority from a district court in this circuit or another court of appeals, if available, that establishes the legal point argued is appropriate. If state law is implicated, parties shall cite to the current authority from the highest state appellate court.

D. Oral Argument

Oral argument will occur on motions for summary judgment. All other motions will be decided with or without oral argument as determined by the Court. Any party believing that oral argument would materially advance the decisional process should

meet and confer with opposing counsel. After doing so, the parties may request oral argument from the Court through a joint motion explaining why oral argument would be of assistance to the Court and the parties.

III. CIVIL PRETRIAL PROCEDURES

A. Discovery Disputes

If a discovery dispute cannot be resolved after the parties have conferred in good faith, the parties should jointly contact chambers via telephone or email the Courtroom Deputy Clerk at Elizabeth_Abbott@pawd.uscourts.gov to schedule a telephonic status conference to discuss the dispute. No discovery related motions are to be filed until after the conference except in cases of emergency as certified by counsel pursuant to their professional obligations of candor toward the Court.

B. Initial Case Management Conference (ICMC)

The Court will generally issue an order setting the date of the ICMC after the filing of the Answer by the defendant(s). Prior to the conference, the parties are expected to meet and confer and file the report pursuant to Fed. R. Civ. P. 26(f). The parties must also file a full completed Stipulation Selecting ADR Process prior to the ICMC. Failure to do so may result in the Court striking the Rule 26(f) report.

The ICMC will occur off-the-record unless a court reporter is requested by the parties. Counsel should be prepared to engage in substantive discussion about their case.

C. Post-Discovery Status Conference

A Post-Discovery Status Conference will be held no more than thirty (30) days after the close of discovery. It may be conducted telephonically. Deadlines will be set for summary judgment motions, if they have not already been established. Otherwise, a trial date will be selected. The Court will issue a Pretrial Order following the conference setting forth all pertinent deadlines.

D. Final Pretrial/Settlement Conference

A final conference will occur approximately one (1) week before trial to discuss settlement and outstanding pretrial matters. All participating trial counsel and a person with ultimate settlement authority for each party is required to attend.[1]

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[1] A person with ultimate settlement authority is not someone who is required to consult with other individuals, by telephone or otherwise, to obtain approval for any proposed settlement term or amount.

IV. CIVIL TRIAL PROCEDURES

A. Trial Hours and Days

Cases will be tried Monday through Friday from 9:00 a.m. to 4:00 p.m. The Court will meet with counsel before trial commences at 8:30 a.m., or earlier, to discuss trial and evidentiary issues. It is the responsibility of counsel to notify all parties of the need for a conference and all parties are expected to be present at the appointed time. The Court will not delay the proceedings to respond to last minute requests for conferences to discuss matters which, in the exercise of reasonable diligence, could have been heard at the morning conference.

B. Note Taking by Jurors

Jurors are permitted to take notes on paper provided by the Court. The notes will be retained by the Courtroom Deputy Clerk during trial and deliberations and will be destroyed once a verdict has been rendered.

C. Jury Deliberations

The jury will be provided with a copy of the jury instructions as well as admitted exhibits for use in its deliberations.

Counsel need not remain in the courthouse during the jury's deliberation. However, counsel must be available by telephone and able to return to the courtroom within fifteen minutes.

V. CRIMINAL CASES

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

The Court has no special rules regarding guilty pleas, or deadlines for accepting/rejecting plea agreements. Counsel are encouraged to engage in plea discussions as early as possible.

The Court will conduct one formal pretrial conference. If requested, the Court will conduct one or more informal conferences with counsel prior to trial to resolve scheduling and other pretrial matters.

Pretrial motions will be decided with or without oral argument as determined by the Court. Any party believing that oral argument would materially advance the decisional process should meet and confer with opposing counsel. After doing so, the parties may request

oral argument from the Court through a joint motion explaining why oral argument would be of assistance to the Court and the parties.

The Court will issue orders setting forth pre-trial deadlines, trial procedures and sentencing procedures.

The Court adheres to all of the Civil Trial Procedures outlined above for criminal trials.

The Court does not hold a hearing regarding Objections to the Presentence Investigation Report prior to the sentencing hearing unless specifically requested by counsel. The Court's Tentative Findings and Conclusions concerning disputed facts or factors with respect to the applicable advisory guideline range will be provided to counsel in advance of the sentencing hearing. If the Court is contemplating a departure from the advisory guideline range not identified in the presentence report or in a presentence submission by the parties, it will provide notice to the parties and identify the departure ground. The Court will not provide the parties with its position on a requested downward or upward variance prior to the sentencing hearing.

William S. Stickman IV
United States District Judge