

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PILOT PROGRAM FOR EXPEDITED CIVIL LITIGATION

The perception that federal civil lawsuits always involve complex legal and factual issues is not accurate. There are many cases filed in federal court that are relatively simple and do not require lengthy and expensive pretrial and trial proceedings. For those cases, the United States District Court for the Western District of Pennsylvania is introducing a Pilot Program to be tracked through a newly created “Expedited Docket.” The purpose of the Pilot Program is to offer parties the option of alternative, abbreviated, efficient, and cost-effective litigation and trial. Participation is entirely voluntary. Submission of a case to the Pilot Program is accomplished by stipulation, which is irrevocable. As set forth below, the Pilot Program’s rules greatly restrict motion practice and a party’s right to discovery. The case culminates in a trial before a judge or jury at which both sides are limited to three hours of testimony. With few exceptions, the parties waive their right of appeal.

1. Time for Application

At any time prior to the conclusion of the Initial Case Management Conference, the parties may submit a Stipulation to proceed on the Expedited Docket. Subsequent to the Conference, the Court will entertain Stipulations to proceed on the Expedited Docket only with leave of Court for good cause shown.

2. Effective Date.

The time schedule for expedited procedures and trial shall begin on the date the Expedited Docket Stipulation is approved by the Court.

3. Notation on Court Filings.

Once a case is accepted onto the Expedited Docket, all subsequent filings shall contain the notation “Expedited Docket” beneath the case number.

4. Applicable Rules.

The terms of this Pilot Program shall supersede and govern over any inconsistencies or conflicts that arise between the Pilot Program and the Federal Rules of Civil Procedure or the Local Rules of this Court. Otherwise, all Federal Rules of Civil Procedure, Rules of Evidence, and Local Rules of this Court shall apply. In particular, Local Rule 16.2 governing Alternative Dispute Resolution shall not apply to cases on the Expedited Docket. Class actions and patent cases shall not be eligible for the Pilot Program.

5. Initial Disclosures.

If initial disclosures have not been exchanged, or if they are not yet due, the disclosures required by Rule 26(a)(1)(A) shall be exchanged within seven (7) days after the Stipulation is approved by the Court. The disclosures required by Rule 26(a)(2) must occur no later than 30 days prior to the close of discovery.

6. Expedited Trial Conference.

The Initial Case Management Conference shall serve as an Expedited Trial Conference. Upon request of any party, the Court shall permit counsel to appear by telephone. It is anticipated that the Court will approve the Expedited Docket Stipulation no later than the date of the Expedited Trial Conference.

At the Conference, in addition to scheduling, the parties shall be prepared to discuss any limitations on remedies to which the parties have agreed (e.g., a high-low agreement). A case management order, which includes a firm trial date, shall be issued following the Conference. Unless otherwise ordered by the Court, the order shall require the parties to complete all discovery no later than ninety (90) days after the Expedited Trial Conference.

7. Pretrial Conference.

The Pretrial Conference shall be held no later than one hundred fifty (150) days after the Expedited Trial Conference.

8. Discovery.

Unless otherwise ordered by the Court or by agreement of the parties, discovery shall be limited to ten (10) interrogatories per side, ten (10) requests pursuant to Federal Rule of Civil Procedure 34, including requests to non-parties, ten (10) requests for admission, and fifteen (15) hours of depositions, per side. Search protocols for email shall be limited to two (2) custodians and five (5) search terms. The parties may agree or the Court may order that the time for response to written discovery be shortened. Deposition time limits are inclusive of fact witnesses and expert witnesses.

9. Expert Witnesses.

No party shall call more than one expert to testify, unless permitted by the Court. The parties may agree to submit expert reports in lieu of testimony.

10. Pretrial Motions.

No motions for summary judgment or motions in limine may be filed. No other pretrial motions shall be filed without leave of Court. A response to a motion shall be filed no later than seven (7) calendar days after receipt of the motion. A reply may be filed within three (3) calendar days after receipt of a response. Unless otherwise permitted, no motion, response or

reply shall exceed three pages. The Court may decide the motion without a hearing. If the Court finds that a hearing is necessary, it may establish a briefing schedule and order further briefing.

11. Trial Date.

Unless otherwise ordered, trial shall be held no later than six months after the Expedited Trial Conference.

12. Trial.

Jury trial will be before six jurors and may proceed before a five-person jury if a juror is unable to serve through conclusion of trial and deliberations. The parties shall conduct all voir dire. The Court shall determine time limits for voir dire, opening statements and closing argument. Unless otherwise ordered by the presiding Judge or Magistrate Judge, each side shall have three hours to present evidence, not including time for opening statement and time for closing argument. Documents may be admitted without authentication. There shall be no findings of fact or conclusions of law in non-jury trials, unless an appeal is filed consistent with paragraph 15. In multi-party trials, plaintiffs shall divide their allotted time among themselves, and defendants shall divide their allotted time among themselves. If the parties cannot agree to a division of trial time, the judge shall order a division. Trial motions shall be limited to oral motions for mistrial and judgment as a matter of law.

13. Post-Trial Motions.

Post-trial motions shall be filed within ten (10) days of entry of judgment and shall be limited to: renewing a motion for judgment as a matter of law; seeking a determination of costs and attorney's fees (where appropriate), correcting a judgment for clerical error, conforming the verdict to an agreement between the parties, and motions for a new trial. Grounds for motions for a new trial shall be limited to the following: a claim of error in jury instructions; a claim of error in the Court's ruling on a motion for judgment as a matter of law; a claim of error in the Court's ruling on a motion for a mistrial; and corruption, fraud, juror or judicial misconduct, or other undue means employed in the proceedings.

14. Enforcement of Judgment.

Nothing herein shall affect a party's post-judgment enforcement remedies.

15. Appeal.

Before filing an appeal, a party shall file a post-trial motion pursuant to paragraph 13 of these procedures. The parties waive all other grounds for appeal. In the event of an appeal in a non-jury case, the presiding Judge or Magistrate Judge shall issue findings of fact and conclusions of law within ten (10) business days of the filing of a notice of appeal. Such findings and conclusions may be issued in writing or orally.