



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

GALVESTON DIVISION RULES OF PRACTICE

Your attention is directed to these rules, which apply to cases before Judge Jeffrey V. Brown and Judge Andrew M. Edison in the Galveston Division of the Southern District of Texas.

Plaintiffs must serve a copy of these rules on each defendant with the summons and complaint. A party removing a case to this court must serve a copy of these rules on all other parties with the removal papers. Proof reflecting service of these rules must be filed with the U.S. District Clerk. A certificate of service form for use in removed cases can be found on Judge Brown's homepage. Judge Brown's homepage can be found at <https://www.txs.uscourts.gov/page/united-states-district-judge-jeffrey-v-brown>. Judge Edison's homepage can be found at <https://www.txs.uscourts.gov/page/united-states-magistrate-judge-andrew-m-edison>.

Parties may, at their option, proceed with civil cases before United States Magistrate Judge Andrew M. Edison. A consent form for parties who consent to proceed before Judge Edison can be found on Judge Brown's homepage. Interested parties should refer to the "Notice of the Right to Try a Civil Case Before a Magistrate Judge," which is also available on Judge Brown's homepage.

These rules are to be used in conjunction with the Local Rules for the Southern District of Texas and not as a substitute for them, except where expressly noted. The local rules for the Southern District can be found at www.txs.uscourts.gov/page/local-federal-rules. Litigants without lawyers (pro se parties) should refer to the Guidelines for Litigants Without Lawyers, available at <https://www.txs.uscourts.gov/sites/txs/files/proseguide.pdf>.

1. Contact with Court Personnel

The court expects parties to file documents through the Case Management/Electronic Case Filing (CM/ECF) System. *See* Southern District Local Rule 5.1 and the District's Administrative Procedures for CM/ECF (as amended and available at www.txs.uscourts.gov). Parties without lawyers may file their documents by mail or in person at the clerk's office on the fourth floor of the Galveston courthouse.

Inquiries related to cases proceeding before Judge Brown should be made to his case manager, George Cardenas, at 409-766-3737 or at george_cardenas@txs.uscourts.gov. Inquiries related to cases proceeding before Judge Edison and inquiries related to Rule 16 conferences should be made to his case manager, Ruben Castro, at ruben_castro@txs.uscourts.gov.

Information about the status of documents, entry of orders, or docket entries should be obtained from CM/ECF or PACER or, if absolutely necessary, from the U.S. District Clerk's office (409-766-3530).

2. Rule 16 Conferences and Docket-Control Orders

Rule 16 conferences will be scheduled by the court and handled by Judge Edison. At least one attorney for each represented party must attend.

A Joint Discovery/Case Management Plan, in the form found on Judge Brown's homepage, must be filed at least 10 days before the Rule 16 conference. At the Rule 16 conference, Judge Edison will issue a docket-control order, the form of which is also on Judge Brown's homepage.

If new parties are joined after entry of the docket-control order, the party causing such joinder shall provide to the new parties copies of both the operative docket-control order and these rules.

3. Continuances of Docket-Control Deadlines and Trial Settings

The parties may agree to extensions of discovery and expert deadlines without seeking court approval, so long as the extension does not affect the dispositive-motion deadline or the docket-call date. Continuing the dispositive-motion deadline or the docket-call date requires a motion. Agreed motions for continuance are not binding on the court.

Vacation requests will be respected if they are made well in advance of a trial setting or hearing date.

4. Remote Appearances Before Judge Brown

Judge Brown prefers that counsel attend proceedings in person, though he does conduct some hearings and conferences by telephone or Zoom. Out-of-town counsel wishing to appear remotely should make a request to the case manager. The court will attempt to accommodate such requests, if feasible.

5. Amended Pleadings

- a. Any party filing or moving to file an amended complaint, counterclaim, third-party complaint, or answer or reply thereto shall reproduce the entire pleading as amended and may not incorporate any part of a prior pleading by reference, except with leave of court.
- b. A motion or stipulation to amend a pleading shall be accompanied by the proposed amended pleading in redline format, which must indicate in every respect how the proposed amended pleading differs from the pleading that it amends, by striking through the text to be deleted and underlining the text to be added. If granted or allowed, the amended pleading shall be filed, with redline formatting removed, and served on all parties under Fed. R. Civ. P. 5 within fourteen (14) days of the filing of the order granting leave to amend, unless the court orders otherwise.

6. Motion Practice

- a. The court generally follows the written-motion practice described in the Southern District Local Rules. But if counsel believes an oral hearing would assist the court, a request for oral hearing may be made. The case manager will notify counsel if the court decides to convene an oral hearing.
- b. A party should not file a motion and separate “Memorandum of Law.” The motion should include the party’s argument supporting the relief sought.
- c. All non-dispositive motions must include a proposed order. Proposed orders must relate to the substance of the filed motion, be more than a mere “Grant/Deny” form, and include Judge Brown’s or Judge Edison’s signature block, as applicable. Motions for continuance and motions to revise the docket-control order must include proposed dates.
- d. The court will strike non-dispositive motions that do not include a certificate of conference. *See* Southern District Local Rule 7.1.
- e. Per the court’s Standing Protective Order, which can be found on Judge Brown and Judge Edison’s webpages, if a party wishes to file a pleading, motion, or exhibit under seal, it must be accompanied by a motion to seal

that undertakes the analysis required in *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 417–21 (5th Cir. 2021). Such motion must also be accompanied by a version of the document(s) to be sealed/redacted in which proposed redactions are highlighted. The court will not seal documents wholesale absent an extraordinary showing. Motions to seal and all exhibits to motions to seal should be filed as a *single*, combined document.

- f. Filings must be double-spaced and in 13-point or larger font. Absent leave of court, any motion or response shall be limited to 30 pages. Replies are limited to 15 pages. A filing that contains more than 10 pages of argument must contain a short statement of the nature and stage of the proceeding, a short summary of the argument, and a table of authorities. Filings should substantially comply with *The Bluebook: A Uniform System of Citation*, the Texas Law Review's *The Greenbook: Texas Rules of Form and Manual on Usage & Style* (a.k.a. "The Whitebook"), and Bryan Garner's *The Redbook: A Manual on Legal Style*. Conflicts between *The Bluebook* and *The Greenbook* should be resolved in *The Greenbook*'s favor. Any citation to these rules should follow this example: Gal. Div. R. Prac. 5.
- g. Responses to motions must be filed within 21 days unless the court orders otherwise. Replies must be filed within 7 days of the date the response is filed. Any extension of these deadlines must be obtained by motion; though the court would be pleased to see that such a motion is unopposed, a mere agreement between the parties will be insufficient to extend the deadline.
- h. A party wishing to file a surreply, or a sur-surreply, must first obtain leave of court by motion. The court will strike unauthorized surreplies and sur-surreplies. Surreplies and sur-surreplies, if allowed, are limited to 10 pages.
- i. Any late filing must be accompanied by a motion for leave to file, or the court may strike it. The motion must provide an adequate excuse for why the party failed to request an extension of time in advance of the relevant deadline.
- j. Except for motions to seal, exhibits to motions, responses, and other briefs and pleadings should be readily distinguishable from both the document to which they are appended and each other. Each exhibit should be individually attached and descriptively labeled on CM/ECF. Exhibits consisting of sound or video files should be sent to the court in USB thumb drives—not on CDs.

- k. All documents filed by represented parties—motions, exhibits to motions, responses, other briefs, and pleadings—must be filed in text-searchable PDF format, not as scanned images, so the court can search the text.
- l. A motion to suppress in a criminal case must be filed before the pretrial conference unless otherwise ordered by the court. *See* Fed. R. Crim. P. 12.

7. Discovery Disputes

The court expects that the parties will make a serious attempt to resolve all discovery issues without court intervention. When those earnest and valiant attempts prove unsuccessful, the parties should file a **joint** letter not to exceed two pages outlining the dispute, each side's position, and the efforts made to resolve the dispute. Typically, the court will then convene a Zoom conference to resolve the issue as quickly as possible. Parties may not file a motion to compel without first exhausting this procedure.

8. Settlements

Parties contemplating settlement should advise the court by calling the case manager so that the court can postpone consideration of any pending motions. If the parties succeed in settling the case, they must inform the court immediately.

The court will order conditional dismissal—without prejudice to the right of any party to move to reinstate within 60 days—on all settlement announcements.

Upon settlement of a suit involving a minor plaintiff, counsel should jointly move for appointment of a guardian *ad litem* if there is a potential conflict of interest between the parent(s) and the minor. The parties may (but are not required to) submit the names of proposed guardians *ad litem* upon whom they agree. The court will consider any names submitted but may appoint as guardian *ad litem* a person whose name has not been submitted by counsel.

9. Docket Calls and Trial Settings

The docket-control order will include a docket-call date. The docket call is a final pretrial conference and parties should be prepared to discuss any pending matters. At the docket call, the court will set the case for trial on a date certain within the next 60 days.

10. Pretrial Filings in Jury Cases

The parties should not file a joint pretrial order. Instead, at least 24 hours

before the docket call, each party should file the following, each as a separate document: exhibit list, witness list, proposed *voir dire* questions, proposed jury instructions, motions *in limine*, and deposition designations and objections. Each party should also submit to the court two tabbed binders containing these filings (one for the judge and one for the clerk), and two separate tabbed binders containing its exhibits.

The parties should exchange proposed motions *in limine*, exhibit lists, and deposition designations at least one week before docket call. Before docket call, they should confer and narrow the issues to be presented to the court.

11. Trial Exhibits

The court follows Southern District Local Rules 44 and 46, which require pretrial objections to the authenticity and admissibility of exhibits. Counsel is reminded that Fed. R. Civ. P. 11 applies to authenticity objections. The court will typically address evidentiary objections before trial and will seek to early-admit as many exhibits as possible.

12. Voir Dire

The court generally conducts a preliminary examination of the jury panel. Following the court's examination, each side may be allowed to examine the panel briefly, provided that proposed *voir dire* questions are properly submitted in accordance with these rules.

13. Deposition Use at Trial

The court will accept the parties' agreement to use a deposition at trial even though the witness is available.

14. Bench Trials

For cases to be tried to the bench, parties should follow Rule 10 of these procedures regarding exhibit lists, witness lists, and deposition designations and objections. In lieu of closing arguments, the court may allow the parties to file post-trial briefs. Whether post-trial briefs are filed or not, the parties must file proposed findings of fact and conclusions of law. On a cases-by-case basis, the court may require proposed findings and conclusions to be filed before trial.

15. Emergency Motions and TROs

A party seeking an expedited ruling on an application for a TRO, a motion for preliminary injunction, or any other motion it believes to be an emergency must notify the case manager in advance of the impending filing.

For hearings on preliminary injunctions, parties should follow Rule 10 of these procedures regarding exhibit lists, witness lists, and deposition designations and objections. The parties should exchange these materials at least 72 hours before the hearing and confer beforehand to narrow evidentiary objections.

16. Cases with No Factual Nexus to the Galveston Division

Occasionally, plaintiffs file matters in the Galveston Division with no factual nexus to the division. The court will screen for such situations at the initial scheduling conference. In any case with no obvious factual nexus to the Galveston Division, the court will order the plaintiff, within 14 days, to explain the case's connection to the division and how the court should weigh the *In re Volkswagen* private- and public-interest factors. *See* 545 F.3d 304, 315–18 (5th Cir. 2008) (en banc). The defendant will have 7 days to respond. The court will then determine whether, for the convenience of the parties and witnesses and in the interest of justice, it should transfer the case to a more appropriate division under 28 U.S.C. § 1404. The court will also entertain parties' motions to transfer such cases under § 1404, whether filed before or after the initial scheduling conference.

17. Tendering Expert Witnesses at Trial

Whether in a jury or bench trial, counsel should not “tender” expert witnesses to the court for recognition of their expertise. The court will refuse all such tenders.

18. Ex Parte Admiralty Matters

Judge Edison will review and rule upon all initial ex parte admiralty motions. Proposed orders in ex parte admiralty matters should include a signature block for Judge Edison. Plaintiffs/petitioners in ex parte admiralty matters should email Word versions of all proposed orders to Judge Edison's Case Manager at ruben_castro@txs.uscourts.gov. Once other parties appear, Judge Edison requires either the consent of all parties or a referral of the case/motion to handle any further matters.

18. Social Security Matters

To protect the privacy interests of social security claimants, all social security appeals filed in the Galveston Division must be opened using only the claimants' first and last initials (e.g., A.Z. v. Commissioner) in the last name field, leaving the first name field blank.