



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

ANDREW M. EDISON
UNITED STATES MAGISTRATE JUDGE

COURT PROCEDURES

The accompanying Procedures are to be used in conjunction with the Local Rules for the Southern District of Texas and the Federal Rules of Civil and Criminal Procedure—not as a substitute for them.

The Local Rules of this District can be obtained at www.txs.uscourts.gov. The Court requires strict compliance with the Federal Rules, Local Rules, and these Procedures.

A failure to comply with the Local Rules or Procedures may result in sanctions.

HONORABLE UNITED STATES MAGISTRATE JUDGE ANDREW M. EDISON

United States Courthouse
601 Rosenberg, Seventh Floor
Galveston, TX 77550
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RUBEN CASTRO

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1. CONTACT WITH COURT PERSONNEL

- A. In order to eliminate *ex parte* communications, the Court requires that all documents are to be filed through the District Court's 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). *Pro se* parties who are not granted access to CM/ECF may file their documents in person, at the Clerk's Office.
- B. **Any case-related telephone and email inquiries should be made to the Case Manager.** Inquiries should **not** be made to the Court's law clerks, nor to the Judge.
- C. The Court's caseload does not allow the Case Manager to respond to casual telephone inquiries about the status of motions or cases.
- D. Information about the status of documents, entry of orders, or docket entries should be obtained from the CM/ECF or Pacer Systems, or if absolutely necessary, from the United States District Clerk's Office ((409) 766-3530).
- E. Correspondence with the Court must be sent to the Case Manager as follows:

Ruben Castro
Case Manager to Judge Andrew Edison
United States Courthouse
601 Rosenberg, Room 411
Galveston, TX 77550
Or by email: Ruben_Castro@txs.uscourts.gov

1. The parties must also file copies of all case-related letters to the Court via CM/ECF.
2. Any emails sent to the Case Manager **must** cc all counsel on the case. The purpose of this rule is to avoid any *ex parte* communications.
3. Email correspondence with the Case Manager will be docketed at the Court's discretion.
4. Under no circumstances may a party request relief by email to the Case Manager. Any such emails will be disregarded without notice.

5. In extreme circumstances, copies of **urgent** documents may be hand-delivered to the Clerk's Office in Galveston during regular business hours (*see* Emergencies, § 3 below), or emailed to the Court's Case Manager. Documents that are delivered or transmitted after 4:30 p.m. may not be read until the next business day. Copies of any such documents must be transmitted to all counsel of record prior to and in the same manner as the document is transmitted to the Court.

2. COURTESY COPIES OF CERTAIN DOCUMENTS REQUIRED

- A. The parties **must** promptly deliver to the Clerk's Office in Galveston courtesy copies of:
 - (i) documents fifty (50) pages or more in length (including exhibits and attachments), and
 - (ii) documents pertaining to matters being heard by the Court within three days after the document is filed.
- B. Do **NOT fax or email** copies of documents to Chambers unless specifically authorized to do so by the Court.

3. EMERGENCIES

- A. Applications for immediate relief, including restraining orders, must be filed electronically through the CM/ECF system and all related communications with the Court must be through the Case Manager. Such applications shall be presented to the Court by the Case Manager following counsel's affirmation that the opposing party has been contacted and that both parties can be available for a conference before the Court, or an explanation of why such contact has not been made.
- B. Motions for extension of deadlines or cut-off dates in the Docket Control Order are **not** emergencies. (*See* Continuances, § 4 below.)

4. CONTINUANCES

- A. **Agreements or joint motions among counsel for continuance or extensions of deadlines are not binding on the Court. Motions for continuance will be granted only at the Court's discretion.**

The Court's trial settings are usually firm, and continuances will rarely be granted because of discovery disputes.

- B. Vacation requests will be respected if they are made well in advance of a trial setting or hearing date.
- C. A trial will *not* be continued because of the unavailability of a witness. Counsel are expected to anticipate such possibilities and should be prepared to present testimony by written deposition, videotaped deposition, or by stipulation.

5. APPEARANCES AND CONFERENCES

- A. Counsel may not appear at hearings or conferences unless they are listed as an attorney of record on the docket sheet. Counsel are responsible for ensuring that they are properly listed on the docket sheet.
- B. An attorney who appears at a hearing or conference **MUST**
 - 1. be familiar with the case, and
 - 2. have authority to bind the client.
- C. During any setting, hearing, or conference in a case, all counsel and *pro se* parties should be prepared to discuss any pending motions or issues before the Court in that case.
- D. No counsel may appear by telephone at the initial pretrial and scheduling conference. Out-of-town counsel wishing to appear at other conferences or hearings by telephone must submit a written request by email to the Case Manager as far in advance of the conference as reasonably possible. The Court will attempt to accommodate such requests, if feasible. The Court's preference, however, is to set dispositive or contested motions in person. Counsel appearing by telephone should use a landline. Matters involving *pro se* parties will be heard in person, unless stated otherwise.
- E. Counsel and *pro se* parties shall notify the Case Manager **immediately in writing** of the parties' settlement of any matter before the court. Upon receipt of a notice that the entire case is settled, the Court may enter a conditional order of dismissal.

- F. Failure to appear when notified of a setting may subject an attorney and/or party to sanctions, including dismissal for want of prosecution and/or other appropriate order or judgment.
- G. Motions for admission *pro hac vice* shall include the attorney applicant's averment that he or she has familiarized him/herself with the Local Rules of the Southern District of Texas *and* these Procedures.

6. MOTION PRACTICE

A. **General Guidelines**: The Court follows the written motion practice described in the Local Rules.

B. **Pre-Motion Conferences Required for Particular Motions**

In all cases except habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference ***must*** be requested before filing:

- i. Any motion pursuant to Fed. R. Civ. P. 12 or 56;
- ii. Any motion for a change of venue;
- iii. Any motion to remand; or
- iv. Any motion to amend a pleading pursuant to FED. R. CIV. P. 15 where leave of court is required.

Additionally, the Court has particular requirements for discovery and scheduling disputes. These requirements are set out at § 6.E. below.

The pre-motion conference may be held in person or by telephone, at the discretion of the Court. The Court hopes to use this procedure to advance the case efficiently and minimize the costs of litigation to the parties.

To request a pre-motion conference, a party shall file and serve a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion, and affirming that they have conferred with all parties regarding the relief to be requested. All parties may, but are not required to, serve and file a letter response, not to exceed three (3) pages within five (5) days from filing of the notification letter. The Court may act on the initial request before a response is filed.

Rule 12(a) prescribes time requirements for the filing of answers and for the filing of motions permitted under Rule 12. For the purposes of these timing

requirements, a pre-motion conference letter requesting permission to file a motion permitted by the Rule shall be considered the equivalent of the motion itself. Compliance with this procedure shall not be deemed a waiver of any parties' defenses as to insufficient service of process or lack of personal jurisdiction.

In many cases, it will be apparent from the letter requesting a pre-motion conference that such a conference will not be a useful expenditure of the parties' time, and the parties will be notified by the Court that a pre-motion conference will not be set. In other cases, the usefulness of a pre-motion conference will be clear based on the request. Counsel are informed that such decisions are commonly made before the time for filing response letters has expired, but any such decisions may be revisited upon the filing of a timely response letter.

Note that these provisions do *not* apply to motions other than those specifically enumerated. For example, letters requesting pre-motion conferences are not required for motions pursuant to Fed. R. Civ. P. 50, 59 and 60, and counsel should be aware that the Court of Appeals will not accept an argument that compliance with district court motion rules should excuse noncompliance with Fed. R. App. 4. *See, e.g., Bowles v. Russell*, 551 U.S. 205, 206-08 (2007) (holding no jurisdiction exists over appeal filed within time permitted by district court but outside time provided by Fed. R. App. P. 4(a)(6)).

Failure to comply may result in the Court striking the motion.

C. Requirements for All Motions

1. Counsel and *pro se* parties must make serious and timely efforts to confer with opposing counsel on all motions to try to reach agreements on the relief requested.
2. All motions must contain a certificate of conference stating that counsel and *pro se* parties have conferred regarding the substance of the relief requested, and stating whether the relief is opposed or denied. In circumstances where opposition remains uncertain, the party filing the motion must make at least two attempts to ascertain whether the relief is opposed, and must provide a certificate of conference stating the number of attempts made to contact the opposing party, the method of those attempts (i.e., fax, e-mail, telephone call, postal mail), the date and time of the attempts, and the results obtained thereby. Even motions that may be unopposed, joint, or agreed by two or more parties require a certificate of conference.

3. All motions except motions pursuant to Federal Rules of Civil Procedure 56 must be accompanied by a separate proposed order. Do not submit a proposed order that contains a bare signature block. Instead, include a few lines of substantive text above the page containing the signature block.
4. Pursuant to the Local Rules, opposed motions may be considered by the Court after expiration of 21 days from the motion filing date, without notice from the Court. Unless the Court issues a briefing schedule, responses by the nonmovant must be filed within 21 days of the motion. Movant may file a reply within seven calendar days after the non-movant's response. No further briefing, including supplements and sur-replies, should be filed without leave of Court. The Court will usually decline to consider such additional briefing.

When circumstances dictate, the Court may consider and rule upon a motion prior to expiration of the 21-day period.

5. Any party wishing to make a discovery or scheduling motion should arrange for a conference with the Court **before** submission of **any** motion papers. *See* "Discovery and Scheduling Disputes" below.
6. Judge Edison is a firm believer that the parties should be entitled to an oral hearing on any dispositive motion. When a dispositive motion is filed, the Case Manager will send the parties an email to discuss oral argument. If no party requests oral argument, Judge Edison will take the matter under submission. If any party to a case requests oral argument, the Court will set an oral hearing date as soon as reasonably possible. With respect to non-dispositive motions, the Case Manager will notify counsel if the Court determines that oral argument would be beneficial.
7. All pleadings or other documents filed under seal in a civil case must be identified as SEALED and by the title of the document. For example, a motion for summary judgment filed under seal must be docketed as "MOTION for Summary Judgment (SEALED)." No pleading may be filed for docketing simply as "SEALED DOCUMENT" without advance permission of the Court.
8. The Court strongly encourages litigants to be mindful of opportunities for young lawyers (i.e., lawyers practicing for less than seven years) to conduct hearings before the Court, particularly for motions where the young lawyer drafted or contributed significantly to the underlying motion or response. The Court believes it is crucial to provide

substantive speaking opportunities to young lawyers, and that the benefits of doing so will accrue to young lawyers, to clients, and to the profession generally. Thus, the Court encourages all lawyers practicing before it to keep this goal in mind.

D. Submitted Motions – Need for Expedited Decision:

1. The Court will rule on motions as soon as possible after the submission day or a response is filed. Counsel of record and *pro se* parties will be furnished with copies of orders.
2. If a pending motion requires resolution on an expedited basis, please advise the Court by motion.

E. Discovery and Scheduling Disputes: Most discovery and scheduling disputes can and should be resolved by counsel without the intervention of the Court. Compromise is encouraged.

1. Counsel are responsible for conferring in good faith to resolve discovery and scheduling disputes. If counsel for the parties are unable to reach an agreement, a conference with the Court must be sought by a **joint** letter filed with the Court. The parties should file a **joint** letter that does not exceed 2 pages, outlining the issues. The letter **MUST** specify the date, time and place of the parties' prior out-of-court discovery or scheduling discussion(s), the results of the discussions, and the names of all counsel or *pro se* parties participating therein. If counsel has been unable to confer because of the unavailability or unwillingness of certain counsel or *pro se* parties to do so, the statement shall recite the facts concerning attempts to confer.
2. The Court will dispose of discovery disputes at the conference to the extent possible. If a written motion is necessary, the issues to be addressed and a briefing schedule will be set during the conference.
3. These procedures also apply to discovery regarding non-parties. Non-parties should, to the extent possible, comply with these requirements prior to filing a motion to quash.
4. If the dispute for which the Court's intervention is sought involves the discovery of electronic data, the parties shall bring (or have available by telephone) a person with detailed knowledge of the computers and electronic databases at issue. This computer and database expertise

will permit reliable responses to the Court's inquiries and will assist the Court in developing an appropriate resolution of the dispute.

5. The Court strictly enforces the Federal Rules of Civil Procedure and the Local Rules with regard to disclosure and discovery.

****Counsel should use a numbering system during the discovery process to allow for the orderly discussion of documents during the discovery and pretrial process.****

7. MOTIONS AND MEMORANDA OF LAW

- A. **Page Limits and Briefing Requirements:** The Court requires concise, pertinent and well-organized motions and memoranda of law. Without leave of Court, any motion, brief, or memorandum shall be limited to 25 pages, 13-point type-font, double-spaced, with 1" margins. Generally, a motion should contain the legal argument and authorities and separate memoranda should not be filed.

Any motion, brief, or memorandum that has more than ten (10) pages of argument must contain the following items, while **all motions, briefs and memoranda** must contain items 3, 4, 6, and 7 below.

1. A table of contents with the page number of each section, including all headings designated in the body.
2. A short statement of the nature and stage of the proceeding.
3. A statement of the issues to be ruled upon by the Court and, with respect to each issue, a short statement (supported by legal authority) of the standard of review.
4. A short summary of the argument.
5. Succinct headings dividing the argument into separate points.
6. A short conclusion stating the precise relief sought.
7. All motions, except for summary judgment motions, must contain a proposed order setting forth the relief requested by the movant. **Orders should be in the form used by the Court, and**

should not contain any document system codes or client/matter billing numbers.

Items 1 and 7 do not count towards the 10-page and 25-page limits.

B. Copies of Authorities and Other Material Cited:

1. Please append copies of cases and the relevant parts of authorities that are cited **only** if the authorities are **not** found in commonly used resources such as the United States Code, United States Supreme Court Reporter, Federal Reporters, Federal Rules Decisions, Federal Supplement, Southwestern Reporter Second or Third, or Vernon's Revised Statutes and Codes Annotated. Unpublished authorities that are easily available on Westlaw or Lexis also do not need to be provided to the Court.
2. Copies of supporting affidavits, deposition testimony excerpts, and other evidence relied upon in the motion, brief, or memorandum should be separately filed in one or more appendices.
3. All appendices should contain a table of contents, and courtesy copies of appendices or those filed conventionally (i.e., not electronically) should be tabbed at the right margin to facilitate location of the materials cited.

8. INITIAL PRETRIAL CONFERENCES AND DOCKET CONTROL ORDERS

Please refer to Local Rule 16.1 and the Court's Form Order for Conference. *See § 5 supra* ("Appearances and Conferences") for general procedures for conferences. In addition:

- A.** A Joint Discovery/Case Management Plan (in the attached form) must be filed at least seven business days before the Initial Pretrial Conference in Civil cases.
- B.** At the Initial Pretrial Conference in civil cases, the Court will enter a Docket Control Order. Attached is a form of the Docket Control Order used by the Court.

1. The parties may agree on deadlines for completion of pretrial matters and bring a proposed Docket Control Order to the Initial Pretrial Conference.
 2. If a change to an existing Docket Control Order is requested, all parties shall submit recommendations for adjusting all dates in the Docket Control Order that follow the date sought to be modified.
- C. **Additional Parties:** If new parties are joined after entry of the Docket Control Order, the party causing such joinder shall provide to the new parties: (i) copies of all orders and pleadings previously filed in the case, (ii) the operative Docket Control Order, and (iii) these Court Procedures.

9. REQUIRED PRETRIAL AND TRIAL MATERIALS

- A. **Joint Pretrial Order:** Joint Pretrial Orders must be signed by all counsel. All parties are responsible for cooperating and complying with all requirements to prepare the Joint Pretrial Order, however, it is the plaintiff's responsibility to manage such joint efforts. The Joint Pretrial Order must be filed by the deadline set out on the Court's Docket Control Order.
1. Plaintiff is responsible for ensuring that a complete Joint Pretrial Order is filed timely. A form Joint Pretrial Order is attached. It should be followed, but may be adapted, within reason, to accommodate the size and nature of the case. If the plaintiff fails to file the Joint Pretrial Order, then the defendant is responsible for filing the defendant's portions of the Proposed Pretrial Order in the Joint Pretrial Order format.
 2. Failure to timely file a Joint Pretrial Order will subject counsel and parties to sanctions, including dismissal for want of prosecution and/or other appropriate relief. **This includes parties appearing *pro se*.**
 3. In civil cases, a Joint Pretrial Order should comply with the disclosure requirements of Federal Rule of Civil Procedure 26(a)(3).

B. Other Required Documents: In addition to the filing of the Joint Pretrial Order, each party should also file a separate copy of each of the following documents:

1. **For all trials and evidentiary hearings:**

a. **Exhibit List** (see attached form)

b. **Witness List**

c. **Designations** of deposition excerpts for witnesses being called by deposition. A copy of each deposition excerpt must be provided to the Court.

d. **Objections**, if any, to an opponent's exhibits. Objections must be filed within the time limits set out by the Local Rules.

e. **Joint Trial Worksheet**

2. For **Jury Trials**, the parties must file a single, joint proposed jury charge, including all necessary instructions, definitions and questions.

a. **Each** requested **instruction** must be numbered and presented with authority.

b. The parties shall include in the proposed jury charge all necessary instructions or definitions. The instructions shall, at a minimum, include: (1) the *prima facie* elements of each cause of action and defense asserted, (2) legal definitions required by the jury, (3) items of damages, and (4) methods of calculation of damages. Counsel are to use the appropriate state law Patterns, or the Fifth Circuit Pattern Jury Instructions, as modified by case law or statutory amendments, whenever possible. Any deviations must be identified, and accompanied with legal authorities for the proposed deviation.

c. Even if the parties, in good faith, cannot agree on all instructions, definitions, or questions, the parties should nonetheless submit a single, **unified charge**. Each disputed

instruction, definition, or question should be set out in bold type, underlined or italics and identified as disputed. Each disputed item should be labelled to show which party is requesting the disputed language. Accompanying each instruction shall be all authority or related materials upon which each party relies.

- d. Prior to the start of trial, the parties shall also submit the proposed charge electronically in Microsoft Word, by emailing it to the Case Manager.
- e. The parties shall file a **trial memorandum of law** addressing the law governing the case and all contested issues.

3. For **Non-Jury Trials**, each party must file:

- a. **Proposed Findings of Fact** and email it to the Case Manager (electronically in Microsoft Word);
- b. **Proposed Conclusions of Law** and email it to the Case Manager (electronically in Microsoft Word); and
- c. **Memorandum of Law**. The memorandum of law, proposed findings, and proposed conclusions at a minimum should address the following: (1) the *prima facie* elements of each cause of action and defense asserted, (2) legal definitions, (3) components of damages, and (4) methods of calculation of damages.

C. **Trial Notebooks and Exhibit Binders:** The Court requires **2 copies** of a Joint Trial Notebook and each party's exhibits be submitted to the Court **at least 4 business days prior to the first day of trial**. The Trial Notebook should be submitted jointly, and must contain the Joint Pretrial Order as well as each side's Exhibit Lists, Witness Lists, Designations, Objections, Motions in Limine, Jury Charges (where applicable), Memoranda of Law, and Proposed Findings of Fact and Conclusions of Law (where applicable). If counsel are wholly unable to cooperate, then each side is responsible for ensuring that its own Trial Notebook and exhibit binders are submitted.

10. TRIAL SETTINGS

- A. **Civil cases:** A civil case may be assigned either (1) a firm trial setting or (2) a Docket Call date. At Docket Call, parties should be prepared to answer questions on all pending motions or the Joint Pretrial Order. Pending motions may be ruled on at Docket Call, or the Court may take the motion under advisement. Trial may be set for any day after the Docket Call.
- B. Unless an attorney has actually commenced trial in another court, prior trial settings will not cause the Court to pass a trial setting in a case.
- C. In order to efficiently administer the trial of the case, the Court may request the parties to provide additional detail regarding the order in which witnesses will be called at trial, the length of time needed for direct and cross-examination of witnesses, and the subject matter to be covered with each witness.

11. EXHIBITS

- A. **Civil cases:** All exhibits must be **pre-marked** and exchanged among counsel at the time the Joint Pretrial Order is filed. As a general rule, exhibits that have not been shared with opposing counsel prior to trial will not be received in evidence. The offering party shall mark its name, the case number, and the exhibit number on each exhibit to be offered.
- B. **Authentication Objections:** Counsel requiring authentication of an opponent's exhibit must notify offering counsel in writing within the time required by the Local Rules.
- C. **Other Objections to Exhibits:** Unless otherwise directed by the Court, a party may offer in evidence any exhibits listed in the final Joint Pretrial Order *unless* opposing counsel files specific **written objections** within seven days after the joint pretrial order is filed. The Court endeavors to rule on objections to exhibits outside the presence of the jury and will do so prior to opening statements, to the extent possible.
- D. **Copies of Exhibits:** Prior to trial, all parties must provide the Court with 2 complete sets of their exhibits for use at trial.
- E. **Trial Procedure for Exhibits:**

1. Counsel may not pass exhibits to the jury or the witness during trial without obtaining permission in advance from the Court.
 2. Exhibits must be identified in front of the jury, or in a bench trial, to the Court before they will be received in evidence.
 3. Only exhibits admitted during trial will go to the jury during its deliberations. **Documents that are pre-admitted, but not actually used at trial, will not be submitted to the jury.**
 4. Counsel are responsible for monitoring and reviewing the completeness and organization of admitted exhibits at the close of each day, and at the close of evidence. Court staff and the court reporter will not take custody of the exhibits during trial.
- F. **Disposition of Exhibits**: Counsel should become familiar with Local Rule 79.2 regarding disposition of exhibits following trial.

12. EQUIPMENT

- A. **Sound and Video Equipment**: The Court has projection, document camera, sound, and video equipment in the courtroom. Counsel are invited to use that equipment during trial. Counsel who seek to test the equipment prior to trial shall contact the Court's Case Manager by email, letter or phone to make arrangements to test the equipment. Parties may provide their own equipment, but special arrangements must be made with the Case Manager *well in advance* of the day of trial.

Trial will not be delayed due to technical difficulties.

- B. **Other**: Easels with writing pads are available for use in the Courtroom, upon request to the Case Manager prior to trial.

13. COURTROOM PROCEDURES

- A. **Hours**: The Court's hours during trial will vary depending upon the type of case and the needs of the parties, counsel, witnesses, and the Court. Court normally will convene at 8:30 a.m. and adjourn by 5:00 p.m., with a 12:15 to 1:30 p.m. lunch recess.

- B. Access at Other Times:** Counsel needing access to the Courtroom to set up equipment or exhibits must arrange access in advance with the Case Manager to have the Courtroom open.
- C. Court Telephones:** Telephone messages for counsel or parties will not be taken by the Judge's staff, and counsel shall refrain from requesting use of telephones in Chambers.
- D. Filing of Documents:** Handing documents to the Court, law clerks, or Case Manager does **not** constitute filing of the documents in the CM/ECF system.
1. All original documents must be filed through the CM/ECF system.
 2. Hard copies of documents filed within seven days prior to and during trial should be submitted to the Case Manager **IN DUPLICATE**.
- E. Attorney Conference Rooms:** Attorney conference rooms are available upon request to the Case Manager, prior to trial. A key will be given to counsel for use throughout the trial. Counsel must clear the room of all materials and return the key to the Case Manager at the conclusion of the trial.
- F. Decorum:**
1. **General:** Counsel and parties will comply with Local Rule 83.8 regarding Courtroom Behavior. These procedures are strictly enforced.
 2. **Counsel's Oral Presentations:** Counsel shall stand when addressing the Court. Counsel may use a lectern positioned appropriately to make oral argument. Counsel may question witnesses while standing at the lectern or seated at counsel table.
 3. Counsel will ensure that they, all parties, and all witnesses refrain from drinking (other than water as provided by the Court), eating, smoking, or reading newspapers, books, etc. in the Courtroom. Counsel, parties, witnesses, and members of the public may not bring any outside cups or containers for water into the courtroom. The Court will provide disposable cups at counsel table.

4. Boxes and documents should be stored outside under the table or behind the bar in an orderly fashion.
5. Counsel's legal assistants and support staff are expected to have full knowledge of these Procedures.
6. **No cell phones may be operated in the Courtroom. Cell phones and other devices should be on "Silent" mode, not "Vibrate."**
7. The Court does not permit parties, witnesses, or counsel to wait in the 7th floor hallway.

G. Witnesses:

1. Counsel are responsible for summoning witnesses into the Courtroom and instructing them on Courtroom decorum. Arrangements should be made to communicate with witnesses within the Courthouse so that they can promptly appear when summoned to testify.
2. Counsel should bear in mind the Court's hours and arrange for witnesses accordingly. The Court will not recess to permit counsel to call a missing witness unless he or she has been subpoenaed and has failed to appear.
3. Counsel shall make every effort to elicit from the witnesses only information relevant to the issues in the case and to avoid cumulative testimony.
4. Where testimony is presented by recorded deposition to be played for the jury, counsel should make every effort to avoid "dead time" in the video or audio recording.
5. Counsel who will be calling witnesses to testify the next day are to give the opposing counsel 24 hours notice of the witnesses who will be testifying. If the first day of trial is Monday, counsel for the Plaintiff(s) is to provide notice to counsel for the Defendant(s) by **5:00 PM** on the Friday before trial starts.

H. **Seating Assignments**: The Court does not designate seating at counsel tables. Seating is determined on a first-come, first-served basis on the first day of trial.

I. **Jury Matters**:

1. While the jury is deliberating, counsel are to remain inside the Courthouse to be immediately available for jury notes or a verdict, unless given permission to leave by the Court.
2. After the jury is excused, counsel may **not** contact jurors unless permitted to do so by the Court. *See* Local Rule 47.

14. **VOIR DIRE**

The Court generally conducts a preliminary examination of the jury panel. Following the Court's examination, each side in **civil cases** usually will be allowed to examine the panel briefly, provided that the proposed *voir dire* questions are submitted as part of the Joint Pretrial Order.

15. **SETTLEMENTS AND ORDERS OF DISMISSAL**

A. **Settlements**

1. **Upon settlement** of any case, counsel must **immediately notify** the Case Manager in writing, by letter, or by email (Ruben_Castro@txs.uscourts.gov), and such notice shall also be filed on CM/ECF. Such notice shall include whether the settlement is partial or includes all parties and claims, calls for dismissal with or without prejudice, and whether costs should be assessed to a particular party.
2. Upon receipt of parties' notice of settlement, the Court will enter a 30- or 60-day conditional order of dismissal, which permits a party to move to reopen the case if final settlement cannot be completed within the allotted time. After the Court enters a conditional order of dismissal, but within the time set out in the order, parties may file a proposed final order setting out terms.
3. Upon settlement of a suit involving a minor plaintiff, counsel must jointly move for appointment of a guardian *ad litem* if there

is potential conflict of interest between the parent(s) and the minor, and name an agreed *ad litem*.

- a. If counsel cannot agree on a guardian *ad litem*, the Court will make the appointment. Counsel may submit the names of qualified attorneys they propose for the appointment.
- b. Contemporaneously with the motion for appointment, counsel must notify the Case Manager by letter requesting a settlement conference.

B. Orders of Dismissal For Want of Prosecution

Any defendant upon whom service has not been perfected within 90 days after the complaint is filed will be dismissed for want of prosecution in accordance with Federal Rule of Civil Procedure 4(m).

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

_____	§	
	§	
Plaintiff(s),	§	
VS.	§	CIVIL ACTION NO. _____
	§	
_____	§	
	§	
Defendant(s).	§	
	§	

DOCKET CONTROL ORDER

This case will be controlled by the following schedule.

DEADLINES

1. _____ **DEADLINE TO AMEND PLEADINGS** Parties may amend pleadings by this date without leave of court. If Plaintiff(s) file(s) an Amended Complaint by this date, Defendant(s) may file a responsive pleading in accordance with Fed. R. Civ. P. 15(a)(3). After expiration of this deadline, a party seeking to amend pleading must file a motion for leave demonstrating both good cause and excusable neglect in accordance with Fed. R. Civ. P. 6(b)(1)(B).

2. _____ **DEADLINE TO ADD NEW PARTIES** Unless a case has been removed from state court, new parties may be added by this date without leave of court. After expiration of this deadline, a party seeking to add a new party must file a motion for leave demonstrating both good cause and excusable neglect in accordance with Fed. R. Civ. P. 6(b)(1)(B). The attorney causing the addition of new parties will provide copies of this order and all orders previously entered in the case to new parties. **Note:** If a case has been removed from state court, a motion for leave must be filed seeking permission to add new parties.

3. _____ Identification of plaintiff's experts and production of experts' reports in the form required by Fed. R. Civ. P. 26(a)(2)(B).

4. _____ Identification of defendant's experts and production of experts' reports in the form required by Fed. R. Civ. P. 26(a)(2)(B).

5. _____ **COMPLETION OF DISCOVERY** Written discovery requests are not timely if they are filed so close to this deadline that the recipient would not be required under the Federal Rules of Civil Procedure to respond until after the deadline.

6. N/A **LIMITS ON DISCOVERY**

7. _____ **DISPOSITIVE MOTIONS** Parties wishing to file dispositive motions must still follow the pre-motion conference requirements set forth in Section 6 of the local court procedures utilized by Judge Hanks and Judge Edison.

8. _____ **ALL OTHER PRETRIAL MOTIONS**

9. _____ **JOINT PRETRIAL ORDER AND MOTIONS IN LIMINE**
Plaintiff is responsible for timely filing the complete joint pretrial order. All information is to comply with the disclosure requirements of Fed. R. Civ. P. 26(a)(3). All parties are directed to read the Court's Procedures regarding required trial documents and procedures.

10. _____ **DOCKET CALL is set at 9:30 a.m.** Other than as set out in the local court procedures, no pleading or document filed within seven days of docket call will be considered by the Court. Any pending motions may be ruled on at docket call, the case will be set for trial, and further pretrial orders may be issued.

11. _____ **JURY / BENCH TRIAL** Case is subject to being called to trial on short notice during this month.

Estimated Trial Time: _____ days.

SIGNED at Galveston, Texas, this ___ day of _____, _____.

ANDREW M. EDISON
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

_____,
Plaintiff(s),
VS.
_____,
Defendant(s).

§
§
§
§ CIVIL ACTION NO. _____
§
§
§
§
§

JOINT PRETRIAL ORDER

[See generally Judge Edison's Court Procedures]

****Failure to comply with these Procedures, the Local Rules, and the Federal Rules of Civil Procedure may result in sanctions, including the Court's refusal to allow evidence at trial or the striking of a party's pleadings in this lawsuit.****

Appearance of Counsel

List the parties, their respective counsel, and the mailing addresses, email addresses, and telephone numbers of counsel in separate paragraphs.

Statement of the Case

Give a brief agreed statement of the case for the information of the Court. The Court may read this statement to the jury panel to see whether any member of the panel is acquainted with the facts or parties in the case. Include names, dates and places.

Jurisdiction

Briefly explain why this Court has full and complete jurisdiction over the subject matter and the parties in this case. If there is an unresolved jurisdictional question, state the problem.

Motions

Identify any pending motions, as well as the responses, replies, or objections.

Contentions of the Parties

In separate paragraphs, give a concise statement of each party's contentions and claims.

Admissions of Fact

List all facts that have been stipulated to.

Contested Issues of Fact

List all factual disputes that are necessary to the final disposition of this case.

Agreed Applicable Propositions of Law

Delineate those legal propositions not in dispute.

Contested Issues of Law

Briefly state the issues of law in dispute. Along with this Joint Pretrial Order, each party or side should submit a memorandum of law to address these issues in more depth.

Exhibits and Exhibit List

The Court strictly enforces the rules regarding disclosure and discovery. Counsel should use a Bates numbering system during discovery to allow for the orderly discussion of documents during the pretrial process.

Each party must attach an Exhibit List (in the form shown by Attachment A or a similar form) of all exhibits offered, and all parties must provide copies of their listed exhibits to opposing counsel in advance of trial. (This rule also applies to summaries and rebuttal exhibits, except in the limited circumstances when exhibits cannot be anticipated.) The Exhibit List should provide a clear, concise description of each exhibit, with a Bates number from the discovery process where applicable. When possible, a Joint Exhibit List is preferred.

Any counsel requiring authentication of an exhibit must so notify the offering counsel in writing within seven days after the exhibit is made available to opposing counsel for examination. Failure to do so is an admission of authenticity. *See* S.D. TEXAS LOCAL RULE 44.1.

At the Court's discretion, exhibits listed in the final pretrial order may be admitted into evidence unless opposing counsel files written objections within the time called for in the Local Rules.

The offering party should mark its own exhibits prior to trial and include the party's name, case number, and exhibit number on each exhibit to be offered. (Example: Smith Construction, 3:10-cv-0010, Ex. 1.)

Witnesses and Witness List

List the names and addresses of witnesses who will or may be called, and include a brief statement of the subject matter and substance of their testimony, as required by Fed. R. Civ. P. 26(a)(3).

If a witness is to appear by deposition, cite the inclusive pages and lines to be read or submitted. Objections to those portions (citing pages and lines) with supporting authority must be filed within seven days after the joint pretrial order is filed. Recorded depositions should be edited to remove "dead air".

In the event there are any other witnesses to be called at the trial, their names, addresses and the subject matter of their testimony must be reported to opposing counsel as soon as they are known. This restriction shall not apply to a purely rebuttal or impeaching witness *if* necessity of the witness or the testimony cannot reasonably be anticipated before trial.

Settlement

Include a statement addressing whether or not all settlement efforts have been exhausted, the current settlement demand and offer, and whether the case can reasonably be expected to settle.

Trial

Include in this paragraph the following:

- (a) Whether trial will be Jury or Non-Jury;
- (b) Probable length of trial; and
- (c) Availability of witnesses.

Additional Required Attachments

Motions in Limine: State whether any party is filing a Motion in Limine. (All Motions in Limine must be filed along with the Pretrial Order.) The Court discourages “catch-all” motions in limine. Instead, motions in limine should be directed to specific issues in the case and should relate to relief that is actually opposed.

For Jury Trials include the following:

- (a) Proposed questions for the venire panel.
- (b) Proposed jury instructions, definitions, and interrogatories. Each requested instruction, definition, and interrogatory must be numbered and presented on a separate sheet of paper with the citation and authority upon which counsel rely.
- (c) Memorandum of Law.

For Non-Jury Trials include the following:

- (a) Proposed Findings of Fact.
- (b) Proposed Conclusions of Law.
- (c) Memorandum of Law.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

_____,
Plaintiff(s),
VS.
_____,
Defendant(s).

§
§
§
§ CIVIL ACTION NO. _____
§
§
§
§
§

JOINT TRIAL WORKSHEET

To make efficient use of trial time, each party is to provide the following information:

OPENING

Minutes Requested by Plaintiff _____
Minutes Requested by Defendant _____

EVIDENCE

In the order that they will be called, list the witnesses to be called, the general subject matter to be covered with that witness, and the amount of time expected for direct and cross examination.

Witnesses who will be called by written or recorded deposition should be included in this section.

Witness Name:

Subject Matter:

Time for Direct:

Time for Cross:

Witness Name:
Subject Matter:

Time for Direct:

Time for Cross:

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Witness Name:
Subject Matter:

Time for Direct:

Time for Cross:

--	--	--

Witness Name:
Subject Matter:

Time for Direct:

Time for Cross:

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Witness Name:
Subject Matter:

Time for Direct:

Time for Cross:

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Witness Name:
Subject Matter:

Time for Direct:

Time for Cross:

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Witness Name:
Subject Matter:

Time for Direct:

Time for Cross:

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Witness Name:
Subject Matter:

Time for Direct:

Time for Cross:

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Witness Name:
Subject Matter:

Time for Direct:

Time for Cross:

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Witness Name:
Subject Matter:

Time for Direct:

Time for Cross:

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CLOSING

Minutes Requested by Plaintiff _____

Minutes Requested by Defendant _____

Provide any additional informational information that may impact the amount of time needed for trial of this case:

Total Number of Hours and Minutes Estimated for Trial:

by Plaintiff _____ by Defendant _____

Date filed: _____

COUNSEL FOR PLAINTIFF

COUNSEL FOR DEFENDANT