

HONORABLE PAMELA A. CARLOS
United States Magistrate Judge
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Magistrate Judge Carlos is a graduate of Franklin and Marshall College (1986) and Temple University's Beasley School of Law (1989). Upon graduation, she worked as an Assistant District Attorney for the Office of the District Attorney of Philadelphia. In 1993, Judge Carlos joined the law firm of Bennett, Bricklin and Saltzburg, LLC. She served as Chair of the Special Investigative Unit from 1997 through 2004. In 2004, she was named as the Chair of the Bad Faith and Insurance Coverage team and served in this capacity until her departure in 2021. Judge Carlos was sworn in as a United States Magistrate Judge on November 12, 2021.

POLICIES & PROCEDURES

Updated July 2025

I. Preliminary General Matters

A. Correspondence with the Court

Judge Carlos permits correspondence from counsel on any matters so long as all other counsel or unrepresented parties are sent copies of such correspondence. Judge Carlos sometimes permits letter motions in lieu of formal motions. However, such letter motions are also to be filed of record.

B. Communication with Law Clerks

Judge Carlos permits counsel to communicate with her law clerks on scheduling and administrative matters, but never on the merits of a case.

C. Telephone Conferences

Judge Carlos prefers that counsel and the parties come to the U.S. Courthouse in Allentown, Pennsylvania for all settlement conferences.

Telephone conferences are utilized for status conferences and routine discovery disputes. Rule 16 conferences are generally conducted by Zoom.

D. Oral Arguments and Evidentiary Hearings

To the extent deemed necessary by Judge Carlos, oral arguments and evidentiary hearings will be scheduled through her deputy clerk. Oral argument and evidentiary hearings will be conducted in person. All reasonable efforts will be made to accommodate the schedules of counsel.

E. Pro Hac Vice Admissions

Counsel are to complete and submit an Attorney Admission Application (Pro Hac Vice) before the date of the non-admitted attorney's first appearance. The requisite forms are available on the United States District Court Eastern District of Pennsylvania's website.

II. Civil Cases

A. Pretrial Procedure

Judge Carlos regularly conducts pretrial and status conferences in cases pending before her. Pretrial/status conferences, where appropriate, are scheduled promptly upon referral of the case to Judge Carlos. During the pretrial conference, the parties should be prepared to discuss issues, including but not limited to, joinder of additional parties, discovery needs, anticipated expert retention, dispositive and *Daubert* motions, number of jurors to be utilized, and projected number of days for trial. Additionally, attorneys from both sides should be prepared to discuss the possibility of referral for settlement purposes.

B. General Motions Practice

1. *Oral Argument on Motions*

Judge Carlos will schedule oral argument on motions only if it appears likely to be helpful to the Court's resolution of the matter.

2. *Reply and Supplemental Briefs*

Judge Carlos will not normally permit reply or supplemental briefs. Counsel desiring to file a such a brief must first seek permission of the Court before such a brief will be accepted.

C. Discovery Matters

1. *Discovery Disputes*

Judge Carlos expects counsel to attempt to resolve disputes prior to bringing them to her attention, pursuant to Rule 26.1(f) of the Local Rules of Civil Procedure for the Eastern District of Pennsylvania. Should counsel be unable, in good faith, to resolve their dispute, Judge Carlos permits contact with the Court through her deputy clerk to set up telephone or chambers conferences to resolve outstanding issues. Generally, Judge Carlos prefers letter memoranda outlining the discovery dispute. Such memoranda should include the steps taken to resolve the dispute as well as the relief requested and should be docketed. Except for subpoenas issued to non-parties, the use of motion practice in discovery matters is discouraged.

Matters involving the enforcement of subpoenas issued to non-parties shall be handled through motion practice.

2. *Confidentiality Agreements*

Counsel may privately stipulate to the terms of a confidentiality agreement, and if necessary, may enforce said agreement in a separate contract action. *See Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 788 (3d Cir. 1994). But to the extent counsel would like the Court to enter a protective order on the docket, the parties must demonstrate good cause for doing so. In this regard, counsel may file a formal motion articulating how disclosure will result in a clearly defined and serious injury with specificity for the Court's consideration.

D. Settlement

1. *When Jurisdiction Remains with the District Court Assigned to the Case*

a. Preliminary Telephone Conference

When a matter is referred to Judge Carlos for purposes of settlement, she will hold a telephone status conference with the parties. Counsel are to be prepared to discuss discovery that needs to be completed prior to the settlement conference, identification of the person(s) needed to participate in the conference and where they are located, and format and location of the conference. Counsel should have their calendars available as during the telephone status conference, a settlement conference date will be selected. It is Judge Carlos' practice to hold settlement conferences as early as practicable in order to facilitate settlement and control costs without contradiction to the referring judge's Rule 16 Scheduling Order.

b. Settlement Conference Memoranda

Judge Carlos will normally require counsel to submit a conference memorandum one week before the scheduled conference. It shall include an offer/demand settlement proposal. This memorandum should not exceed four (4) pages and should be submitted in Word format. Exhibits, if needed, are also to be submitted with the memorandum. Judge Carlos does not require that counsel exchange their memoranda. Confidential information may also be provided by a separate document to the court. The memoranda are not to be filed with the Clerk's office. Instead, they should be sent to chambers via email at: PAED_Carlos_Chambers@paed.uscourts.gov.

c. Parties' Attendance and Participation

Judge Carlos will require that a party or party's representative with knowledge of the case and *full and binding* settlement authority attend the conference *in person*. **At the settlement conference, lead trial counsel shall appear and bring with them all persons whose consent may be necessary to settle the case. "[A]ll persons" shall mean insurance adjustors with full and unlimited authority to settle the case, as well as clients. Persons present must have full and unlimited settlement authority and may not confer by telephone with anyone to seek**

additional authority. *Only* in exceptional circumstances will Judge Carlos permit that person to participate in the conference by telephone or video. This shall be the exception rather than the rule. Counsel seeking said accommodation must contact chambers as soon as they are aware of a problem with attendance. A copy of Judge Carlos' Settlement Conference Scheduling Order is attached for reference. Counsel and the parties must strictly adhere to this procedure.

At the conference, the judge will expect counsel to:

- Be prepared to discuss the weaknesses and strengths of their case.
- Prepare their client. Judge Carlos will speak to them directly.
- Be patient. Settlement is a process. It takes time.
- Be flexible. Avoid bottom lines or top numbers.
- Realistically evaluate the case.
- Manage your client's expectations.
- Manage your own expectations.

d. Follow-up Contact

Judge Carlos will, if appropriate, continue to work with counsel after the settlement conference if the matter is not resolved at the conference.

e. Continuances

Settlement conferences are scheduled by order of the court and are not discretionary. Counsel and participants should use all efforts to be available for this conference. Due to the large number of cases scheduled for settlement conferences, any need to reschedule the conference could cause a delay of that conference for several weeks. For this reason, any continuance requests should be made within fourteen (14) days of receipt of the notice scheduling the conference. Continuance requests will only be granted for the most compelling reasons.

2. ***When Jurisdiction for All Purposes Has Been Referred to Judge Carlos***

a. Jury Matters

Judge Carlos may, after discussion with counsel, conduct her own settlement conferences utilizing the above-outlined procedures. If not appropriate but a conference is deemed worthwhile, Judge Carlos may request a random referral of the matter to another magistrate judge to preside over settlement discussions.

b. Non-Jury Matters

Judge Carlos will not take part in settlement discussions in a non-jury matter. A settlement conference may, however, be arranged with another magistrate judge.

E. Civil Cases Consented to Judge Carlos for All Purposes

1. ***Arbitration***

a. General Approach to Arbitration Cases

Judge Carlos has no special practices or procedures for arbitration cases. However, she rarely refers a matter for arbitration.

b. Scheduling Trial *De Novo* from Arbitration

Judge Carlos will schedule trial promptly when a demand for trial *de novo* is filed following arbitration. She will generally not permit additional discovery post arbitration.

2. *Pretrial Procedure*

a. Length of Discovery Period

Judge Carlos normally permits ninety (90) to one hundred and twenty (120) days for the completion of discovery. A discovery period of 120 days *includes* expert examination. Additional time will be allowed in complex cases or upon a specific showing of need. *Judge Carlos will encourage that the most essential discovery be undertaken early in the case, so as to foster early settlement and minimize the costs of litigation.*

b. Continuances and Extensions

Considering that counsel will have substantial input in the setting of dates in the Rule 16 Order, Judge Carlos expects counsel to comply with the dates set out in that Order. Judge Carlos will generally *not* agree to a request to extend the dispositive motion or *Daubert* deadlines or trial dates. Extensions will be entertained upon a showing that circumstances beyond the reasonable expectation of counsel have hampered the progress of the case. Judge Carlos will require a formal motion seeking an extension together with a proposed order and certification of concurrence or objection of all counsel or unrepresented parties. In most cases, extensions will only be considered after a conference with the Judge.

c. Expert Witnesses

The parties will identify expert witnesses and provide expert reports pursuant to the Rule 16 Scheduling Order entered in the case. A failure to do so will normally bar the use of the expert's testimony at trial.

d. Pretrial Memoranda

Unless specifically provided for by separate Order, Judge Carlos will require the use of the short form pretrial memorandum described in Rule 16.1 of the Local Rules of Civil Procedure for the Eastern District of Pennsylvania. In certain cases, Judge Carlos may require counsel to stipulate to uncontested facts.

A copy of Judge Carlos' Trial Scheduling Order is attached for reference. Counsel and the parties must strictly adhere to this procedure.

3. *Trial Procedure*

a. Scheduling of Cases

Judge Carlos' cases will be listed for trial based upon the Court's calendar and upon full consultation with counsel at the Rule 16 pretrial conference.

All trials before Judge Carlos will take place in the U.S. Courthouse located in Allentown, Pennsylvania.

b. Conflicts of Counsel

Given the manner of scheduling, conflicts will normally not occur. Should counsel, however, have a professional or personal conflict which may affect the trial schedule, notice should be provided immediately to opposing counsel and the Court.

c. Parties or Witnesses

Judge Carlos will make all reasonable attempts to accommodate the schedules and availability of parties, experts, and critical witnesses. In the alternative, the parties should be prepared to present testimony by videotape means so as not to delay the trial schedule.

d. Final Pretrial Conference

The final pretrial conference will take place in person in the U.S. Courthouse in Allentown, Pennsylvania. The conference will be conducted on the record. Counsel should be fully prepared to address all matters related to trial, including but not limited to, stipulations as to the authenticity and admissibility of exhibits and the use of demonstrative exhibits during openings, trial, and closings. Counsel are expected to meet and confer prior to the final pretrial conference regarding use of videotape testimony. Any objections made during the videotape testimony, where counsel are not able to reach agreement, will be reviewed during the final pretrial conference. Accordingly, counsel are required to provide a full videotape deposition transcript to Judge Carlos prior to the conference, in addition to a list of the objections that require ruling.

The Court does *not* provide technology assistance for trial. Counsel intending to use technology during the trial must make arrangements, *prior to trial*, to have technology assistant(s) visit the courtroom to assess and identify their needs. The Court will not tolerate delays associated with failure of a party to be prepared for technology usage in advance of trial. Access to the courtroom may be arranged by contacting Judge Carlos' deputy clerk.

e. Note Taking by Jurors

Judge Carlos will generally permit jurors to take notes during trial.

f. Trial Briefs

Judge Carlos encourages the submission of trial briefs when they are necessary or likely to be helpful to the Court.

g. Voir Dire

Judge Carlos usually conducts jury *voir dire*. Jury selection *only* will take place in the U. S. Courthouse in Philadelphia, Pennsylvania.

h. Sidebar

Judge Carlos discourages the use of sidebar conferences. Counsel are encouraged to raise particular evidentiary issues before trial or during recesses or adjournments. Moreover, speaking objections at trial are strongly discouraged.

i. In Limine Motions

Each party may file no more than five (5) motions *in limine* without prior leave of Court. The Court will not entertain *Daubert* motions that are styled as “motions *in limine*.” The trial scheduling order will provide a motion *in limine* deadline, so as to give the Court an adequate opportunity to consider the merits of each motion.

j. Examination of Witnesses Out of Sequence

Judge Carlos will permit witnesses to be taken out of turn in appropriate circumstances.

k. Opening Statements and Submission

Judge Carlos will discuss with counsel the length of time necessary and appropriate for opening and closing statements but will give counsel reasonable latitude.

l. Examination of Witnesses or Argument by More than One Attorney

Judge Carlos will not normally permit more than one attorney for the party to examine the same witness or more than one attorney to present argument on behalf of the party on the same issue.

m. Examination of Witnesses Beyond Re-Direct or Re-Cross

Judge Carlos will generally restrict counsel from examining witnesses beyond re-direct and re-cross.

n. Videotaped Testimony

Judge Carlos requires counsel to review all videotaped depositions and have them edited, after consultation with each other, such as to fairly present only the essential evidence of the witnesses involved. Counsel are expected to resolve all matters pertaining to objections before offering the videotape into evidence. Unresolved objections to videotape testimony will be handled during the final pretrial conference.

o. Reading of Material into the Record

Judge Carlos has no special practice with regard to reading stipulations, pleadings, or discovery materials into the record.

p. Preparation of Exhibits

Prior to commencement of trial, counsel are to meet and confer to prepare *one* set of pre-marked trial exhibits for use at trial. The use of duplicate exhibits of trial is discouraged as it is inefficient and confusing to the jury. Counsel should provide Judge Carlos with two (2) copies of each exhibit, together with a schedule of exhibits that briefly describes each exhibit. Counsel is encouraged, however, to provide the Court with only the essential and relevant portions of bulky exhibits, together with sufficient material to provide context for the relevant portion of the exhibits.

q. Offering Exhibits into Evidence

Judge Carlos expects counsel to reach an agreement in advance as to the admission of exhibits. Judge Carlos has no particular procedure as to when an exhibit may be formally offered into evidence.

r. Motions for Judgment as a Matter of Law and Motions for Judgment on Partial Findings

Motions for Judgment as a Matter of Law or Motions for Judgment on Partial Findings shall be submitted in writing. Judge Carlos will ordinarily request oral argument on these motions.

s. Proposed Jury Instructions and Verdict Forms

Judge Carlos requires counsel to submit joint proposed jury instructions, noting areas of agreement as well as objections. The points for charge should be submitted with appropriate citations of legal authority and shall be provided to the Court in accordance with the deadline set forth in the scheduling order. Judge Carlos prefers use of the Third Circuit Model Jury Instructions whenever possible. Counsel will submit a jointly prepared verdict form or proposed special interrogatories in accordance with the deadline set forth in the scheduling order. If counsel are unable to agree, they may submit separate proposed forms of interrogatories.

Judge Carlos will conduct a charging conference, on the record, prior to charging the jury. She will generally also charge the jury *before* closing speeches.

t. Proposed Findings of Fact and Conclusions of Law

Judge Carlos requires counsel to submit proposed findings of fact and conclusions of law in non-jury cases at the final pretrial conference or at such other date as set forth in the scheduling order. A supplementation will be permitted at the close of trial or, in an appropriate case, after trial.

4. ***Jury Deliberations***

a. Written Jury Instructions

Judge Carlos has no set practice or position with regard to submission of a written set of final instructions to the jury. In this regard, the decision will be made on a case-by-case basis and upon discussion with the Court.

b. Exhibits in the Jury Room

Judge Carlos will consider what exhibits should be sent out to the jury during their deliberations on a case-by-case basis.

c. Handling of Jury Requests to Read Back Testimony or Replay Tapes

Judge Carlos will seek the input of counsel and will then make a determination on a case-by-case basis when requests are made to read back testimony or replay tapes.

d. Availability of Counsel During Jury Deliberations

Judge Carlos will not require counsel to remain in the courthouse during deliberations but will require counsel to be available on short telephone notice. Counsel must provide the deputy clerk with their phone number.

e. Taking the Verdict and Special Interrogatories

Judge Carlos has no usual practice with respect to taking a verdict. Judge Carlos will submit written interrogatories to the jury in the appropriate case. A copy of the interrogatories shall be given to the jury during their deliberations.

f. Polling the Jury

Judge Carlos will, if requested, permit the jury to be polled.

g. Interviewing the Jury

Judge Carlos will permit counsel to interview jurors, but only after the verdict has been recorded, the jury has been discharged, *and* they have been told in clear terms that they have no obligation to speak with counsel.

III. Criminal Cases

A. Sentencing Memoranda

When a pretrial sentencing report is utilized, Judge Carlos permits the submission of sentencing memoranda by both counsel.

B. Additional Matters

At all “criminal duty week” proceedings, counsel, once appointed or retained, must be present to permit the proceeding to go forward. Once the Court has ordered that a defendant be detained or has set conditions of release, any proposed changes thereto must be submitted to the Court by written motion. Judge Carlos does not favor the dual representation of defendants by a single attorney at any criminal proceeding, apart, perhaps, from the initial appearance. Judge Carlos requires that all relevant documents be delivered to chambers in advance of court. Counsel may contact the court’s deputy clerk if there are questions regarding criminal matters before the Court.

IV. Other General Matters

Judge Carlos expects counsel to be prompt in all appearances, to be professional and courteous to each other, both in the presence of the Court and otherwise, and to have discussions with each other about any matter in dispute before it is brought to the attention of the Court.

When a decision rendered by this Court is appealed, Judge Carlos prefers to receive copies of the appellate briefs.

Counsel should feel free to contact Judge Carlos’ deputy clerk or law clerks if they have any questions about her courtroom practices or procedures.