

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JUDGE TIMOTHY J. SAVAGE  
POLICIES AND PROCEDURES**

**I. COMMUNICATIONS WITH CHAMBERS**

Written communications concerning any case must be by the filing of a pleading, motion, application, or other similar filing provided for in the Federal Rules of Civil Procedure or the Local Rules of Civil Procedure. Counsel shall not send copies of correspondence among and between counsel to the Court.

Correspondence is permitted only in the following instances:

(1) When there is an unanticipated personal matter concerning counsel, a party, a witness, or counsel's immediate family, such as medical problems or other personal problems; or

(2) To advise that a case has been settled.

When a written communication concerning a case cannot timely address a problem, counsel may initiate necessary telephone communications with chambers.

Deputy Clerk, Alex Eggert – 267-299-7480

**II. INITIAL PRETRIAL CONFERENCE**

The Rule 26(f) meeting is not perfunctory. It is a meaningful and substantive discussion among professionals to formulate the proposed discovery plan required by the Rule and to discuss the parties' factual and legal positions, and settlement.

Topics addressed at the initial pretrial conference are those listed in Local Rule of Civil Procedure 16.1(b), and Federal Rule of Civil Procedure 16(b) and (c), the progress

of self-executing disclosure under Federal Rule of Civil Procedure 26(a), discovery, the preservation and production of electronically stored information, settlement and mediation proposals, and facts regarding liability, damages and relief sought.

Outstanding motions will not excuse the requirements of holding the meeting and submitting the plan. Parties who do not comply will have no voice at the scheduling conference and may be subject to sanctions.

Lead trial counsel, not an associate, must attend the Rule 16 conference. Counsel shall have a thorough comprehension of the facts and shall be prepared to discuss all claims and defenses in detail, including settlement, and have authority from their clients to do so. Counsel shall be prepared to discuss the merits of any outstanding motions at the conference.

Counsel moving for the pro hac vice admission of an attorney must file a motion setting forth the attorney's admissions, the reason why the party desires the attorney to participate and why the attorney is especially qualified to do so. The form application provided by the Clerk is inadequate. If the motion does not comply with this requirement, it will be denied.

### **III. DISCOVERY**

The Federal Rules of Civil Procedure call for voluntary, cooperative discovery in a timely manner. The information required to be disclosed pursuant to Fed. R. Civ. P. 26(a) is required to be exchanged no later than fourteen (14) days after the date of the Order scheduling the Rule 16 conference. Compliance with the Rules is mandatory.

The parties are required to commence discovery immediately upon receipt of notice of the Rule 16 conference. Pending motions will not excuse counsel from proceeding with discovery. Counsel will be required to report on the progress of discovery at the Rule 16 conference.

Discovery motions are routinely acted upon before a response is filed either with or without a telephone conference. When timely discovery is not forthcoming after a reasonable attempt has been made to obtain it, the party seeking the discovery may file a motion to compel. If the motion is based on the opposing party's failure to timely file discovery responses, the motion will be granted. If the motion is for any other dispute, Judge Savage will consider the parties' positions and rule on the motion in a telephonic conference the same or the next day. The motion must comply with Local Rule 26.1(f). The certification must state in detail what efforts were made to resolve the dispute.

#### **IV. MOTIONS PRACTICE**

##### **A. Oral Argument**

Oral argument is not routinely scheduled. A party desiring oral argument may request it in the body of the motion or responsive pleading.

##### **B. Reply Briefs**

Reply briefs, addressing only issues raised in the brief in opposition and not repeating arguments in the brief, may be filed within seven days of service of the opponent's brief in opposition and shall be limited to ten pages. No further briefs may be filed.

## **V. FINAL PRETRIAL CONFERENCE**

In the pretrial memoranda, counsel must detail the substance of the testimony of each witness. Identifying a witness as giving testimony on liability and/or damages is insufficient.

The parties shall provide the Court with one copy of each exhibit to which there is an objection and two copies of a schedule of exhibits which shall describe each exhibit. Exhibits shall be arranged and tabbed in a three-ring binder.

One of the goals of the final pretrial conference is to resolve all evidentiary issues to avoid delay at trial and to provide counsel with advance notice of evidentiary requirements. Therefore, rulings on all outstanding motions and objections to witnesses and exhibits will be made at the final pretrial conference.

Counsel shall be prepared to state objections to witnesses and exhibits, and to respond to opposing counsel's objections. It is expected that counsel discussed and attempted to resolve all objections to exhibits and testimony prior to the final pretrial conference, leaving only those objections the parties could not resolve.

Any party intending to use depositions, written or video, at trial must notify all other parties in the pretrial memorandum. Objections to deposition testimony shall be made prior to the pretrial conference in writing, setting forth the page and line numbers of the challenged testimony and a clear statement for the basis of the objection. The objecting party must provide the Court with a copy of the deposition transcript with the challenged testimony highlighted.