

## Judge Ranjan's<sup>1</sup> Practices and Procedures (rev. 3/10/23)

These procedures are intended to supplement the local and federal rules of civil and criminal procedure. They apply to all counsel and *pro se* parties.

### I. General procedures

- a. **Telephone calls and e-mails to chambers.** Counsel may contact chambers for routine scheduling matters, and to raise any discovery disputes. In any communications, court staff will not provide any legal advice or discuss the merits of any cases. Members of the public may also contact chambers to obtain information regarding public access to any proceedings, such as dial-in or videoconference information. All inquiries should be directed to the Courtroom Deputy, Peter Kosloski, at peter\_kosloski@pawd.uscourts.gov, or (412) 208-7495.
- b. **Courtesy copies to chambers.** Chambers are almost entirely paperless. As such, parties should not submit a courtesy copy of any filing. The Court reviews all materials that are filed electronically. The Court will also order parties to submit all hearing and trial exhibits electronically. If, at any point, a courtesy copy is requested by the Court, Courtroom Deputy Peter Kosloski will contact the filing party to obtain one.
- c. **Decorum.** Counsel shall not exhibit familiarity with witnesses, jurors, opposing counsel, or the Court. During trial, counsel must not block the jurors' view of a witness and must not approach a witness without permission. Counsel must stand when speaking for the record and when addressing the Court, except for brief objections during testimony, or when informally discussing the case during status conferences.
- d. **Court reporter.** In criminal cases, the Court will have a court reporter present for all proceedings. In civil cases, the Court will generally only have a court reporter present for oral arguments on substantive motions, evidentiary hearings, the final pre-trial conference, and all trial proceedings. If no court reporter is

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<sup>1</sup> Judge Ranjan pronounces his last name "Ron John."

present and counsel has an objection, or otherwise desires the proceeding be on the record for any reason, counsel has the right to and should request a court reporter to be present and then place the objection or proceedings on the record.

- e. **Continuances.** If a party seeks to continue a court proceeding, the party must include in the motion at least two proposed dates/times near the original hearing date when all counsel are available, or explain why they cannot do so. Motions to continue court proceedings will be granted only for good cause (such as an illness, medical procedure, family emergency, pre-paid vacation, or previously scheduled court proceeding).

## II. Civil case procedures

- a. **Appearances.** To ensure efficient communication of early scheduling orders through ECF, all counsel must enter their appearances as soon as practicable.
- b. **Initial case management conference.** After all defense counsel have entered appearances or all Defendants have responded to the complaint, the Court will schedule an initial case management conference. Before that conference, the parties will be ordered to confer and submit a Rule 26(f) report and ADR stipulation. In completing the Rule 26(f) report, counsel must be specific in identifying areas of discovery (*i.e.*, should not simply state that discovery will be taken on “all claims and defenses”). It is helpful to the Court for counsel to identify particularly important information and witnesses in the report, as well as describing in detail how damages are being calculated. In completing the ADR stipulation, counsel must ensure that the time/date of the ADR session is stated within 60 days of the initial case management conference, as well as the name/title of the individuals who will attend, including a representative with full settlement authority. The Court will strike ADR stipulations that do not comply with these requirements. The initial case management conference itself will occur either by telephone, or, if in person, in the courtroom. If any lead counsel are from out of town, they may request that the conference occur by telephone or videoconference. Counsel must be prepared to engage in substantive discussion at the initial case management conference.

- c. **Commencement of discovery.** Counsel shall not propound written discovery requests or otherwise commence any formal discovery until after the initial case management conference and after issuance of a case management order.
- d. **Rule 12 motions.** In a civil case, if a defendant elects to file a Rule 12 motion, defense counsel must meet and confer with plaintiff's counsel before filing to determine whether any purported defects with the complaint can be cured. Any motion to dismiss must come with a certificate stating that the defendant has made good-faith efforts to confer with the plaintiff to determine whether the identified pleading deficiencies properly may be cured by amendment. Rule 12 motions that do not contain the required certification will be denied. This requirement applies to all Rule 12 motions, including motions for judgment on the pleadings under Rule 12(c).
- e. **Discovery length.** The Court has no set period for the completion of discovery, but the date that is proposed in the Rule 26(f) report should be a realistic deadline based on the nature of the case—*i.e.*, a deadline by which both parties can reasonably complete all discovery without further extension. In cases where the Court has set a “presumptive trial date” at the onset, the parties’ proposed discovery deadlines should account for that date.
- f. **Discovery disputes.** For all discovery disputes, if the matter cannot be resolved after the parties confer in good faith, the parties should contact chambers to raise the issue. At that time, the Court will typically have counsel provide a brief e-mail summary of their respective positions, and then the Court will provide guidance, decide the dispute, or order briefing. No discovery-related motions should be filed until after the e-mail exchange. In the event discovery motions are subsequently filed, counsel for each side should, pursuant to Rule 37, provide support for their reasonable expenses (including attorneys’ fees), as expenses will be awarded to the prevailing party when permitted under Rule 37.
- g. **Routine motions.** For routine motions (including motions for leave to amend the pleadings, extensions of time, or continuances),

counsel for movant must confer with opposing counsel to obtain consent, and state in the motion whether consent was obtained. Briefs are not necessary.

- h. **Rule 56 motions.** The Court will issue a briefing schedule for all Rule 56 motions. For most motions, the Court excuses the requirements under Local Rule 56, such as having the parties forego the submission of separate concise statements and responsive statements of material facts. For cross-motions for summary judgment, the Court uses a briefing schedule like that used in cross-appeals under Federal Rule of Appellate Procedure 28.1. In complex cases, the Court will permit issue-specific briefs on summary judgment.
- i. **Briefing schedule.** Unless ordered otherwise, the principal brief in support of a motion should be no more than 20 pages. The Court will issue briefing schedules for all motions, which will provide the due dates and page limits for any later brief.
- j. **Briefing content.** Counsel are free to structure their briefs in the manner and style that they believe to be most persuasive. Counsel are encouraged to review the “brief-writing preferences” document, which is on the Court’s webpage.
- k. **Oral argument.** The Court will entertain requests for oral argument only on certain issues or motions. But if counsel designates an associate or more junior attorney to argue the matter, the Court will allow oral argument.
- l. **Injunctions.** If a complaint seeks a TRO or preliminary injunction, the Court will schedule a telephonic conference as soon as possible. The plaintiff should make all efforts to ensure that the defendant is served and has counsel, as the Court will rarely grant *ex parte* motions.
- m. **Class and collective actions.** For class and collective actions, the Court expects the named plaintiffs to attend all court conferences and hearings (either in person or remotely), and settlement conferences and mediations. Any request for an incentive award for a named plaintiff must demonstrate active

involvement of the named plaintiff in the litigation. For classwide settlements, the parties should be prepared for a fulsome presentation at the preliminary-approval stage, as the Court will scrutinize the settlement closely at that stage and before notices are sent. For individual, non-collective FLSA settlements, the Court finds that court approval is not necessary; the parties may simply file a stipulation of dismissal at the appropriate time.

- n. **Trial.** The Court will issue a separate pre-trial order, which outlines trial procedures. In certain cases, the Court will issue an order setting a “presumptive trial date,” with the trial to generally occur approximately 12-18 months from the date of the initial case management conference. In those cases, the trial date will be finalized at the initial case management conference, and all pre-trial deadlines will be set to account for that date. Requests to continue the trial date will be granted only in extraordinary circumstances.

### III. Criminal case procedures

- a. **Initial case conference.** The Court will conduct an initial case conference about 40 days after arraignment, typically with only counsel present (unless defense counsel requests the defendant’s presence). After obtaining an extension from the magistrate judge at arraignment, defense counsel should not file any motions to extend the pre-trial motion deadline until after the initial conference. Any motions filed before the initial case conference will be summarily denied without prejudice. At the conference, counsel should be prepared to engage in a preliminary, substantive discussion of the case. For example, in most circumstances, the government should anticipate being asked to provide the Court with an overview of the evidence against the defendant and to answer questions about its case. Counsel for both parties should expect to discuss any anticipated discovery needs or disputes.
- b. **Extensions to file pre-trial motions.** The Court will grant motions to extend the pre-trial motion deadline for good cause, such as where a case is factually complex, involves multiple defendants, or involves voluminous discovery. Otherwise, the

Court is not inclined to grant additional extensions, and will require counsel to work expeditiously towards a plea or trial within the time frame of the Speedy Trial Act.

- c. **Change-of-plea hearings.** Counsel should call or e-mail chambers when they are prepared to schedule a change-of-plea hearing. If there is a plea agreement, the government must e-mail defense counsel and the Court a copy of the agreement seven days in advance of the hearing. At the same time, the government will be ordered to e-mail defense counsel and the Court the summary of the evidence it would present at trial so that defense counsel can review it with the defendant before the hearing. If there are any disputes as to the factual basis, they must be brought to the Court's attention at least one day in advance of the hearing.
- d. **Sentencing.** The Court follows the schedule for pre-sentencing submissions and deadlines in the local rules.
- e. **Combined change-of-plea/sentencing hearings.** For certain Rule 11(c)(1)(C) plea agreements and depending on the complexity of the case, the Court will consider requests to conduct a combined change-of-plea/sentencing hearing. Counsel should file a motion requesting a combined hearing. If the Court grants the motion, it will require the defendant to waive preparation of the pre-sentence investigation report, and order the parties to submit a guidelines calculation stipulation in advance of the hearing. If the defendant is to be remanded into the custody of the Bureau of Prisons, the Court will usually order that a post-sentencing pre-sentence report (*i.e.*, BOP supplemental report) be prepared.
- f. **Trial.** The Court will issue a separate pre-trial order, which outlines pre-trial deadlines. As to specific procedures during trial:
  - **Hours.** The Court will typically be in trial Monday through Friday, from 9:00 a.m. to 5:00 p.m. Counsel are expected to be prepared to discuss any issues at 8:30 a.m. each morning.

- **Opening Statements and Closing Arguments.** The Court will typically allow 30 minutes for opening statements and 60 minutes for closing arguments (exclusive of rebuttal). Counsel may use exhibits, PowerPoints, or other demonstratives in openings and closings, provided that they have been given to opposing counsel beforehand and either agreement was reached regarding the use of those materials or the Court has ruled upon the matter. If counsel intends on using a PowerPoint presentation, it must not contain any logos (e.g., law firm names, Department of Justice seal, etc.).
- **Exhibits.** All objections to government trial exhibits will be ruled upon prior to trial. Therefore, the government need not formally move for the admission of each exhibit as it is shown, and instead may use the exhibits, and then should move for the admission of all exhibits that are furnished to the jury at the close of its case-in-chief. Only exhibits that are furnished to the jury during trial will be admitted. Counsel shall prepare the final exhibit binder at the end of trial, to go back with the jury.
- **Objections.** Counsel must state the basis for any objection in a summary fashion (e.g., hearsay, lacks foundation, leading, etc.). Speaking objections are not permitted. If further explanation is needed, the matter can be addressed by a request for side bar.
- **Defense Exhibits and Witnesses.** The Court will order a proffer of all defense exhibits and witnesses at the close of the government's case-in-chief. Pre-trial disclosure of defense exhibits and witnesses is not required.

Rev. 3/10/23