

Practices and Procedures for Civil Cases

The Honorable Judge Kathleen M. Williams
United States District Judge

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Attachment A – Form for Joint Proposed Scheduling Orders

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I. General Matters

A. Applicable Rules

The Court's procedures are governed by the Federal Rules of Civil Procedure (the "Federal Rules"), the Local Rules of the United States District Courts for the Southern District of Florida (the "Local Rules"), and the individual practices set out below. In addition, litigants are expected to comply with all procedures and rules set out in all orders issued by the Court.

B. Filings Not Accepted

The Court will not accept notices of unavailability, notices of deposition, or other discovery documents or filings not contemplated by the Federal or Local Rules. If filed to the docket, these documents will be stricken. For example, notices of unavailability will not be construed as motions to continue or otherwise operate to change the Court's schedule in any way.

II. Procedural Rules

A. Proposed Orders

As required by Local Rule 7.1(a)(2), a Microsoft word version of all proposed orders must be emailed to the chambers inbox at williams@flsd.uscourts.gov. Proposed scheduling orders must be submitted in the format of the sample order provided to litigants (and attached as Attachment A, below) and must be submitted to the chambers inbox after being filed on the docket.

B. Extensions of Time

Strict compliance with all deadlines—whether set by court order or under the Federal and Local Rules—is mandatory. Requests for extension of time will only be granted by the Court upon an appropriate motion showing good cause why the deadline cannot be met. **Absent an emergency, requests for extensions of time must be presented to the Court, by motion, no later than 48 hours prior to the deadline from which the Parties are seeking relief. Sanctions may be imposed for non-emergent requests made less than 48 hours prior to the deadline.**

All requests for extensions of time must include (1) a list of any prior motions for extension of time, the basis for those requests, and whether they were granted; (2) a specific statement regarding the circumstances necessitating the requested relief; (3) a conferral statement as required under Local Rule

7.1; and (4) a specific period for the relief requested. Indefinite or indeterminate requests for an extension of time will be denied.

Once a Scheduling Order has been entered by the Court, motions for extensions of time are disfavored and will not be granted absent compelling circumstances.

III. Filings with the Court

A. Motions Generally

All motions must strictly comply with all Federal and Local Rules, including Local Rule 7.1. This includes, among other things, (1) the requirement under Rule 7.1 that counsel confer before submitting certain motions or, if counsel are unable to confer, that they include a detailed statement of the efforts made and why those efforts were unsuccessful, and (2) the requirement that proposed orders be submitted with certain types of motions as laid out in Section IIA, *supra*.

Strict compliance with the Local Rules is also expected with regard to motions for summary judgment. See Local Rule 56.1. For example, the moving Party must contemporaneously file a statement of undisputed material facts, delineating by number each material fact, supported with specific citations to the record (Docket Entry, Exhibit, Page Number(s)). The opposing Party must then file contemporaneously with its opposition a response to the statement of material facts, which shall respond by corresponding number to each of the moving Party's statement of material facts. Local Rule 56.1(a). The opposing Party shall state, based on citations to the record, whether each fact is disputed or undisputed. If the fact is disputed, the opposing Party shall state why the dispute is a material one. "All material facts set forth in the movant's statement . . . will be deemed admitted unless controverted by the opposing party's statement, provided that the Court finds that the movant's statement is supported by evidence in the record." Local Rule 56.1(b). These procedures shall also apply to the moving Party when responding to any additional facts set forth in the opposing Party's statement of material facts.

B. Motions for Leave to File Excess Pages

If a Party seeks leave to file a memorandum of law that exceeds the page limitations set forth in Local Rule 7.1(c)(2), the motion must specify the number of excess pages requested in the motion and set forth the reason(s) the extra pages are required.

C. Motions to Seal

Each motion to seal must specify the time period the movant seeks to seal the filing. Motions to seal indefinitely will only be granted upon a substantial showing of good cause and at the Court's sole discretion.

All motions to seal must be accompanied by a proposed redacted version of the document the movant seeks to seal. When a motion to seal is granted, the redacted document shall be separately filed to the public docket and served forthwith.

D. Motions *in Limine*

The Parties may each submit only one (1) motion *in limine* that identifies up to ten (10) evidentiary issues they seek to raise to the Court. The motion may not exceed twenty (20) pages in length. Each evidentiary issue must be numbered, and must specifically identify the evidence sought to be excluded or included at trial, with citations to legal authority supporting the evidentiary ruling requested. The opposing party's responses in opposition to the motions *in limine* shall correspond with the order and with the numbering scheme used by the movant. Any reply from the movant must also correspond with the order and numbering used in the movant's initial motion.

Prior to filing a motion *in limine*, the Parties must meet and confer regarding each evidentiary issue they intend to raise, and certify that they met and conferred in accordance with Local Rule 7.1(a)(3). The Parties may only present those evidentiary issues that remain contested in their respective motions *in limine*.

E. Pre-Trial Stipulation, Exhibit Lists, and Witness Lists.

The Parties' joint pre-trial stipulation, exhibit lists, and witness lists must be submitted in accordance with Local Rule 16.1(d) and (e). The Parties must submit their witness lists in the format provided in Attachment B, and their exhibit lists in the format provided in Attachment C. The witness lists shall include only those witnesses the Parties actually intend to call at trial. In the description for each witness, the Party shall include a brief synopsis of the

witness's testimony, the exhibits that the Party intends to introduce through the witness, and, in consultation with opposing counsel, the estimated time needed for direct and cross examination. The exhibit lists shall identify each witness that will introduce each exhibit.

F. Jury Instructions or Conclusions of Law (for Non-Jury Trials)

Joint proposed jury instructions or conclusions of law (for non-jury trials) shall outline: (1) the legal elements of Plaintiff's claims, including damages; and (2) the legal elements of the defenses that are raised. The Parties shall submit proposed jury instructions jointly, though they need not agree on each and every instruction. If the Parties do not agree on a proposed instruction, the language proposed by plaintiff shall be underlined and the language proposed by defendant shall be italicized. Every instruction must be supported by a citation of authority. The Parties shall use the Eleventh Circuit Pattern Jury Instruction for Civil Cases, including the directions to counsel. If a deviation from the Pattern is requested, the parties shall specifically provide a citation of authority supporting the deviation. The Parties shall submit their proposed instructions via email in Word format to chambers at Williams@flsd.uscourts.gov.

G. Deposition Designations

For each unavailable witness, the Parties shall confer and submit a joint deposition designation. The party offering the testimony shall select a color and highlight the pages and lines which they wish to introduce. The non-introducing party shall then underline in red the portions of the designated testimony objected to and in the margins indicate the basis for the objection (i.e., irrelevant, hearsay, etc.). The non-introducing party shall also select a color and submit to the Court those additional pages and lines that they deem counter designated. In turn, the introducing party shall underline in red the portions of the counter-designated testimony objected to and indicate in the margins the basis for their objection.

H. Settlement Agreements

If the case settles in whole or in part, counsel must inform the Court immediately by calling or emailing chambers (Williams@flsd.uscourts.gov) and promptly filing a joint stipulation of dismissal.

The Court will not retain jurisdiction to enforce confidential settlement agreements. If the parties wish for the Court to retain jurisdiction to enforce a settlement agreement, the parties must submit the terms of their settlement

agreement on the record. The Parties must also request a finite period for the Court's retention of jurisdiction; indefinite requests for the Court to retain jurisdiction will not be granted.

IV. Communications with Chambers

A. Content of Communications

Any requests for relief or action by the Court must be submitted as a motion on the docket, unless otherwise permitted by the Federal and Local Rules. No substantive matters may be raised by phone or email with Chambers, unless expressly permitted by the Rules or a court order. Similarly, Parties are not permitted to call Chambers regarding any matters that can be ascertained from a review of the applicable rules or the docket.

B. Form of Communications

For non-substantive matters, emails or calls to Chambers must comport with all Federal and Local rules and the practices and procedures set out here. Letters to Chambers will not be accepted. Any *ex parte* letters received will be uploaded to the docket.

C. Emails to Chambers

Emails to Chambers, when permitted, shall state clearly in the subject line: (1) the docket number of the case, (2) the case caption, and (3) a brief description of the contents (e.g., 12-cv-34567, Jones v. Smith, Proposed Order"). All emails, unless relating to permissible *ex parte* matters under the rules, must copy all counsel and unrepresented parties.

D. Calls to Chambers

Unless expressly permitted by the Rules or a court order, or in case of an emergency, counsel must confer with all parties before calling Chambers. **Only counsel of record may make calls to Chambers, and opposing counsel must be on the line for any calls.** When calling chambers, counsel must provide (1) the docket number of the case, (2) the case caption, (3) their name and the party they represent, (4) whether opposing counsel has been consulted, and (5) a succinct and clear statement of the reason for their call.

ATTACHMENT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. XX-XXXXX-CIV-WILLIAMS**

PARTY NAME,

Plaintiff(s),

vs.

PARTY NAME,

Defendant(s).

_____ /

SCHEDULE JOINTLY PROPOSED BY THE PARTIES

THIS MATTER is set for trial for the week of [Month, Day, Year]. The Parties propose to adhere to the following schedule:

[Month, Day, Year] The Parties shall furnish their initial disclosures pursuant to Fed. R. Civ. P. 26. The Parties are under a continuing obligation to furnish supplements within ten (10) days of receipt or other notice of new or revised information.

[Month, Day, Year] The Parties shall file motions to amend pleadings or join Parties.

[Month, Day, Year] The Plaintiff shall disclose experts, expert witness summaries and reports, as required by Federal Rule of Civil Procedure 26(a)(2).

[Month, Day, Year] The Defendant shall disclose experts, expert witness summaries and reports, as required by Federal Rule of Civil Procedure 26(a)(2).

[Month, Day, Year] The Parties shall exchange rebuttal expert witness summaries and reports, as required by Federal Rule of Civil Procedure 26(a)(2).

[Month, Day, Year] The Parties shall complete all discovery, including expert discovery.

[Month, Day, Year] The Parties shall complete mediation and file a mediation report with the Court.

[Month, Day, Year] The Parties shall file all dispositive pre-trial motions and memoranda of law.

[Month, Day, Year] The Parties shall file all motions to strike or exclude expert testimony, whether based on Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), or for any

another reason. If a favorable ruling on the motion(s) would be case dispositive, however, all such motions must be filed by the dispositive motion deadline.

[Month, Day, Year] The Parties shall each file one motion *in limine*. All motions *in limine* must be filed at least six (6) weeks before calendar call.

[Month, Day, Year] The Parties shall file their joint pretrial stipulation, witness lists, and exhibit lists in accordance with Local Rule 16.1(d) and (e). The Parties shall also file final proposed jury instructions or conclusions of law (for non-jury trials).

[Month, Day, Year] The Parties shall submit their deposition designations.

By: **[Attorney(s) for Plaintiff(s)]** **[Attorney(s) for Defendant(s)]**

