

## **Practices and Procedures for Civil Cases**

The Honorable Judge Kathleen M. Williams  
United States District Judge

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Mailing Address: Wilkie D. Ferguson, Jr. United States  
Courthouse  
400 North Miami Avenue  
Room 11-3  
Miami, Florida 33128

Courtroom: 11-3

Courtroom Anita Greer

Deputy:

Court Reporter: Patricia Sanders

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**Attachments**

Attachment A – Form for Joint Proposed Scheduling Orders

Attachment B – Form for Witness Lists

Attachment C – Form for Exhibit Lists

## **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](mailto: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 set 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**

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. 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.

C. 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.

D. 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.

E. 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 other than those relating to scheduling. 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 any motions to exclude expert testimony based on Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). However, if the Parties believe that their *Daubert* motion(s) would be case dispositive, they must be filed by the dispositive

motion deadline.

[Month, Day, Year]            The Parties shall file all motions *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)]**

**ATTACHMENT B**

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

PARTY NAME,

Plaintiff(s),

vs.

PARTY NAME,

Defendant(s).

\_\_\_\_\_ /

**[PARTY'S] WITNESS LIST**

PRESIDING JUDGE: Hon. Kathleen M. Williams						PLAINTIFF'S ATTORNEY	DEFENDANT'S ATTORNEY
TRIAL DATE(S):						COURT REPORTER	COURTROOM DEPUTY
PL F. N O.	DE F. NO .	LIVE or BY DEPOSI TION	DIRE CT (est. time)	CRO SS (est. time)	ADDRESS	DESCRIPTION OF WITNESS	EXHIBI T(S)


**ATTACHMENT C**

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

PARTY NAME,

Plaintiff(s),

vs.

PARTY NAME,

Defendant(s).

\_\_\_\_\_ /

**[PARTY'S] EXHIBIT LIST**

PRESIDING JUDGE: Hon. Kathleen M. Williams						PLAINTIFF'S ATTORNEY	DEFENDANT'S ATTORNEY
TRIAL DATE(S):						COURT REPORTER	COURTROOM DEPUTY
PLF. NO.	DEF. NO.	DATE OFFERED	OBJECTIONS	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS	WITNESS
