

Chambers of the Honorable Joan B. Gottschall
UNITED STATES DISTRICT COURT
219 South Dearborn Street – Suite 2356
Chicago, Illinois 60604
(312) 435-5640

September, 2014

Counsel and Parties:

The clerk of the court has been directed to provide you with the attached case management packet which contains important information about my pretrial case management procedures. Please read the attached materials carefully.

Please pay particular attention to the court's policies concerning the informal exchange of discovery and the court's requirement that counsel meet to fully explore settlement prior to the first scheduled status conference. It is the responsibility of plaintiff's counsel to set up this preliminary meeting and to ensure that opposing counsel obtains a copy of the attached case management packet. Informing opposing counsel that copies of this packet are available online is sufficient.

These policies and rules have been designed to facilitate the prompt, efficient, and equitable disposition of cases on my docket. The success of this court's trial procedures depends on your willingness to familiarize yourself with these materials and to act in conformity with them.

Joan B. Gottschall
United States District Judge

**HONORABLE JOAN B. GOTTSCHALL
CASE MANAGEMENT PACKET**

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I. FILING OF COMPLAINT AND INITIAL STATUS CONFERENCE

The district court's Local Rule 5.2(f) states that each pleading filed electronically must be accompanied by a paper copy provided for the judge within one business day. That paper copy must be delivered to chambers. It must be bound (not clipped), and any exhibits must be marked with tabs. Failure to comply with LR 5.2(f) will result in the imposition of a \$200.00 fine payable to the Clerk of the Court.

The court will set this case for status within approximately sixty days of the filing of the complaint. If, by the date of the scheduled status hearing, defendants have not been served, plaintiff should call the courtroom deputy (312-435-5641) and reset the status date. ***No status hearing should be held until the defendants have been served.*** At this initial status conference the parties will: (1) inform the court of the nature and scope of the case; (2) identify settlement opportunities; (3) inform the court whether they are willing to consent to the reassignment of the case to the assigned magistrate judge; (4) set the initial discovery parameters; and (5) schedule future conferences and (when necessary) motions.

To maximize the effectiveness of the scheduled status conference, the court requires that plaintiff's counsel schedule a preliminary meeting with opposing counsel, approximately fourteen days prior to the scheduled status conference, to explore fully early settlement opportunities and identify areas of agreement. The reciprocal discovery fourteen day clock begins to run at the time of the preliminary meeting. *See* Fed. R. Civ. P. 26(a). Plaintiff's counsel shall advise opposing counsel to review Judge Gottschall's civil case management packet which is located on the court's website at: <http://www.ilnd.uscourts.gov>.

The court recognizes that in some cases the scheduled status conference may take place before defendants have filed an answer to the complaint. However, the court expects all defendants who have been served to participate in this process regardless of whether they have filed an answer.

II. SCHEDULING AND SETTLEMENT CONFERENCES

After the initial status and scheduling conference, the court may hold scheduling and settlement conferences.

III. MOTION PRACTICE

Parties are advised that, unless directed by the court and with the exception of courtesy copies, the court does not allow parties to send letters directly to the court. Instead, parties must file and notice motions. Parties must deliver a paper copy of all motions, responses, replies, and other motion-related filings to the Judge's Chambers, Room 2356. *See* Northern District of Illinois Local Rule 5.2(f).

Parties who refuse to follow LR 5.2(f) (1) impermissibly shift the cost of litigation onto the court by forcing the court to print documents that should have been provided, (2) waste the court's scarce judicial resources by necessitating multiple follow-up phone calls, and (3) inconvenience the parties when the court is unaware of a filing that needs attention.

Therefore, any noncompliance with LR 5.2(f) will result in the imposition of a \$200.00 fine payable to the Clerk of the Court, 219 South Dearborn Street, 20th Floor, Chicago, Illinois 60604. This policy has been adopted by other judges in this district—*see, e.g.*, Appendix to the July 21, 2009 opinion in *Cooley v. Board of Education*, 09 C 2109, ECF No. 22, and is now adopted by this chambers.

A. Scheduling Motions

The court hears civil motions on Wednesdays and Fridays at 9:30 AM and criminal motions on Wednesdays at 10:00 AM. All motions must be filed by 4:30 PM on the third business day prior to the hearing date. Parties must file via the court's electronic filing system (CM/ECF) and are required to deliver a courtesy copy to the Judge's Chambers, Room 2356, by 4:30 PM on the third business day prior to the hearing date. Failure to meet the filing deadline or to deliver a courtesy copy to chambers will result in the motion being denied.

On agreed or routine motions, the court will post its rulings on a class sheet link, which is available on the Judge's web page @ www.ilnd.uscourts.gov the day prior to the scheduled hearing date. Unless the court has informed a party via the Call Sheet that it need not appear, counsel is expected to be present whether or not the motion is agreed.

B. Citations to Authority

Any citation to authority, whether to case law, statute, regulation, administrative opinion, or other material ***must be as specific as possible***. For example, a broad citation to *Tamayo v. Blagojevich*, 526 F.3d 1074 (7th Cir. 2008) is generally insufficient; that opinion spans 23 pages, and a citation to the entire opinion does little to focus the parties and the court on the specific authority that opinion provides. Therefore, a party citing *Tamayo* for the proposition that, in considering a motion to dismiss the complaint based on Federal Rule of Civil Procedure 12(b)(6), the court construes the complaint in the light most favorable to the plaintiff, should cite *Tamayo v. Blagojevich*, 526 F.3d 1074, 1081 (7th Cir. 2008).

C. Discovery Motions

1. Meeting Requirement

The court encourages the parties to work out discovery disputes and discourages the filing of discovery motions. Discovery disputes are normally resolved at a status call, motion call or pretrial conference without briefing. If the matter cannot be resolved without briefing, the court will set a briefing schedule.

With regard to the filing of motions for discovery and production of documents under Rules 26-37 of the Federal Rules of Civil Procedure, the court will not hear or consider any discovery motions unless the parties have complied with Northern District of Illinois Rule 37.2, which provides:

Motions for Discovery and Production. To curtail undue delay and expense in the administration of justice, this court shall hereafter refuse to hear any and all motions for discovery and production of documents under Rules 26 through 37 of the Federal Rules of Civil Procedure, unless the motion includes a statement (1) that after consultation in person or by telephone and good faith attempts to resolve differences they are unable to reach an accord, or (2) counsel's attempts to engage in such consultation were unsuccessful due to no fault of counsel's. Where the consultation occurred, this statement shall recite, in addition, the date, time and place of such conference, and the names of all parties participating therein. Where counsel was unsuccessful in engaging in such consultation, the statement shall recite the efforts made by counsel to engage in consultation.

In addition, in any case in which a Rule 37.2 consultation was had, the movant's 37.2 statement shall include a brief, non-argumentative description of the position taken by each party on each contested matter.

Counsel are advised that over broad discovery requests may be denied categorically, and over broad objections may be categorically overruled.

2. Depositions

Ordinarily, disputes should not arise during depositions. If counsel expect significant disputes to arise, they may schedule a deposition in the attorney and witness room at the courthouse, where the judge will be available to resolve disputes. When disputes arise during depositions outside the courthouse, counsel should place a conference call to chambers, and the court will, if available, rule on such disputes on the record over the telephone.

D. Extensions of Time

Any party seeking an extension of any date set by order of the court or by any court rule should file a written motion to extend the date *before* the scheduled date arrives. Parties who allow a scheduled date to lapse without action risk sanctions if the opposing party is forced to come into court to compel compliance with the schedule.

E. Final Pretrial Orders

The parties are to refer to Northern District of Illinois Local Rule 16.1 as well as the Northern District's Standing Order Establishing Pretrial Procedure for the form and content of the Final Pretrial Order.

F. Motions in Limine

Because the admissibility of evidence often turns on the context in which the evidence is introduced, the court generally defers ruling on evidentiary issues until trial. If, however, a pre-trial ruling on a particular issue would significantly narrow the scope of trial, or if the issue is particularly complex, then the parties may file a motion *in limine* seeking a ruling on that issue as part of the pretrial order.

Parties often abuse this practice. Rather than focusing their motions *in limine* on specific evidence, they instead seek broad advisory opinions on general topics that

may not even arise at trial. To ensure that the court's limited resources are not spent sorting through such motions, the court adopts the following rules for motions *in limine*:

1. Before filing any motions *in limine*, parties are required to meet and confer in an attempt to resolve their dispute;
2. Parties should not submit agreed motions *in limine* to the court; if they wish to make a formal record of what has been agreed, they may electronically file a brief list of stipulated matters as part of the pretrial order;
3. If the parties are unable to resolve a dispute, the motion *in limine* must state with specificity the evidence that is at issue and how they expect it to be introduced at trial; and
4. Parties wishing to file more than twelve motions *in limine* per side (including all discrete subparts) **must receive leave of the court before doing so.**

IV. DISCOVERY CUT-OFF DATES

All discovery should be commenced in time to allow a reasonable opportunity for a response prior to a scheduled discovery cut-off date.

V. CONSENT TO PROCEED BEFORE U.S. MAGISTRATE JUDGE

Too often litigants are unaware of the efficiencies to be gained by having their cases tried before United States Magistrate Judges. Magistrate judges, because they do not carry a felony criminal docket, are in a much better position than district judges to schedule and adhere to firm trial dates and can often provide a trial date more expeditiously. They are empowered to conduct both bench and jury trials and are experienced in doing so. The court ***strongly*** encourages counsel to inform their clients of this option, and to discuss it with opposing counsel. The magistrate judge consent form is available at:

<http://www.ilnd.uscourts.gov/PUBLIC/Forms/consent.pdf>. If the parties consent to proceed before a magistrate they can simply file the signed consent form via CM/ECF and the case will be reassigned.

VI. CRIMINAL MATTERS

Blanket motions to adopt other defendants' motions will not be accepted in criminal cases. Defendants may, however, file a motion to adopt a specific motion filed by a co-defendant. No objections to presentence reports, sentencing memoranda or position papers will be considered if filed out of time unless a motion to file late is made no less than one week prior to the date set for sentencing. Normally, failure to file these materials on time will require a postponement of the sentencing.

No sentencing or change of plea hearing will be continued until the courtroom deputy is notified of the need to change, in writing, at least seven days prior to the date set for hearing. Failure to comply with this standing order will result in counsel being sanctioned in the amount of \$100.00 payable to the Clerk of the Court, 219 South Dearborn Street, 20th Floor, Chicago, Illinois 60604.

VII. JURY MATERIALS

The court's materials include the juror question sheet and preliminary jury instructions. The juror question sheet is the only voir dire that will be asked unless lawyers provide additional questions with the final pretrial order (civil cases) or fourteen days in advance of trial (criminal cases).

Civil and criminal jury materials are available on Judge Gottschall's web page at <http://www.ilnd.uscourts.gov/JUDGES/GOTTSCHALL/jury.htm>.

A. Civil Trials

As a supplement to the Final Pretrial Order, fourteen days before the start of trial, plaintiff's counsel is required to provide the court with the following materials: (1) a brief, *agreed* statement of the case to familiarize the venire with the basic issues in the case; (2) a list of all parties, witnesses and involved parties to screen potential jurors who may have familiarity with individuals who will be involved in the case; and (3) a list of counsel who will be participating in the case.

A copy of any deposition transcript sought to be read at trial must be submitted to the court no less than fourteen days before the first day of trial. All material sought to be introduced by the plaintiff shall be bracketed in red. All material sought to be introduced by the defendant shall be bracketed in blue. Objections shall be listed on a separate sheet (with page and line number) with sufficient

detail provided so that a ruling can be made.

B. Criminal Trials

Fourteen days before the start of trial, counsel are required to provide the court with the following materials: (1) each party's proposed list of voir dire questions to supplement the Juror Question Sheet; (2) a brief, *agreed* statement of the case to read to the venire; (3) a list of all parties, witnesses, and involved parties to screen potential jurors who may have familiarity with individuals who will be involved in the case; (4) a list of counsel who will be participating in the case and any other persons who will be seated at counsel table. To the extent that the required lists of parties and witnesses and counsel cannot be fully prepared fourteen days in advance, they may be supplemented on the day of trial.

VIII. ALL TRIALS

The parties are responsible for clearing all exhibits and/or other materials from the courtroom after trial. Any materials left in the courtroom after the verdict has been returned will be destroyed.

IX. SUMMARY JUDGMENT MOTIONS

Judge Gottschall's Standing Order Regarding Motions for Summary Judgment are available online at Judge Gottschall's web page at: <http://www.ilnd.uscourts.gov>.