United States District Judge
Sarah E. Pitlyk

Chambers 16N

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JUDGE'S REQUIREMENTS

1. Local and Federal Rules

Many answers to frequently asked questions are contained in the Local Rules of the United States District Court for the Eastern District of Missouri, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Federal Rules of Evidence. Counsel is expected to know those rules and to follow them.

2. Self-represented Litigants

Self-represented litigants are expected to follow the Federal Rules of Civil Procedure, the Court's Local Rules, and these Requirements. The Court encourages self-represented litigants to consult the Court's website for additional information and resources: https://www.moed.uscourts.gov/self-represented-litigants-srl.

3. Rule 16 Conferences in Civil Cases

The Court typically sets Rule 16 conferences after all defendants have filed a responsive pleading. If the parties believe a conference should be held sooner, they should contact chambers to request an expedited conference.

Absent truly exceptional circumstances, lead counsel must appear for the Rule 16 conference. All attending counsel should be prepared to discuss the facts of the case and all other matters set out in the parties' joint scheduling plan.

4. Case Management Orders in Civil and Criminal Cases

Counsel should consult the Case Management Order (CMO) and refer to it throughout the case. If a party seeks to amend part of the CMO that cannot be amended by stipulation of the parties, *see* Fed. R. Civ. P. 29, that party must file a motion to amend the CMO **before** the applicable deadline. The moving party should solicit the consent of all other parties and include the term "unopposed" or "consent" in both the body and the title of the motion, as appropriate. *See infra* ¶ 10.

5. Sealed Documents

Local Rule 13.05 governs the filing of sealed documents in both civil and criminal cases. Counsel should review that rule carefully before filing a motion for leave to file under seal. The Court will deny motions that fail to comply with Local Rule 13.05 or these Requirements.

The Court expects counsel to provide a sufficient legal and factual basis to justify any sealing request. *See, e.g.*, *United States v. Swegan*, No. 4:21-cr-00255-SEP (E.D. Mo. Apr. 20, 2023) (sentencing); *LADS Network Sols. v. Agilis Sys., LLC*, No. 4:19-cv-00011-SEP, 2022 WL 4534432 (E.D. Mo. Sept. 28, 2022) (civil case).

6. Protective Orders

In civil cases, a proposed protective order that addresses filing materials under seal must require compliance with Local Rule 13.05.

7. Discovery Disputes

The Court urges all parties to negotiate resolutions to discovery disputes among themselves. If parties do not agree on a discovery-related matter, they must comply with the requirements set forth in Local Rule 3.04 before filing any discovery memorandum or motion. Any motion that fails to comply with that Rule or these Requirements will be denied without prejudice.

Local Rule 3.04 requires parties to meet and confer—which, unless a party is self-represented and incarcerated, means that the parties must *actually speak* to each other—in an attempt to resolve any discovery dispute. If the parties are still unable to reach an agreement without court intervention, they must **jointly** file a motion requesting a telephone conference with the Court. The motion must concisely summarize the parties' positions on the issue(s) in dispute and their efforts to achieve a resolution in **no more than three (3) pages**.

Any documents (e.g., discovery requests and/or objections) relating to a discovery teleconference should be emailed to Abby Ojolola at abby_ojolola@moed.uscourts.gov.

8. Alternative Dispute Resolution (ADR)

Parties are encouraged to undertake settlement negotiations at the earliest practicable point in the litigation. The Court will refer most civil cases to ADR. Most ADR referrals are for a 60-day period. Plaintiff's counsel will be designated as lead counsel for purposes of coordinating ADR. Lead counsel must work with opposing counsel to select a neutral. Counsel should consult the Court's website for general information regarding ADR, which includes a list of court-certified neutrals: https://www.moed.uscourts.gov/alternative-dispute-resolution-adr.

The parties must immediately notify the Court upon reaching a settlement.

9. Motions and Memoranda

All motions and memoranda must comply with Local Rule 4.01 as well as the procedures outlined in these Requirements.

Citations to the record must be consistent and easily understood and, whenever possible, include a CM/ECF docket entry number. The Court will not search the electronic record to find evidence for which the citation is insufficient. When filing numerous exhibits, after a CM/ECF docket entry number is assigned, the filing party should file an "Exhibit Key," identifying the docket entry at which each exhibit appears (e.g., "Exhibit AA appears at Doc. [22-27].").

Duplicative filings are prohibited. For example, if three defendants intend to move for summary judgment on the same or similar grounds, their counsel must coordinate to file a single motion for summary judgment, memorandum in support, and statement of uncontroverted material facts.

10. Unopposed Motions

A joint, unopposed, or consent motion should be so identified in both the body of the motion and its title in CM/ECF.

11. Extensions of Time

A party seeking an extension should confer with all other parties and note their positions in the body of the motion. The title of a motion seeking an extension should indicate if there have been prior requests, e.g., "Third Request for an Extension." An extension motion must cite and apply the applicable legal standard. *See, e.g.*, Fed. R. Civ. P. 6(b); Fed. R. Crim. P. 45(b). Consent of all parties is not sufficient.

12. Motions to Withdraw

Any motion to withdraw as counsel that will leave an individual unrepresented should be supported by an affidavit documenting the individual's consent. If the individual does not consent, then the attorney seeking to withdraw should request an ex parte hearing on the motion.

13. Electronic Filing

Counsel should convert any word-processed document into a .pdf document by printing or publishing to .pdf, not by manually scanning a paper copy. The former method generates searchable optical character recognition (OCR) text; the latter does not.

14. Courtesy Copies

For filings with twenty (20) or more pages total or ten (10) or more pages of exhibits, parties must provide courtesy copies to chambers. Courtesy copies should include no more than one motion per binding, and they should bear CM/ECF headers. Parties are encouraged to coordinate production of courtesy copies once a motion is fully briefed.

15. Courtroom Rules

a) **Advocates are expected to be thoroughly prepared for every proceeding. Counsel must make clients and witnesses aware of all courtroom rules**.

b) At all times, parties and advocates are expected to treat each other, Court personnel, and witnesses professionally and courteously.

c) Upon arrival, lead counsel should report to the Courtroom Deputy and introduce additional counsel, support staff, and parties. No advocate may speak in Court unless he or she has entered an appearance in the case.

d) Photographs, audio/video recordings, and broadcasting are prohibited in the courtroom. Laptops and tablets are not allowed except at counsel tables.

e) No one may eat, drink (except water), chew gum, or wear any audible device. **Cell phones and other electronic devices must be turned off and may not be used during a court proceeding unless specifically authorized in advance.**

f) Everyone must stand when the jury enters or exits the courtroom.

g) When speaking, counsel must stand and speak into a microphone.

16. Additional Sources of Information

- E.D.Mo. Local Rules
- The Federal Rules of Civil Procedure
- The Federal Rules of Evidence
- The Federal Judiciary Homepage
- The Federal Judicial Center
- The U.S. Sentencing Commission