Oral Argument on Motions

Judge Arterton determines whether to hear oral argument on a case-by-case basis, although she generally hears oral argument in bankruptcy appeals.

Referral to Magistrate Judges/Special Masters

Magistrate Judge Margolis is paired with Judge Arterton. Judge Arterton does not often refer dispositive motions to Magistrate Judge Margolis, but she does refer the majority of discovery disputes and most pre-judgment remedy hearings to her. She does not usually use magistrate judges for settlement conferences until late in the proceedings. The settlement conference with Magistrate Judge Margolis generally serves as the final settlement conference in the matter.

Judge Arterton actively uses the special masters panel.

Rulings from the Bench

Judge Arterton occasionally rules from the bench. The quality of parties' briefing affects the court's ability to rule promptly.

26(f) Reports

Judge Arterton places a great deal of emphasis on 26(f) Reports. She requires 26(f) Reports in every case and will not set scheduling orders without them. She also uses them to determine a trial-ready month, which is ordinarily about eighteen months from filing. If she has not received a Rule 26(f) Report within the time required by the rules, a notice is automatically generated by her courtroom deputy for failure to comply.

Resolution by Conference Call

Requests for temporary restraining orders or preliminary injunctions are scheduled for a telephone conference at the earliest possible opportunity to determine whether discovery is required and to encourage the parties to combine the preliminary injunction hearing with an expedited trial on the merits.

Though Magistrate Judge Margolis handles most discovery disputes, Judge Arterton will initiate a telephone resolution for those disputes that would otherwise be unreasonably delayed by formal motion procedures. Judge Arterton holds counsel to standards of professional reasonableness in objections and will impose sanctions for unreasonableness or obstruction tactics.

Sur-reply Briefs

Judge Arterton does not usually allow sur-reply briefs.

Letter Briefs

Judge Arterton does not consider letter briefs appropriate, but she does encourage letters requesting status, scheduling or settlement conferences, or correspondence referencing new cases relevant to pending motions.

Citation References

Judge Arterton prefers that parties citing unreported cases use the Westlaw citation when available. Parties should include courtesy copies of any unreported cases relied on in their filings.

Chambers' Copies

Judge Arterton requires courtesy copies of all pleadings in excess of two pages. Any courtesy copies in excess of 20 pages shall be bound (three ring binder is acceptable) and all exhibits to briefing must be tabbed. All courtesy copies must be ECF stamped.

Motions for Extension of Time

While Judge Arterton grants reasonable extensions of time for good cause shown, she rarely grants a motion for extension of time affecting the trial-ready date. She grants continuances rarely and reluctantly. She takes the scheduling order seriously and will not grant extensions of time merely because the parties agree to such extensions. She does not, for example, consider a busy schedule the kind of good cause contemplated by the Local Rules for an extension of time.

Motions for Reconsideration

Judge Arterton accepts parties' motions for reconsideration that remain within the narrow parameters specified for reconsideration.

Special Proceedings

Judge Arterton usually refers pre-judgment remedy hearings to Magistrate Judge Margolis. Requests for temporary restraining orders or preliminary injunctions are scheduled for a telephone conference at the earliest possible opportunity to determine whether discovery is required and to encourage the parties to combine the preliminary injunction hearing with an expedited trial on the merits.

Joint Trial Memoranda

Judge Arterton uses the standard joint trial memorandum, but supplements it for bench trials. She requires detailed proposed findings of fact, conclusions of law, and *voir dire* on disk, with references to supporting exhibits and witnesses because she does not permit post-trial briefing. She prefers to handle objections to exhibits or witnesses prior to trial, and, if possible, rules on motions *in limine* at the pretrial conference.

Dispositive Motions

Judge Arterton does not permit dispositive motions until there has been a pre-filing conference. However, a motion for pre-filing conference tolls the deadline for filing.

At the pre-filing conference, the plaintiff may be permitted to amend the complaint to address issues that would otherwise be subject to a motion to dismiss. However, if the plaintiff chooses not to amend and a motion to dismiss is granted, Judge Arterton ordinarily will not grant leave to amend. If a motion to dismiss challenges jurisdiction and/or venue, Judge Arterton will schedule brief discovery for those issues at the pre-filing conference.

With respect to summary judgment motions, Judge Arterton uses the pre-filing conference to determine whether the case is appropriate for mediation before resources are expended on briefing. She also finds that the pre-filing conference discourages the filing of questionable summary judgment motions. In bench trials, she discourages the filing of separate summary judgment motions and instead encourages the parties to make their claims in the joint trial memorandum, particularly where the intended motion is only for partial summary judgment.

Discovery

Judge Arterton refers most discovery disputes to Magistrate Judge Margolis, although she will be available for emergency circumstances, such as a deposition impasse with out-of-state deponents.

Settlement

Judge Arterton does not use Magistrate Judge Margolis for settlement conferences until late in the proceedings. The settlement conference with Magistrate Judge Margolis generally serves as the final settlement conference in the matter.