

**RENÉE MARIE BUMB
CHIEF UNITED STATES DISTRICT JUDGE**

INDIVIDUAL RULES AND PROCEDURES

Chambers

United States District Court
District of New Jersey
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Unless otherwise ordered, the following rules and procedures apply to all matters before this Court:

I. Civil Motion Practice

A. Pre-Motion Conference

In an effort to resolve cases expeditiously, before filing a motion to dismiss, motion for a more definite statement, motion to remand, motion for change of venue, motion for judgment on the pleadings, or, in certain cases specifically identified by the Court, motion for summary judgment, a party must submit a letter, not to exceed three (3) single-spaced pages, requesting a pre-motion conference. The letter must set forth the basis for the anticipated motion and include citations to relevant authority. Within five (5) business days after receipt of this letter, all adversaries must submit a written response, not to exceed three (3) single-spaced pages. No party may submit a reply letter unless directed by the Court. Affidavits and exhibits are not permitted unless directed by the Court. A proffer by the attorney, however, of the contents of any such affidavit(s) and/or exhibit(s) shall suffice.

The Court will attempt to resolve the dispute(s) at a pre-motion conference (in person or via telephone/videoconference), to the extent possible. If the dispute cannot be resolved at the pre-motion conference (or if the Court determines that a conference would not be helpful), the moving party may proceed with filing its motion. To be clear, this procedure does not preclude a party from filing any of the above motions pursuant to Local Civil Rule 12.1 (or Local Civil Rule 56.1, where applicable). Rather, the Court hopes to use this procedure to advance the case efficiently and minimize the costs of litigation to the parties.

In addition, compliance with this procedure shall not be deemed a waiver of any parties' defenses as to lack of personal jurisdiction, improper venue, insufficient process, or insufficient service of process.

A party's submission of a pre-motion letter will toll that party's time to file its motion (or answer) through (i) the date of the pre-motion conference or (ii) the Court's decision not to conduct such a conference. If the Court determines that a pre-motion conference would not be helpful and instructs a party to proceed with filing its proposed motion without a conference, that party shall have an additional five (5) business days to file its motion after its deadline pursuant to Federal Rule of Civil Procedure 12(a) (or Federal Rule of Civil Procedure 56(b), where applicable), unless additional time is so stipulated or the Court so orders.

This letter exchange does not apply in cases in which either side is *pro se* or in bankruptcy or social security appeals.

B. Motion Days and Oral Argument

The only purpose of a motion's return date or "motion day" is to determine the briefing schedule for that motion. The Court generally will not hear oral argument on the motion's return date. Rather, if the Court decides to hear oral argument on any issue, it will advise counsel of the argument date. *See* L. Civ. R. 78.1(b) ("All motions and other applications will be decided on the papers submitted unless: (1) a party requests oral argument and the request is granted by the Judge; or (2) the Court, *sua sponte*, directs that oral argument be held.").

C. Adjournments

All requests for adjournments or extensions of time, other than those pursuant to Local Civil Rule 7.1(d)(5), must comport with Local Civil Rule 6.1 and include: (1) the date or dates sought to be extended; (2) the number of previous requests for extensions and the Court's rulings; (3) the reason for the current request; and (4) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent. If consent is unreasonably withheld, the Court may impose attorneys' fees and costs. If the requested extension affects any other scheduled dates/deadlines, the request must list the proposed change for all such other dates/deadlines.

D. Exhibits

To the extent any party submits exhibits to support a motion, such exhibits shall be clearly labeled, dated, tabbed, and indexed. The Court may strike a party's submission for failure to comply with this rule. *See also infra* Section II.D.

E. Summary Judgment

1. Statements of Material Fact

Chief Judge Bumb requires strict compliance with Federal Rule of Civil Procedure 56 and Local Civil Rule 56.1 in seeking or opposing summary judgment. A motion for summary judgment must be accompanied by a separately filed statement of material facts. Each fact must include a citation to the record evidence with a pin cite that supports that fact. Facts without citation to record evidence may be disregarded by the Court.

If a summary judgment motion is opposed, the opposing party shall set forth, in a separately filed document, each paragraph of the moving party's statement of material facts. Directly below each paragraph, the opposing party shall denote whether that fact is disputed or undisputed. If the fact is disputed, the opposing party must include a citation to record evidence with a pin cite that supports the dispute. Any explanation must include a citation to record evidence with a pin cite. The opposing party shall not include legal argument or extraneous detail outside the scope of the moving party's statement.

In addition to filing a responsive statement of material facts, the opposing party may submit a separately filed supplemental statement of material facts setting forth any relevant facts in support of its position, which the moving party shall respond to in turn. The Court may ignore a supplemental statement of material facts if it fails to include citation to record evidence.

If a party fails to comply with these rules, the Court will likely strike that party's submission.

2. Patent Cases

Chief Judge Bumb does not permit the filing of summary judgment motions in ANDA patent cases. A party may, however, submit a letter to the Court, not to exceed three (3) single-spaced pages, seeking a waiver of this rule if the party believes that a summary judgment motion would assist the Court in expeditiously resolving the case and would resolve more than mere tangential issues. The letter must set forth the basis for the proposed motion for summary judgment, with citations to relevant authority, and the issue(s) expected to be resolved by the motion. Within five (5) business days after receipt of this letter, all adversaries must

submit a written response, not to exceed three (3) single-spaced pages. No party may submit a reply letter unless directed by the Court.

II. Submissions

A. Electronic Submissions (CM/ECF)

All parties, with the exception of *pro se* parties, shall file all documents, in both civil and criminal matters, electronically via CM/ECF. All papers electronically submitted shall, to the extent possible, be submitted in a text-searchable PDF format.

B. Pro Se Filings

Parties appearing *pro se* must file all documents, applications, and motions directly with the Clerk's Office. *Pro se* parties are strongly encouraged to consent to receive documents and notices electronically and may, with good cause, be ordered to do so.

C. Proposed Orders

If any relief is being sought, a proposed order must accompany the party's submission.

D. Courtesy Copies and Exhibits

Unless otherwise directed by the Court, the parties shall provide one (1) courtesy copy of their supporting briefs only; courtesy copies of all exhibits and other supporting papers shall be filed electronically on CM/ECF only. Exhibits shall be clearly labeled. Exhibits shall be separately filed as related attachments to the document they support (i.e., a declaration/certification summarizing the exhibits). Exhibits shall not be compiled into a single PDF unless that PDF properly hyperlinks and bookmarks the location of each exhibit within that PDF. The Court will strike electronic submissions that fail to comply with this rule.

III. Communications with Chambers

A. Telephone Calls

Please do not contact Chambers with legal or procedural questions that are covered by these Rules, the Local Rules of this Court, or the Federal Rules of Civil or Criminal Procedure.

B. Fax and E-Mail

Chambers does **not** accept fax or e-mail.

C. Letters

All communications with Chambers shall be by letter electronically filed via CM/ECF. No hard copies or courtesy copies of letters shall be delivered to the Court. *Pro se* parties are exempt from this requirement.

D. Docketing, Scheduling, or Calendar Matters

For docketing, scheduling, or calendar matters, please contact Courtroom Deputy Art Roney at (856) 757-5014 between 9:00 a.m. and 4:00 p.m.

IV. **RICO Cases**

In all matters in which the complaint contains a RICO claim, pursuant to 18 U.S.C. §§ 1961–1968, the plaintiff(s) must file a RICO Case Statement within thirty (30) days of filing the complaint, in accordance with Appendix O of the Local Rules & Appendices found at: <http://www.njd.uscourts.gov/LocalRules.html>.

V. **Class Action Cases**

It is the Court's practice to conduct a preliminary settlement approval hearing in advance of the final settlement approval hearing required by Fed. R. Civ. P. 23(e). At the preliminary approval hearing the parties shall be prepared to address, in a reasonably comprehensive manner, all of the factors the Court will consider at the final approval hearing, including but not limited to the factors enumerated in Fed. R. Civ. P. 23(e), *Girsh v. Jepsen*, 521 F.2d 153, 157 (3d Cir. 1975), and *In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions*, 148 F.3d 283, 323 (3d Cir. 1998).

VI. **Trials**

A. Pre-Trial Briefs or Proposed Findings of Fact and Conclusions of Law, and *In Limine* Motions

Once the Joint Final Pretrial Order has been filed, each party shall submit its pre-trial brief or its proposed findings of fact and conclusions of law, and any *in limine* motions, at least three (3) weeks before the start of trial. Any responsive papers shall be submitted at least two (2) weeks before the start of trial. Exceptions to this rule must be approved by the Court. Failure to adhere to this

rule may result in an adjournment of the trial with imposition of attorneys' fees and costs to the offending party(ies).

B. Jury Selection

1. Jury Questionnaire

Counsel for all parties must confer with each other prior to trial and submit a joint jury questionnaire three (3) weeks before trial in hard copy form, accompanied by a USB drive containing an electronic version of the questionnaire, in Word format. Any additional or contested proposed questions that could not be agreed upon by the parties should be submitted by the propounding party to the Court at the same time. Exceptions to this rule must be approved by the Court. Failure to adhere to this rule may result in an adjournment of the trial with imposition of attorneys' fees and costs to the offending party(ies).

2. Juror Voir Dire

At the beginning of the trial, prospective jurors will complete the juror questionnaire. Chief Judge Bumb conducts *voir dire*, and any follow-up questions will be asked at sidebar.

3. Challenges for Cause and Peremptory Challenges

Challenges for cause and any *Batson* challenges will be heard at sidebar. Peremptory challenges are exercised in writing with counsel marking challenges on a sheet presented to them by the Courtroom Deputy. Peremptory challenges are exercised in turn, with each side exercising one round of challenge(s) at a time. In the event there are two passes in succession, the process ends. A pass is otherwise considered a forfeited peremptory challenge. Chief Judge Bumb will announce any jurors that are excused.

C. Jury Charges

Counsel for all parties must confer with each other prior to trial and submit joint requests to charge three (3) weeks before trial in hard copy form, accompanied by a USB drive containing an electronic version of the charges, in Word format. Any additional or contested proposed charges that could not be agreed upon by the parties should be submitted by the propounding party to the Court at the same time.

Chief Judge Bumb does not charge the jury on substantive matters at the beginning of trial or mid-trial but will generally charge the jury before counsel make their closing arguments. She provides jurors with a written copy of the jury charge. Counsel are to delineate in their submissions charges they wish to be given before trial, including a joint preliminary statement of the case, and charges they wish to be given at the close of trial. Counsel shall cite to the applicable authority for each proposed charge. Exceptions to this rule must be approved by the Court. Failure to adhere to this rule may result in an adjournment of the trial with imposition of attorneys' fees and costs to the offending party(ies).

D. Verdict Sheet

Counsel for all parties must confer with each other prior to trial and submit a joint verdict sheet three (3) weeks before trial in hard copy form, accompanied by a USB drive containing an electronic version of the verdict sheet, in Word format. If counsel cannot agree on a joint verdict sheet, counsel shall separately submit proposed verdict sheets in the same manner. Exceptions to this rule must be approved by the Court. Failure to adhere to this rule may result in an adjournment of the trial with imposition of attorneys' fees and costs to the offending party(ies).

E. Trial Exhibits

Each party shall submit a list of pre-marked exhibits and a witness list, including the name and address (city and state only) of each potential witness, one (1) week prior to trial. All trial exhibits must be pre-marked in accordance with each party's exhibit list. The parties shall not send courtesy copies of trial exhibits unless the Court requests them. Counsel shall retain custody of their trial exhibits until closings. Chief Judge Bumb does not send weapons, narcotics, currency and the like into the jury room. If jurors wish to see such an exhibit during deliberations, they are permitted to do so in the emptied courtroom with only a United States Marshal or Courtroom Security Officer present. The prosecuting attorney and/or investigating agency is generally required to maintain custody of exhibits such as weapons, narcotics, or currency during trial.

F. Deposition Designations

If a party anticipates introducing deposition testimony at trial, then such deposition designations, and any evidentiary objections thereto, must be submitted to the Court no later than two (2) weeks before trial. A party's failure to comply with this rule may result in the Court precluding a party from using

deposition testimony at trial. Thus, the Court strongly encourages the parties to meet-and-confer on deposition designations and objections with sufficient time to comply with this rule.

G. Juror Note Taking

Chief Judge Bumb allows juror note taking in most cases.

H. Juror Questioning

Chief Judge Bumb does not permit jurors to submit questions to the Court to be posed to witnesses.