

**JUDGE JEFFREY M. BRYAN**  
Practice Pointers and Preferences

**I. General**

- A. Parties, attorneys, and their staff shall contact Judge Bryan's chambers through his Courtroom Deputy at **bryan\_chambers@mnd.uscourts.gov**. Parties should not contact Judge Bryan's law clerks about any case-specific matters.
- B. The Court will deny requests, strike pleadings, and disregard documents that do not comply with the Practices Pointers and Preferences set forth below.
- C. Please note that some of the Practice Pointers and Preferences set forth below depart from certain practices and procedures required by the Local Rules.

**II. Scheduling and Filing Civil Motions**

- A. Judge Bryan follows and enforces the deadlines for the response and reply briefs established in Local Rule 7.1, except as noted below. Motions to alter the deadlines for response and reply briefs are strongly discouraged and will be denied absent exceptional circumstances. Likewise, requests to enlarge the word limit set forth in Local Rule 7.1(f) are disfavored.
- B. Parties wishing to file a dispositive motion must follow these procedures:
  - 1. The moving party must first email Judge Bryan's Courtroom Deputy, copying opposing counsel, to request a hearing date. Because it can take a few days to determine the most convenient date for any necessary hearing, the moving party should contact the Courtroom Deputy no less than 10 days before any deadline for filing the motion.
  - 2. When contacting chambers, parties shall advise the Courtroom Deputy of the following: (1) the nature of the motion to be filed; (2) whether there are any other motions pending in the case and in any related cases; (3) if the party intends to file a summary judgment motion, the party must ascertain whether any other party intends to bring a cross-motion and inform the Courtroom Deputy accordingly; (4) whether the party requests the motion be decided without a hearing; and (5) any additional information the Courtroom Deputy would need to have when scheduling the filing date and the hearing date.
  - 3. The Courtroom Deputy will provide the moving party with two important dates: (1) a date for filing the motion and brief in support of the motion, which is typically **49 days** prior to the motion hearing; and (2) a date for the motion hearing. The Courtroom Deputy will offer available options for the motion hearing date, and the parties shall

confer amongst themselves regarding these options and jointly advise the Courtroom Deputy which option or options they jointly prefer.

4. Parties must file the **notice of hearing** and the **meet-and-confer statement** separately from the other motion documents listed in Local Rule 7.1(c)(1); those two documents can be filed at any time after the Courtroom Deputy provides the moving party with the filing date and the hearing date. Filing of the notice of hearing and the meet-and-confer statement will satisfy the deadline for a motion that is set forth either by the Federal Rules of Civil Procedure or a pretrial scheduling order.
  5. The moving party shall file **the remaining supporting documents** listed in Local Rule 7.1(c)(1) on the filing date provided by the Courtroom Deputy. Parties need not email editable copies of proposed orders unless directed to do so by the Courtroom Deputy.
- C. Parties wishing to file a motion for summary judgment prior to the close of discovery must request permission to do so by emailing Judge Bryan's Courtroom Deputy. If the Court grants the request, the Courtroom Deputy will notify the party of a filing date and the Court will schedule a hearing in accordance with the procedures set forth above.
- D. Parties wishing to file *Daubert* motions should understand that there are generally two types of *Daubert* motions.
1. One type of *Daubert* motion can, if successful, eliminate a claim or a defense. These should be brought simultaneously with the corresponding summary judgment or other dispositive motion. Further, this type of *Daubert* motion and the corresponding dispositive motion are treated as a single motion for purposes of the word limit set forth in Local Rule 7.1(f). If a party seeks to file multiple *Daubert* motions, they will be treated, together with the dispositive motion, as a single motion for purposes of the word limit set forth in Local Rule 7.1(f).
  2. The other type of *Daubert* motion would not eliminate a claim or a defense. These should be brought as a motion in limine in accordance with the trial order.
- E. Parties wishing to file a motion for expedited injunctive relief under Federal Rule of Civil Procedure 65 and Local Rule 7.1(d) must first file and serve the motion, and thereafter email Judge Bryan's Courtroom Deputy.
1. The Court will strike motions that fail to: (1) specify in the title and text of the motion whether the motion is brought under Rule 65(a) or Rule 65(b); (2) indicate in the body of the motion whether the moving party seeks to present witness testimony at an evidentiary hearing;

- (3) include a detailed list of all relief requested; (4) provide citation to supporting facts in the record (submitted either by verified complaint or affidavit).
2. In the post-filing email to Judge Bryan's Courtroom Deputy, the moving party must provide complete contact information for all other parties.
  3. After the motion is filed, the Court will review the motion to determine the following: (1) whether the motion falls under Rule 65(a) or Rule 65(b); (2) a briefing and hearing schedule; and (3) whether to permit live testimony at any scheduled hearings.
  4. In some cases, the Court will also require the parties to conduct an expedited conference with the assigned Magistrate Judge to discuss the requested relief and potential interim relief.
- F. Parties seeking to file consent judgments and consent decrees should understand that these types of orders are not necessary in most civil disputes between private parties. Rather, they are properly utilized when the Court has cause to retain a role in the execution of a settlement agreement, such as when the settled disputes involve important matters of public interest. Proposed consent decrees and consent judgment should be accompanied by legal authority and argument establishing the consent judgment's fairness, reasonableness, and consistency with governing law.

### **III. Written Submissions in All Cases**

- A. Unless otherwise directed, Judge Bryan does not require courtesy copies of motion filings unless specifically requested. Judge Bryan may request courtesy copies when briefing is extensive and/or is accompanied by voluminous exhibits.
- B. Requests to enlarge page- or word-count limits must be made in the form of a motion filed on ECF. Such requests must be made at least 7 days in advance of a filing deadline. As noted above, such requests are disfavored.
- C. When submitting depositions or other transcripts as exhibits to a filing, parties shall file complete transcripts.
- D. If exhibits are attached to a filing, each exhibit shall be filed separately as an attachment to the filing on ECF. Please do not file multiple exhibits as a single attachment.

#### **IV. In-Person Court Proceedings**

- A. Be on time. Please try to arrive at least 15 minutes prior to the scheduled hearing.
- B. Judge Bryan typically provides each side with 15 minutes for oral argument on motions. If multiple motions will be heard in one hearing, the Court may adjust its standard time allotment. Parties seeking additional time should request permission for an extended argument by emailing the Courtroom Deputy at least 7 days in advance of the hearing.
- C. Case law not in the briefing but presented at or after a hearing must be furnished to opposing counsel prior to submission to the Court.
- D. If a party intends to rely on presentation slides or other visual aids during a hearing or at trial, the party shall provide one electronic copy of the materials to opposing counsel at least 7 days in advance of the hearing. In addition, the party shall provide a courtesy copy of the materials to the Court at least 7 days in advance of the hearing by emailing the Courtroom Deputy and attaching any materials in pdf format.
- E. Please become familiar with courtroom technology before using it. More information can be found at <https://www.mnd.uscourts.gov/courtroom-technology>. To ensure adequate preparation, parties may email the Courtroom Deputy and request time to use the courtroom in advance of the proceeding.
- F. Judge Bryan encourages parties to find opportunities for newer attorneys to present at motion hearings and during trial. To accommodate this preferred practice, Judge Bryan will allow for bifurcated arguments and for more experienced attorneys to provide assistance to newer attorneys during their presentations to the Court.

#### **V. Criminal Proceedings**

- A. Attorneys of record for the Government are responsible for ensuring prosecutions are brought to trial in compliance with the requirements of the Speedy Trial Act.
- B. Attorneys of record for the Government are expected to file any discovery motions as soon as possible after initial appearance.
- C. In all criminal cases, the parties must meet and confer after resolution of all dispositive pretrial motions, whether resolved by court order or by attorney notice of decision to withdraw or not to file any dispositive pretrial motions.
  - 1. Within 7 days of resolution of these pretrial matters, the Government

must file one of the following two documents: (1) a joint motion for exclusion of time, with accompanying statement of reasons; or (2) a status letter confirming that the parties are in agreement that no exclusion of time is necessary, that they will be prepared for trial as currently scheduled, and indicating the estimated length of the trial.

2. In the event that the parties do not reach an agreement concerning whether an exclusion of time is proper, the party requesting the exclusion of time shall file a motion for exclusion of time with accompanying statement of reasons within 7 days of the resolution of pretrial motions.
- D. If the parties reach a plea agreement, they shall contact the Courtroom Deputy by email, attaching a draft written plea agreement and requesting a date for the change of plea hearing. Disagreements as to the applicability of a basis to depart from the Guidelines range and disagreements concerning the calculation of the applicable Guidelines range should be noted in the written plea agreement.
  - E. In the event that a defendant wishes to plead guilty, but the parties are not able to memorialize the agreement in writing, the parties must request a status conference before scheduling the change of plea hearing. In addition, prior to the status conference, attorneys of record for the Government shall file a Statement of the Case, which shall include the following: (1) a statement of facts setting forth the factual basis underlying each essential element of the offense; (2) a separate statement of facts concerning any facts necessary for determination of the applicable Guidelines sentence, but not necessary to establish the essential elements of the offense; (3) a detailed explanation of the parties' respective positions concerning calculation of the applicable Guidelines range; and (4) if the defendant is not pleading guilty to every count in the indictment, the Government's position on whether it will move to dismiss these remaining counts at the sentencing hearing.
  - F. Parties preparing for a sentencing hearing shall notify the Courtroom Deputy prior to the sentencing hearing if they anticipate presentation of witness testimony or if any victims plan to address the Court at the hearing.
  - G. Judge Bryan typically meets with the probation officer 15 minutes prior to sentencing hearings and occasionally will conduct a brief status conference with the attorneys in chambers prior to the sentencing hearing.
  - H. The Court prefers that all proposed conditions of supervised release be provided to the defendant in advance of the sentencing hearing. Counsel for the defendant must review these proposed conditions with the defendant prior to the sentencing hearing. Should the defendant choose to waive any right the defendant may have to being advised of each and every condition of

supervised release on the record at the sentencing hearing, the Court will proceed by waiver and forego reading the conditions of supervised release into the record.

## **VI. Trial**

- A. In criminal cases, Judge Bryan will issue a trial notice that provides detailed instructions and deadlines approximately four weeks prior to the start of trial.
- B. In civil cases, Judge Bryan will issue a trial notice that provides detailed instructions and deadlines approximately five months prior to the start of the trial.
- C. Judge Bryan will typically rule on motions in limine after the pretrial conference. Parties may request that Judge Bryan address particular motions in limine separately or prior to the pretrial conference, especially when those motions would alter the time and expense of trial preparation.
- D. Parties are required to meet and confer in advance of trial in order to jointly submit proposed trial documents and stipulate to the admission of as many exhibits as possible.
- E. Attorneys must seek and obtain written permission from Judge Bryan if they wish to contact jurors after trial.