

**JUDGE LAURA M. PROVINZINO**  
**PRACTICE POINTERS AND PREFERENCES**  
November 2024

*Contact with Chambers*

- Parties, attorneys, and their staff should contact Judge Provinzino's courtroom deputy regarding pending cases at [provinzino\\_chambers@mnd.uscourts.gov](mailto:provinzino_chambers@mnd.uscourts.gov).
- Judge Provinzino's courtroom deputy will not give legal advice but will answer questions about Judge Provinzino's policies and preferences.
- Parties should not contact Judge Provinzino's law clerks concerning any case-specific matters.

*Motion Practice*

- Judge Provinzino schedules motion hearings after the motion is filed. The courtroom deputy will generally email the parties with a suggested date when the court is ready to schedule the hearing. Judge Provinzino prefers to hold hearings no sooner than two weeks after the briefing is completed unless an expedited proceeding is requested and granted. Given this process, the moving party should indicate that the date and time of the hearing is "TBD" in its Notice of Hearing.
- Parties who file a motion in lieu of an answer (such as a motion to dismiss under Fed. R. Civ. P. 12(b)(6)) will be contacted by chambers to schedule the hearing if one is necessary.
- Parties may not file a motion for summary judgment prior to the close of discovery unless they have sought and received permission from the Court by emailing Chambers. Parties seeking such permission should submit a letter of no more than three pages succinctly stating the relief sought; whether it is fully or only partially dispositive; whether the request for early consideration of summary judgment is opposed; and the reason the motion should be considered before the close of discovery. Only upon the Court's request may a party opposing such relief submit a responsive letter of similar length. Denial of a request for permission to file an early dispositive motion should not be taken as an indication of the Court's view about the merits of the proposed motion.

- Parties seeking an expedited hearing, such as a Temporary Restraining Order, should file their motion and accompanying pleadings. They should then serve the motion on the other party and email the courtroom deputy to provide contact information for all parties. The Court will provide a hearing date and briefing schedule after reviewing the motion.
- Motions to remand, to transfer venue, and to compel arbitration are to be briefed as dispositive motions under the Local Rules and will be heard by Judge Provinzino. In addition, *Daubert* and *Markman* motions are treated like dispositive motions and will be heard by Judge Provinzino.
- The scheduling of *Daubert* motions varies depending on the nature of the motion.
  - Sometimes a party seeks to bring a *Daubert* motion in connection with a dispositive motion. Generally, the party argues that the testimony of an expert witness should be excluded and that, without such testimony, a claim or defense of the opposing party must be dismissed. This type of *Daubert* motion should be brought contemporaneously with the dispositive motion, and both the *Daubert* motion and the dispositive motion should be addressed in the same memoranda. For purposes of the word-count limit in Local Rule 7.1(f), the *Daubert* motion and the dispositive motion are treated as a single motion.
  - Sometimes a party seeks to bring a *Daubert* motion that will exclude the anticipated trial testimony of an expert witness but that will not eliminate the need to try a claim or defense. This type of *Daubert* motion should be brought as a motion in limine.
- TROs, preliminary injunctions, and *Daubert* motions are typically handled without witness testimony. If a party intends to present witness testimony at such a hearing, the party must notify the Court and the opposing party and provide witness and exhibit lists as soon as possible but no later than three court days before the hearing.
- If the parties agree that a motion can be decided on the papers without a hearing, they should file a Notice of Hearing indicating that agreement. Judge Provinzino may still decide to hold a hearing following the completion of briefing if she feels it would be beneficial.

### *Written Submissions*

- Parties must adhere to the word-count and page limits set forth in the Local Rules. Motions to enlarge the word-count limit are disfavored. Such requests must be filed at least three court days in advance of the filing of the subject brief in accordance with Local Rule 7.1(f)(1)(D). The brief should not be filed unless and until the request is granted.
- If possible, the parties should submit filings and exhibits that are searchable.
- Judge Provinzino does not require courtesy copies of motion filings unless specifically requested.
- Digital media should be provided on a data storage device (such as a thumb drive or external hard drive) and delivered to the Clerk's Office.
- If exhibits are attached to a filing, each exhibit should be filed separately as an attachment to the filing on ECF. Including a brief description of the filing on ECF is very helpful to the Court.
- Parties should pay particular attention to the Local Rules and ECF rules when filing sealed and redacted documents to ensure protection of certain information.

### *In-Court Proceedings*

- Be on time. Try to arrive at least 15 minutes before the hearing is scheduled. Judge Provinzino begins hearings at the scheduled time. Hearings are in person unless otherwise indicated. Requests for hearings by remote videoconference may be made to the courtroom deputy but will not routinely be granted absent good cause.
- Double-check the location of the hearing in advance. Judge Provinzino is currently located in the St. Paul courthouse, though she may on occasion hold hearings in other courtrooms or courthouses.
- Observe formal decorum in the courtroom. Stand at the podium and formally address the Court so that Judge Provinzino and her court reporter will have no difficulty hearing you and an accurate record of the proceeding can be made. Judge Provinzino expects that the parties act with civility toward each other and the Court.

- Judge Provinzino carefully reads the briefs before oral argument, so keep that in mind when preparing for the hearing. Judge Provinzino will not use oral argument to listen to attorneys summarize what is in the briefs; instead, she will use oral argument to engage in a back-and-forth discussion of the case with the attorneys. Counsel should be prepared to answer detailed questions about the case, including questions about the evidence in the record.
- Judge Provinzino generally does not place time limits on the attorneys at oral argument but no more than 15 minutes per side is a good benchmark. Oral argument may be extended at the direction of Judge Provinzino.
- Given the focus of the motion hearing as a discussion between Judge Provinzino and the attorneys, a party may not use PowerPoint to summarize or restate arguments or to add new arguments or evidence. A party may use PowerPoint to examine or highlight a particular portion of the record, such as the language of a contract or a photograph of a product at issue.
- If a party plans to use PowerPoint or other visual aids during a hearing, the party should provide an electronic copy to opposing counsel at least one court day in advance of the hearing. In addition, the party should provide a copy to the Court one court day in advance of the hearing by emailing the courtroom deputy a copy. There is no need to provide copies of visual aids that have already been filed as exhibits with the motion.
- Please become familiar with courtroom technology before using it. Information can be found at <https://www.mnd.uscourts.gov/courtroom-technology>. To ensure adequate preparation, parties should email the courtroom deputy and request time to use the courtroom in advance of the hearing.
- Judge Provinzino prefers that the attorney who drafted or contributed significantly to the underlying motion or response argue at motion hearings, which may be a newer attorney. Judge Provinzino strongly encourages parties to find opportunities for newer attorneys to present at motion hearings and other court appearances. Judge Provinzino believes it is critical to provide substantive speaking opportunities to newer attorneys and that the benefits of doing so will accrue to the newer attorneys, clients, and the profession generally. If any special accommodations are needed to allow for this preferred practice (such as dividing time, bifurcating arguments, an

opportunity to consult with experienced counsel during argument, or allowing experienced counsel a few extra minutes at the end of the motion hearing), please email the courtroom deputy ahead of time and those arrangements will be freely made.

- If a party plans to cite new legal authority at oral argument, that party should provide the authority to Judge Provinzino and opposing counsel at least one court day ahead of the hearing by email.

### *Settlement Conferences*

- Judge Provinzino refers all settlement conferences to the assigned Magistrate Judge. The Court will allow more than one settlement conference in a case.

### *Transcripts and other Court Reporter-related Issues*

- Attorneys should contact Judge Provinzino's court reporter, Lynne Krenz, by email at [lynne\\_krenz@mnd.uscourts.gov](mailto:lynne_krenz@mnd.uscourts.gov), before the start of any trial or hearing if real-time or daily copy transcripts are being requested. Attorneys should give the court reporter as much lead time as possible—ideally up to two weeks in advance of the proceeding—to accommodate the request.

### *Resources for Pro Se Litigants*

- Pro se litigants can find free, online access to the Federal Rules of Civil Procedure at <https://www.mnd.uscourts.gov/federal-rules> and the local rules at <https://www.mnd.uscourts.gov/court-info/local-rules-and-orders>. Additionally, the District's website has a number of other useful resources for pro se litigants at <https://www.mnd.uscourts.gov/representing-yourself>. Judge Provinzino expects that pro se parties will follow the same rules that guide attorneys but will extend patience to parties less familiar with the rules and court proceedings.