

OPTIONAL EXPEDITED TRIAL PROCEDURE FOR CIVIL CASES ASSIGNED TO JUDGE McCORMICK

The Court encourages parties to agree to an expedited trial. This option is meant to offer an efficient and cost-effective alternative. The following procedures shall govern as default rules. Subject to the approval of Judge McCormick, the parties may agree to modify these procedures.

1. Applicable Rules.

The provisions of this procedure, as approved by the Court, shall supersede and govern over any inconsistencies or conflicts that arise between it and the Federal Rules of Civil Procedure or the Local Rules of this Court. Otherwise, all Federal Rules of Civil Procedure, Rules of Evidence, and Local Rules shall apply.

2. Scheduling and Trial Date.

The pretrial conference shall be held no later than 150 days and trial no later than 180 days after this agreement is approved by the Court. Extensions are strongly discouraged. Each side will be limited to one extension not to exceed 14 days, absent a showing of compelling circumstances in favor of a longer extension.

3. Discovery.

Up to 120 days will be allowed for discovery. Discovery shall be limited to 10 interrogatories, 10 document requests, 10 requests for admission, and 10 hours total of depositions, per side. The deposition time limit encompasses fact witnesses and expert witnesses.

Discovery motions shall be filed no later than 30 days before the end of the discovery period. All Federal Rules of Civil Procedure and Local Rules concerning discovery disputes apply. The parties are strongly encouraged to use the Court's informal discovery procedure, available at <https://www.cacd.uscourts.gov/honorable-douglas-f-mccormick>.

4. Restrictions on Motion Practice.

Motions to dismiss and oppositions are limited to 15 pages. Motions for summary judgment, Daubert motions, and their respective oppositions are limited to 25 pages. Evidentiary attachments are limited to material strictly necessary to the determination of the motion. Reply briefs will not be allowed without leave of Court, and when allowed will be limited to 5 pages.

5. Settlement Conference.

A judicial settlement conference will be required for all cases which are subject to this procedure. The parties may engage in other forms of ADR as in any other case.

6. Expert Witnesses.

No party shall call more than one expert witness to testify, unless permitted by the Court or by agreement of the parties.

7. Trial.

Jury trial will be before 6 jurors and may proceed before 5 jurors if a juror is unable to serve through conclusion of trial and deliberations. The court shall conduct all voir dire and shall determine time limits for opening statements and closing argument. Each side shall have 3 hours to present evidence, not including time for opening statement and time for closing argument. There shall be no findings of fact or conclusions of law in non-jury trials.

The parties may stipulate to a maximum and minimum award for all claims, including attorneys' fees. The parties may also stipulate that there will be no appeal from the final judgment. The parties are highly encouraged to stipulate to facts, thereby streamlining the presentation of evidence.

8. Post-trial Motions.

Post-trial motions shall be limited to determination of costs and attorneys' fees, correcting a judgment for clerical error, conforming the verdict to the agreement, enforcement of judgment, and motions for a new trial.

Motions for a new trial shall be filed within 10 days after notice of entry of a verdict and are limited to judicial misconduct that materially affected the substantial rights of a party, jury misconduct, or corruption, fraud, or other undue means employed in the proceedings of the Court or jury.

9. Termination.

A party may seek leave of Court to withdraw from this expedited procedure. Such motions will be granted only upon a showing of good cause.