

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Chambers Practices of United States District Judge Cristina D. Silva

Effective September 19, 2022

United States District Court
Lloyd D. George U.S. Courthouse
333 Las Vegas Blvd. South
Las Vegas, NV 89101

Courtroom: 6B

Chambers Phone: (702) 464-5500

Chambers Email: CDS_Chambers@nvd.uscourts.gov

Courtroom Administrator Denise Saavedra: (702) 464-5467

This Standing Order establishes requirements and procedures for all civil cases assigned to Judge Silva. A copy of this Order can be found at the District of Nevada’s website on Judge Silva’s biographical page.

Counsel and *pro se* parties (those unrepresented by an attorney) must familiarize themselves with the Local Rules of Practice for the District of Nevada as well as the individual rules prescribed by this Order. The Local Rules can be found on the court’s [website](#). A party’s failure to follow the Local Rules may result in their filings being stricken, possible sanctions under LR IA 11-8, and other appropriate penalties.

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I. Court Filings

a. Electronic Case Filing (ECF)

Counsel must file all documents electronically through the Court's Case Management / Electronic Case Filing (CM/ECF or ECF) system. *Pro se* parties are exempt from electronic filing, but parties represented by counsel in cases involving *pro se* litigants must still file all documents electronically on ECF.

b. Word-Processing Files of Proposed Orders, Jury Instructions, etc.

Proposed orders (for all stipulations and unopposed motions, including motions for entry of default judgment), jury instructions, and other matters that a party requests the Court to adopt shall be filed on ECF. Chambers may request a copy in Microsoft Word format, to be sent to CDS_Chambers@nvd.uscourts.gov.

c. Courtesy Copies

Judge Silva maintains a paperless chambers. Please refrain from providing courtesy copies to chambers unless specifically requested.

d. Text-Searchable Submissions

In accordance with LR IA 10-1 and LR IC 2-2, counsel is directed to file all documents in a searchable PDF format, except for exhibits and/or attachments that cannot be imaged in a searchable format. Unsearchable submissions may be rejected.

e. Exhibits

LR IC 2-2 and IA 10-3 require a party filing exhibits to provide an index of exhibits, each exhibit must include a cover sheet describing the exhibit's contents (not merely "Exhibit A"), and each exhibit must be attached as a separate file (not as part of the base document). Failure to comply with these requirements could result in denial of the underlying motions without prejudice.

f. Emergency Motions

"Emergency motions should be rare." LR 7-4(b). All emergency motions should be accompanied by a declaration signed by counsel for the moving party. Failure to comply with the requirements for submitting an emergency motion may result in denial of the motion. *See* LR 7-4 (listing requirements for emergency motions).

g. Filing Under Seal

The public has a right of access to the Court's files. Thus, a party must explore all reasonable alternatives to filing documents under seal; minimize

the number of documents filed under seal; and whenever possible, avoid sealing entire documents (as opposed to redacting the sensitive information located within the document). Any party seeking to conceal information from the public by filing a document or portions of a document under seal **must file a motion that complies with** *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 908 F.3d 1092, 1096–97 (9th Cir. 2016).

The motion to file under seal must include the following:

1. A specific statement of the applicable legal standard **and** the reasons for sealing the document, including explanations of:
 - a. The legitimate private or public interests that warrant sealing;
 - b. The injury that may result if sealing is denied; and
 - c. Why a less restrictive alternative to sealing is insufficient;
2. Evidentiary support from sworn declarations where necessary; and
3. A proposed order that is narrowly tailored to seal only the sealable material, and which lists in table format each document or portion thereof that the moving party seeks to file under seal.

Under LR IA 10-5(a), “papers filed with the court under seal must be accompanied by a motion for leave to file those documents under seal.” “All papers filed under seal will remain sealed until the court either denies the motion to seal or enters an order unsealing them.

Failure to comply with these requirements will result in denial of the motion.

II. Communications with Chambers

a. Written Communications with Chambers

All communications with chambers must be in writing and filed on ECF, with copies simultaneously delivered to all parties who do not receive automatic notification through ECF. Copies of correspondence between counsel must not be sent to the Court. *See* LR IA 7-1, LR IA 7-2.

b. Telephone Calls

For docketing, scheduling, or calendar matters, please call Courtroom Deputy Denise Saavedra at (702) 464-5467. Calls to chambers with questions about these rules are permitted but review this document first. *Ex parte* telephone calls to chambers about the substance of cases are

specifically prohibited, except when permitted by court order or the Federal Rules of Civil or Criminal Procedure. *See* LR IA 7-2.

c. Urgent Communications

If a submission requires immediate attention, please notify chambers by telephone after filing on ECF.

d. Contact by Chambers Staff

Occasionally, Judge Silva's Courtroom Administrator, Denise Saavedra, or other court staff may contact counsel for information regarding scheduling, status of cases going to trial, or other issues. Counsel are strongly urged to promptly respond to such contact, as the information sought helps schedule and address pending matters in a timely fashion.

III. Practicing before the Court

a. Opportunities for More Junior Lawyers

Judge Silva strongly encourages litigants to permit more junior members of the litigation team to examine witnesses and to appear for oral argument. In those instances where Judge Silva is inclined to rule on the papers, a representation that the argument would be handled by a more junior lawyer (six or fewer years of experience) will weigh in favor of holding oral argument. When the more junior attorney is permitted to present the argument, Judge Silva will entertain reasonable requests for a more senior attorney to supplement any argument that is made.

Judge Silva believes that it is crucial to provide substantive speaking opportunities to newer lawyers and that the benefits of doing so will accrue to all members of the legal profession, as well as their clients. Thus, she encourages all attorneys to keep this goal in mind.

b. Hearings or Oral Arguments

Motions may be decided with or without a hearing. Please see Local Rule 78-1 regarding how to request a hearing. As a supplement to that rule, a party should note in the filing that the argument would be handled by a more junior lawyer (six or fewer years of experience), or the party may file a separate notice to that effect.

c. Telephonic Appearances or Video Conferencing

Judge Silva will generally grant requests to appear by telephone or video so long as just cause is provided by the party making that request.

d. Motions *in limine*

To avoid unnecessary filings, all parties should file a single, consolidated motion *in limine* instead of separate motions each addressing single evidentiary issues. **The parties are required to meet and confer *before* the filing of motions *in limine*.** See LR 16-3(a). Each side is limited to 10 motions *in limine*, and each must not exceed 10 pages. If a case involves multiple plaintiffs or defendants, the parties must work together to submit no more than 10 motions *in limine* per side. Replies to motions *in limine* are discouraged.

e. Requests for Stays

When a request for stay is granted, any pending motions will automatically be denied without prejudice unless otherwise stated. When the stay is lifted, any party may move to reinstate the previously pending motions. Additional briefing is not required but may be permitted.

f. Settlement Conferences and Civil Trial Dates

Generally, all civil cases will be referred to the assigned Magistrate Judge for a settlement conference after the joint pretrial order is filed. The parties may file a written request for an early settlement conference or pretrial conference under LR 16-2. Trial will be scheduled after submission of the joint pretrial order. While Judge Silva will try to accommodate the dates provided by the parties, trial will be scheduled based on the first available trial stack.

Parties are encouraged to consent to a trial by a magistrate judge, as doing so may expedite the trial process. Please see LR IB 2-2 for more information.

g. Order Regarding Trial

Judge Silva's standard Order Regarding Trial (ORT) will be filed shortly prior to trial.

h. Technology Policy

Electronic devices are allowed in the courtroom to assist attorneys in reviewing their calendars for scheduling of future court hearings and to assist with presentation of evidence or argument during hearings or trials. However, devices which cause feedback or otherwise interfere with the court recording equipment will not be allowed.

i. Expedited or Daily Transcripts

Any party requiring expedited or daily transcripts must contact the Court Reporter (Samantha McNett, at Samantha_McNett@nvd.uscourts.gov or

(702) 464-5512) as early as possible to make arrangements. The Court Reporter will provide instructions on how to order transcripts. Advance deposits will likely be required. Failure to timely contact the Court Reporter may result in a refusal to provide expedited or daily transcripts.

IV. *Pro Se* Litigants

a. Responsibilities of *Pro Se* Litigant

Pro se litigants must only communicate with the Court in writing. They should also ensure that contact information on file with the Court remains current. Failure to update contact information may result in dismissal of claims and/or entry of default judgment against an unresponsive party under LR IA 3-1.

b. Responsibilities of Counsel in Matters Involving *Pro Se* Litigants

In all cases involving a *pro se* litigant, counsel for represented parties must ensure adherence to and compliance with all applicable rules, including the Nevada Rules of Professional Conduct concerning communications with unrepresented persons.

c. Habeas Petitions

In habeas cases with *pro se* petitioners, the respondent must serve the petitioner with the answer and the state or federal court record when the respondent files the answer and the record on ECF. See Rule 5(b)–(c) of the Rules Governing Section 2254 Cases in the United States District Courts; Rule 5(b)–(c) of the Rules Governing Section 2255 Cases in the United States District Courts; Fed. R. Civ. P. 5(a), 10(c).

When preparing the record, the respondent must include either a table of contents or an index of the record's contents.

*** * END OF ORDER * ***