

**Chambers Practices of
The Honorable Richard F. Boulware, II.
United States District Judge**

Courtesy Copies

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

Telephone Calls

For docketing, scheduling, and calendar matters, call Darci Reich-Smith, Courtroom Administrator at (702) 464-5436, via email at darci_reichsmith@nvd.uscourts.gov. Otherwise, telephone calls to Chambers are permitted only for urgent matters. In such situations, call Chambers at (702) 868-4970.

PDF Format

In accordance with LR IC 2-2 and LR IA 10-1, counsel is directed to file documents in a searchable PDF format, with the exception of exhibits and/or attachments. While not required by the Local Rules, Judge Boulware appreciates receiving exhibits and/or attachments which have also been scanned and Optical Character Recognition (OCR) performed, making the exhibits and attachments searchable as well. Counsel is directed to refer to the above rule for further instruction. (courtesy copies).

MOTION PRACTICE- PRIORIZATION OF MOTIONS

Non-Dispositive Motions

Non-dispositive motions may be referred to the Magistrate Judge assigned to the case.

Dispositive Motions

Jurisdictional motions such as Motions to Remand and Motions for Lack of Personal or Subject Matter Jurisdiction will be addressed before other motions in an effort to diminish the need for the parties to engage in unnecessary discovery.

Proposed Orders

Parties are requested to submit a **Proposed Order** for all stipulations and unopposed motions including a Motion for Default Judgment. The proposed order may be attached as an exhibit or filed as a separate document.

Requests for Continuance or Extension of Time

Judge Boulware will consider a stipulation or motion for a continuance or extension of time filed at least three days before the deadline. Requests made after this deadline will be granted only in extraordinary circumstances if just cause is presented.

Request for Stay

When a request for stay is granted, any pending motions will automatically be **DENIED without prejudice**. When the stay is lifted, any party may move to reinstate the previously pending motions. Additional briefing is not required but is permissible.

Hearings for Oral Argument

Motion hearings will not be automatically scheduled. Requests for a hearing may simply be asserted on the front page directly under the title of the motion, response or reply: (Hearing Requested).

Expedited or Daily Transcripts

Any party that will require expedited or daily transcripts shall notify *Patty Ganci, Court Reporter* via email at patricia_ganci@nvd.uscourts.gov immediately upon receipt of this order. The court reporter will provide instructions with respect to expedited or daily transcripts. Failure to timely notify the court reporter may result in an inability to provide expedited or daily transcripts.

Telephonic Appearance or Video Conferencing

Judge Boulware will consider a request to appear by telephone or video so long as just cause is provided.

Technology Policy

Cell phones should always be turned off while court is in session. Audio, video and photo recording of court proceedings is strictly prohibited. However, cell phones, iPads, laptops and printers are allowed in the courtroom to assist attorneys to review their calendars for scheduling of future court hearings and to assist with presentation of evidence or argument during hearings or trial. Other devices which cause feedback or otherwise interfere with the court recording equipment may not be used at all. Judge Boulware's Court Reporter, Patty Ganci can be reached by emailing her at patricia_ganci@nvd.uscourts.gov.

Attorneys are encouraged to use the resources available in the courtroom for presentations. Training can be arranged by calling Judge Boulware's Courtroom Deputy, Darci Reich-Smith at (702) 464-5436, or emailing her at darci_reichsmith@nvd.uscourts.gov.

Civil Trial Dates

Trial will be scheduled after conclusion of the settlement conference, to the extent no settlement is reached, or at the close of discovery. Dispositive motions will be resolved by the Court prior to the trial date.

Order Regarding Trial

Judge Boulware's standard Order Regarding Trial ("ORT") will be filed in every case as soon as it is scheduled for trial. Parties should direct questions about the ORT or questions about other trial related matters directly to Judge Boulware's Courtroom Deputy, Darci Reich-Smith, by calling (702) 464-5436, or via email at darci_reichsmith@nvd.uscourts.gov.

Settlement & Pretrial Conferences

Generally, a case will be referred to the assigned Magistrate Judge for a settlement conference pursuant to Local Rule 16-5 after dispositive motions are fully briefed. In those cases, Judge Boulware will usually stay the ruling and provide the parties the opportunity to participate in the settlement conference before the dispositive motions are addressed. If no dispositive motions are filed, the case will generally be referred for a settlement conference as soon as the Joint Pretrial

Order is filed. However, parties may file a written request for an early pretrial conference pursuant to Local Rule 16-2.

TRIAL PROCEDURES

A. Joint Pretrial Order

Unless otherwise ordered by the Court, within 30 days from the date for the completion of discovery, the parties shall file on ECF a proposed joint pretrial order, which shall include the following:

- i. The full caption of the action.
- ii. The names, law firms, addresses, and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that the party asserts remain to be tried, including citations to any statutes on which the party relies. Such summaries shall also identify all claims and defenses previously asserted which are not to be tried. The summaries should not recite any evidentiary matter.
- v. A statement as to the number of trial days needed and regarding whether the case is to be tried with or without a jury.
- vi. A statement as to whether or not all parties have consented to trial by a magistrate judge, without identifying which parties do or do not consent.
- vii. Any stipulations or agreed statements of fact or law to which all parties consent.
- viii. A list of all trial witnesses, indicating whether such witnesses will testify in person or by deposition, and a brief summary of the substance of each witness's testimony.
- ix. A designation by each party of deposition testimony to be offered in its case in chief and any counter-designations and objections by any party.
- x. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any grounds.

B. Required Pretrial Filings:

- i. In all cases, motions addressing any evidentiary issues or other matters should be resolved *in limine*;
- ii. In all cases where a party believes it would be useful to the Court, a pretrial memorandum of law; and
- iii. In jury cases, requests to charge and proposed voir dire questions;
- iv. In non-jury cases, proposed findings of fact and conclusions of law. The proposed findings of fact should be detailed and should include citations to the proffered trial testimony and exhibits, as there may be no opportunity for post-trial submissions.

C. Filings in Oppositions

Any party may file the following documents within one week after filing the pretrial order, but in no event less than two days before the scheduled trial date.

- i. Objections to another party's requests to charge or proposed *voir dire* questions.
- ii. Opposition to any motion *in limine*.
- iii. Opposition to any legal argument in a pretrial memorandum.

D. Trial Schedule

Trial will generally begin at 9:00 a.m., and end at 3:30 p.m. The first week of trial will be held from Monday through Friday; with Friday as a half day. However, parties should plan to be available between 8:00 a.m., and 9:00 a.m., in the morning and between 3:30 and 4:30 p.m., in the afternoon each day of trial to address matters outside the presence of the jury. This standard trial schedule may be modified for good cause; however, requests should be submitted at Calendar Call or before the written trial schedule is issued to jurors.

DEFAULT JUDGMENT PROCEDURE

1. Prepare an Order to Show Cause for default judgment, leaving the date and time of conference blank. Judge Boulware will set the date and time when he signs the Order.
2. Provide the following supporting papers with the Order to Show Cause:
 - a. an attorney's affidavit setting forth
 - (i) the basis for entering a default judgment, including a description of the method and date of service of the summons and complaint;
 - (ii) the procedural history beyond service of the summons and complaint if any;

- (iii) whether, if the default is applicable to fewer than all the defendants, the Court may appropriately order a default judgment on the issue of damages prior to resolution of the entire action;
 - (iv) the proposed damages and the basis for each element of damages, including interest, attorney's fees, and costs; and
 - (v) legal authority for why an inquest into damages would be necessary.
 - b. a proposed default judgment.
 - c. copies of all of the pleadings.
 - d. a copy of the affidavit of service of the summons and complaint.
 - e. if failure to answer is the basis for the default, a Certificate from the Clerk of the Court stating no answer has been filed.
3. Efile the Order to Show Cause and supporting papers.
 4. After the Judge reviews and signs the order, it will be efiled in CMECF, counsel will be noticed via CMECF system.
 5. Prior to efilng through the CMECF system: (1) an affidavit of service, reflecting that the defendant was served with a conforming copy of the Order and supporting papers; and (2) the supporting papers. The signed Order will be efiled via CMECF system.