

# United States Magistrate Judge

Nannette A. Baker

## Courtroom 9N

### Address

111 S. 10th Street,  
Suite 13.156  
St. Louis, MO 63102

### Phone

(314) 244-7470

### Fax

(314) 244-7479

### Paralegal

Genevieve Bales

### Case Management Team

Melanie Berg  
(314) 244-7931  
Erica Brown  
(314) 244-7926  
Alicia Shepard  
(314) 244-7942

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### Law Clerks

Ebony McCain  
Hedda Etherington-Hall

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### Conference Line

Number: (866)434-5269  
Access Code: 5487605

## Requirements

### 1. Notice Regarding Magistrate Judge Jurisdiction

Pursuant to 28 U.S.C. § 636(c), all parties in a case must consent to my jurisdiction to conduct all proceedings, including trial and entry of judgment. Any appeal from the judgment shall be taken directly to the United States Court of Appeals for the Eighth Circuit.

Parties are required to electronically submit their Notice Regarding Magistrate Judge Jurisdiction through the Court's CM/ECF systems within 21 days of filing an entry of appearance. E.D. Mo. L.R. 2.08(A). Parties determine whether to consent or decline jurisdiction. If any party declines magistrate judge jurisdiction, the case will be reassigned to a United States District Court Judge. If all of the parties consent to my jurisdiction, the case will proceed before me until final judgment. I cannot rule on dispositive motions before consent from all of the parties is obtained, this includes motions to dismiss, motions to remand, motions for judgment on the pleadings, and summary judgment motions.

### 2. Local and Federal Rules

Many answers to frequently asked questions are contained in the [Local Rules](#) of the Eastern District of Missouri, the Federal Rules of [Civil](#)

and [Criminal Procedure](#) and the [Federal Rules of Evidence](#). All counsel and pro se parties are expected to know these rules and follow them. The rules are often amended, so I recommend frequently reviewing the rules.

### **3. Informal Matters**

I do not have a set time for informal matters (minor issues such as deadline changes or other minor disputes), but I am generally available on a daily basis. If you have an informal matter, please notify opposing counsel, determine opposing counsel's availability, and call my paralegal to schedule a time for an in-court or telephone conference. Most minor, agreed deadline changes can be handled in writing, by filing a motion to extend the deadline and stating that opposing counsel consents. I will rule on such consent motions as soon as possible. If you have an emergency motion that needs a formal hearing on the record, you should call my chambers to schedule a hearing.

### **4. Rule 16 Conferences**

Civil cases are usually set for Rule 16 conferences after all defendants have answered or filed motions in response to the complaint. If for some reason a party believes a conference should be sooner, that party should file a motion. Rule 16 conferences are conducted in person, and are usually held in chambers. When a party appears pro se, the Rule 16 conference is held in the courtroom, on the record. Out-of-town counsel may arrange to participate by conference call, but must notify chambers with contact information at least one business day prior to the scheduled conference. At the Rule 16 conference, you should be prepared to discuss the facts of your case and all other matters set out in the Rule 16 Order, including settlement. Do not send an unprepared substitute attorney or an attorney who cannot make a commitment regarding the calendar of trial counsel, as I expect all counsel to know the case and be prepared to discuss all

issues, including changes to the proposed schedule and trial setting.

Be prepared at the Rule 16 conference to discuss the types of expert witnesses who are likely to testify in the case and whether and when they will provide reports and/or depositions. Parties are allowed to stipulate to different ways of disclosing expert opinions, but in the absence of a stipulation, the provisions of Rule 26 will be applied.

## **5. Scheduling and Status Conferences**

Counsel may request a scheduling or status conference when the need arises by calling my chambers and setting up an appointment. If after entry of the Case Management Order, counsel find they have a problem that is keeping the case from moving forward, or counsel are in agreement regarding an idea to move the case forward more efficiently, counsel may contact chambers and arrange a conference call to discuss the matter.

## **6. Alternative Dispute Resolution (ADR)**

I refer most civil cases to mediation. Please be prepared to discuss the appropriate timing for referral to mediation at the Rule 16 conference. When setting a date for mediation in the proposed schedule, counsel should consider what discovery they need in order to conduct a meaningful mediation conference. A list of the Court's [neutrals](#) and the court's [ADR procedures](#) can be found at [www.moed.uscourts.gov](http://www.moed.uscourts.gov). Please note that once the case has been referred to ADR, those deadlines are binding and may only be extended by court order.

## **7. Discovery Disputes**

Before a motion to compel is filed, either party may request a telephone pre-motion conference pursuant to Fed. R. Civ. 16(b)(3)(B)(v) by filing a request stating the general nature of the dispute, provided the parties have first attempted to resolve the dispute in compliance with E.D. Mo. Local Rule 3.04.

Before filing any discovery-related motion, you must confer with opposing counsel and attempt to resolve the dispute, and in accordance with the relevant local rule, your motion must contain a certification that you have done so. Motions that do not contain the required certification will be denied without prejudice. The requirement that the parties confer means that the moving party must actually speak to opposing counsel, in person or by telephone. If opposing counsel will not return your calls when you attempt to resolve the matter, you should detail those efforts in your certification with the motion. I expect the parties to make a good faith effort to resolve the dispute before filing a discovery-related motion. When you cannot resolve legitimate disputes, and must file motions, I will either set the motions for hearing or rule based on the filings, after I have reviewed the motions. If you desire to have a hearing on the discovery motion, you should make that request in your motion or memorandum.

## **8. Expert Witnesses**

Treating Witnesses as Expert Witnesses: I do not usually require treating health care providers, who are testifying as to matters contained in their treatment notes, to prepare reports or provide the other information required by Rule 26(a)(2)(B). In such cases, however, health care treaters will normally be limited to providing opinions that are related to the treatment and disclosed in their treatment notes. In some cases, treaters may be required to prepare reports (for example, depending on the plaintiff's claims, in some instances where the treater is testifying as to causation, or where the diagnosis is in the nature of repetitive stress injury or post-traumatic stress disorder).

## **9. Final Pretrial Conferences**

Final pretrial conferences are usually held during the week before the scheduled trial date. Counsel should be prepared at the final pretrial conference to argue any motions in limine

so that a ruling on such motions can be made in advance of trial. Final pretrial conference dates are included in the Case Management Order.

#### **10. Available Courtroom Technology**

The Court has evidence presentation equipment available, including an evidence camera (e.g., ELMO), VCR, DVD, monitors, and hook-ups for computer stored evidence or computer presentation. An explanation on the use of this equipment is available on the Court's website at [www.moed.uscourts.gov](http://www.moed.uscourts.gov) under [Courtroom Technology](#).

#### **11. Jury Selection/Voir Dire**

a. Voir Dire Examination: In most cases, the attorneys will be allowed to conduct a major part of the voir dire. The Court will introduce counsel and make a brief statement of the general nature of the case. Counsel will then be allowed to inquire into matters relevant to jury selection. Further, counsel may not ask unnecessary questions in order to establish rapport, ask the jurors to make promises, make speeches, argue the case, tell the jury personal information about self or family, or anything else that is not directly designed to elicit relevant information about the potential jurors. In every case, the Court reserves the right to conduct the entire voir dire. In such cases, counsel will be advised to submit proposed voir dire questions to the Court no later than two business days before trial.

b. After all questioning has been completed, the panel will be removed from the courtroom and the Court will immediately request the challenges for cause. No challenges for cause or statements that either the panel or any juror is acceptable may be made in front of the jury panel. After any panel members are stricken for cause, the parties will make peremptory challenges.

## **12. Courtroom Decorum**

- a. Please stand when the jury enters the courtroom and stand at all times when speaking.
- b. Cell phone usage, eating or drinking (except water), gum chewing, or audible beepers or watches are not allowed.
- c. The use of social media, for example Facebook, Twitter, etc. will not be allowed in the courtroom.