

United States Magistrate Judge

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REQUIREMENTS

1. Notice Regarding Magistrate Judge Jurisdiction

Pursuant to 28 U.S.C. § 636(c), all parties in a civil 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 system 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 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

All requests for extension of time must be submitted in writing using CM/ECF. Requests for extension of time should be filed in a timely manner and should include whether opposing counsel consents to the extension. If circumstances require a time-sensitive request for extension of time, a written motion must be filed and the party requesting the extension should call my chambers to notify me regarding the urgency of the request. If you have an emergency motion that needs a formal hearing on the record, you should call my chambers to schedule a hearing after you consult with counsel for all other parties or any self-represented litigants regarding the parties' availability.

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. 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.

5. Scheduling and Status Conferences

Counsel may request a scheduling or status conference when the need arises by filing a motion using CM-ECF. In the motion, the moving party should include the availability of all counsel of record and any self-represented litigants. 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 file a motion requesting 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. 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 filing any discovery motion, the parties must first attempt to resolve their discovery dispute in compliance with the Court's requirements and the Local Rules. If the parties are unable to reach an agreement without court intervention, they ***must*** file a joint memorandum requesting a conference. The memorandum must be filed jointly; must specify the parties' previous attempts to resolve; must stipulate (in bullet points) the issues in dispute; and must not exceed three pages in length. After reviewing the parties' memorandum, I will either set a hearing or a motion briefing schedule.

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.

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 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, YouTube, etc. will not be allowed in the courtroom.