

United States District Judge

STEPHEN N. LIMBAUGH, JR.

**Cape Girardeau**

(Duty Station)

**Courtroom 4B**

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**Requirements**

**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 Procedure](#), the [Federal Rules of Criminal Procedure](#), and [Federal Rules of Evidence](#). All counsel are expected to know these rules and to follow them.

**Motions and Memoranda**

Please use 13-point size font for the text of all motions and memoranda. Should this cause a party's memorandum to exceed the Court's page limitation, counsel may file a short motion seeking leave to file a memorandum in excess of the page limitation.

**Courtesy Copies of Exhibits**

In both civil and criminal cases, parties shall submit a paper courtesy copy to chambers of exhibits to motions and/or memoranda if any of the exhibits exceed 50 pages. For Cape Girardeau cases, courtesy copies may be mailed or hand-delivered to the Cape Girardeau chambers; for St. Louis cases, courtesy copies may be mailed or hand-delivered to the St. Louis chambers.

**Informal Matters and Status Conferences**

Informal matters are not regularly held. An informal matter that requires a short conference should be scheduled by calling chambers in Cape Girardeau to set a conference to be held in chambers or via telephone.

Counsel may request a status conference when the need arises by calling chambers to schedule a conference in the same way as an informal matter.

Most minor, agreed deadline changes can be handled in writing by filing a motion to extend the deadline and stating that opposing counsel consents. Consent motions will be ruled upon as soon as possible.

**Rule 16 Conference in Civil Cases**

After all defendants have answered a civil complaint a Rule 16 Conference will be set. The attorney preparing and trying the case must appear for the conference unless permission is granted by this Court for another to appear. Parties may participate in the conference, with prior notice, by telephone. If you believe the parties are ready for a scheduling conference and one has not been set, please notify the judicial assistant for an expedited conference.

**Case Management Orders**

A Case Management Order (CMO) will issue following the Rule 16 Conference.

The Scheduling Order portion of the CMO will contain all relevant deadlines for the case. The Order Relating to Trial portion will detail pretrial compliance requirements. Counsel should read the CMO carefully and refer to it throughout the case for answers to procedural questions.

## **Court Docket and Settings**

The Court docket is managed by Judge Limbaugh's judicial assistant in Cape Girardeau and by the Case Management Teams in Cape Girardeau and St. Louis. In general, trials and non-expedited hearings on the St. Louis docket will be scheduled in St. Louis the third week of each month; trials and hearings on the Cape Girardeau docket will be scheduled in Cape Girardeau at all other times.

## **Alternative Dispute Resolution**

Civil cases (except habeas corpus) will be referred to [Alternative Dispute Resolution](#) (ADR) as set out in the CMO. Plaintiff's counsel, or any counsel to whom the parties agree, will be designated as lead counsel who shall work with opposing counsel to select a neutral and notify the judicial assistant of the agreed upon neutral, no later than twenty days from the start of the referral. Please note that once the case has been referred to ADR, those deadlines are binding and may only be extended by order of the Court. Lead counsel will be contacted by the Court if deadlines have expired.

A list of [approved neutrals](#) and the Court's ADR referral procedure may be obtained from the Clerk's Office. The Court retains the authority to appoint a neutral other than one from the list of approved neutrals.

If a settlement is reached, the Court shall be notified immediately and parties shall file a Stipulation for Dismissal within thirty days. The Court shall also be notified if a settlement is not reached so the case can proceed to trial.

## **Sealed Documents and Protective Orders**

Proposed protective orders submitted to the Court for approval which contemplate the filing of a file or documents under seal must contain a date certain on which the seal will be lifted or the documents returned to the parties. A proposed protective order lacking a date certain for lifting the seal or returning the documents to the parties will be denied without prejudice. Attorneys are also referred to the provisions of E.D.Mo. Local Rule 13.05 concerning sealed documents and files.

## **Trial**

1. Time of Trial: Times for starting and adjourning the trial day will be announced at the start of trial. Ordinarily, Court will begin each day at 9:00 a.m. and adjourn at 5:00 or 5:30 p.m. Preliminary matters should be raised during pretrial conference and not at the start of the trial day when the jury and all others are ready to proceed. At the pretrial conference, the Court will be available to resolve preliminary matters, as trial and jury time will not be used to resolve such matters.
2. Jury Instructions in Civil Cases: Proposed Jury Instructions shall be submitted by the parties as required in the CMO.
3. Voir Dire in Civil and Criminal Cases: After initial questions by the Court, counsel may conduct the voir dire subject to time limits. The voir dire specifics, such as time limits, will be outlined at the pretrial conference. In every case, the Court reserves the right to conduct the voir dire. In such cases, counsel will be encouraged to submit voir dire questions to the Court at least three days before trial.
4. Evidentiary Objections: No evidentiary objections shall be argued in the presence of the jury. Counsel may request a bench conference to argue such objections out of the hearing of the jury.
5. Recross: Recross is not allowed as a matter of right, but will be allowed if something new is brought out on redirect.
6. Opening Statements and Closing Arguments: The time period for such arguments will be decided at the pretrial conference.

## **General Courtroom Rules for Counsel, Parties and Spectators**

1. Notify the Deputy Clerk upon arrival and introduce additional counsel, parties, etc.
2. Do NOT expect ELMO training the morning of trial. Training is available through the Clerk's Office prior to trial. Please contact the Case Management Team at least one week prior to trial to request a training session and time to practice with equipment.
3. Stand when the jury enters the Courtroom and counsel shall stand when speaking. Ask

- permission of the Court to approach a witness or the bench.
4. No eating, drinking (other than water), gum chewing, or audible beepers, watches and cell phones allowed in the courtroom. Water and cups are provided at the counsel tables.
  5. Counsel shall treat each other and all witnesses, including adverse witnesses, professionally and courteously. All statements by counsel should be directed to the Court and not to opposing counsel.
  6. All witnesses should be addressed by their last names with appropriate titles.
  7. Children are not allowed as spectators unless they are accompanied by an adult seated with them in the spectators' area. A party to the suit (defendant, attorney, case agent, etc.) cannot qualify as the attending adult.
  8. Counsel shall disclose to the Court the identity and order of witnesses as far in advance as possible, but in no event less than 24 hours before the beginning of the trial day on which the witnesses are to be called. Counsel is expected to have witnesses to fill the entire trial day.
  9. All exhibits should be marked in compliance with the CMO prior to trial.
  10. Counsel must also stand when making objections. Counsel should instruct their witnesses not to answer a question while an objection is pending. Non-examining counsel should remain seated during witness examination unless standing to make an objection.
  11. No persons at counsel tables shall convey a personal opinion regarding witness testimony or bench ruling through verbal or non-verbal reactions. Any person violating this rule may be summarily ejected from the courtroom. Any signaling to a witness on the stand will be treated as contempt of court.
  12. Sidebar conferences are disfavored, but may be had with court approval. Counsel is directed to address scheduling or substantive issues during breaks without the jury present.