

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

**JUDGE KYMBERLY K. EVANSON  
CHAMBERS PROCEDURES FOR CIVIL CASES  
UPDATED MAY 15, 2024**

This order sets forth the chambers-specific procedures that apply in civil cases. These procedures supplement the Federal Rules of Civil Procedure (“FRCP”) and the Local Civil Rules (“LCR”) of this district. When the term “counsel” is used in this order, it includes lawyers as well as any party representing themselves. When the terms “party” or “parties” are used in this order, they include counsel.

**I. COMMUNICATIONS WITH CHAMBERS**

Parties should direct initial inquiries to Courtroom Deputy Diyana Staples at [Diyana\\_Staples@wawd.uscourts.gov](mailto:Diyana_Staples@wawd.uscourts.gov). Ex parte communications with chambers involving any matter other than checking on a decision on a motion under LCR 7(b)(5) or settlement are strongly discouraged. For any other types of inquiries, all parties must be copied on the email when communicating with the courtroom deputy.

**II. COURTESY COPIES**

Courtesy copies are required for pleadings that in the aggregate (*i.e.*, the brief plus any declarations or exhibits) are longer than 50 pages, trial exhibits, or upon Court request. If a party believes that courtesy copies may be helpful, such as for complex graphs or images best viewed in color, the party may submit a courtesy copy to chambers for the Court’s ease of reference. The courtesy copy must be the version of the document with the header generated by CM/ECF, as this header includes important information (*i.e.*, case number, document number, page number, date filed, etc.). Courtesy copies shall be printed double-sided. Courtesy copies should be three-

hole punched, tabbed, and placed in a binder or otherwise bound.

### **III. CROSS-MOTIONS**

The Court encourages parties filing cross-motions to agree to an alternate briefing schedule allowing for four briefs (one cross-motion, second cross-motion/opposition, opposition/reply, and reply) rather than a full six briefs (motion, opposition, and reply for each cross-motion). If the parties can reach an agreement on such a schedule and any necessary adjustments to the page/word limits, they shall submit a stipulated motion and proposed order for the Court's approval.

### **IV. DISCOVERY DISPUTES**

As required by LCR 37(a), all discovery matters are to be resolved by agreement if possible. If agreement is not possible, prior to the filing of any discovery motions, the Court directs the parties to request a conference with the Court. *See* FRCP 16(b)(3). The moving party must submit a joint statement to the Court briefly identifying the issue(s) in dispute. The joint statement shall be no more than three pages and shall be filed via CM/ECF. Thereafter, the moving party should contact Courtroom Deputy Diyana Staples at [Diyana\\_Staples@wawd.uscourts.gov](mailto:Diyana_Staples@wawd.uscourts.gov) to schedule a conference.

### **V. IN CAMERA REVIEW**

If the Court orders a party to submit documents for *in camera* review, the party shall send an electronic copy of the documents to Courtroom Deputy Diyana Staples at [Diyana\\_Staples@wawd.uscourts.gov](mailto:Diyana_Staples@wawd.uscourts.gov). The party shall also deliver a physical copy of the documents to chambers, clearly marked for *in camera* review to avoid inadvertent filing on the docket.

## **VI. EXHIBITS**

Counsel are directed to cooperate in preparing the final pretrial order in the format required by LCR 16.1, except as detailed below. The parties must deliver two copies of their respective trial exhibits to Courtroom Deputy Diyana Staples seven days before the trial date. Each exhibit shall be clearly marked. The Court hereby alters the LCR 16.1 procedure for numbering exhibits: Plaintiff(s)' exhibits shall be numbered consecutively beginning with 1; Defendant(s)' exhibits shall be numbered consecutively beginning with 500. Duplicate documents shall not be listed twice. Once a party has identified an exhibit in the pretrial order, it may be used by any party. Each set of exhibits shall be submitted in a three-ring binder with appropriately numbered tabs.

In addition, no later than seven days before the trial date, the parties should send an electronic copy of all exhibits in .PDF format with Optical Character Recognition ("OCR") searchable text to Courtroom Deputy Diyana Staples at [Diyana\\_Staples@wawd.uscourts.gov](mailto:Diyana_Staples@wawd.uscourts.gov). The parties should notify the Court of any physical objects or files that cannot be transmitted electronically. Exhibits must be marked as described above, and the following protocols also apply: (1) Electronic exhibits must be transmitted individually (i.e., one exhibit per file), but exhibits may have multiple pages; (2) Exhibit file names should match the descriptions listed on the joint exhibit list as closely as possible except that file names should not exceed 80 characters, e.g., Ex. 1 – Accident Scene Photo; Ex. 501– Email dated 4–03–23.

## **VII. PRIVACY**

Pursuant to LCR 5.2(a), parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed

with the Court or used as exhibits in any hearing or at trial, unless otherwise ordered by the Court:

- Dates of Birth – redact to the year of birth, unless deceased.
- Names of Minor Children – redact to the initials, unless deceased or currently over the age of 18.
- Social Security or Taxpayer Identification Numbers – redact in their entirety.
- Financial Accounting Information – redact to the last four digits.
- Passport Numbers and Driver License Numbers – redact in their entirety.

Parties in social security appeals and immigration cases shall comply with LCR 5.2(c).

### **VIII. ORAL ARGUMENTS**

The Court will generally grant requests for oral argument and will also generally grant requests for status or scheduling conferences. While the Court prefers to hold arguments in person, particularly on motions, the Court will consider requests for remote hearings.

The Court also encourages opportunities for junior attorneys and Rule 9 licensed legal interns to appear and to argue in Court, accompanied and supervised by a more experienced attorney. Requests for leave for Rule 9 interns to argue in Court will be freely granted, and the Court will permit multiple attorneys to argue for one party if this creates an opportunity for junior attorneys to participate.

All requests pertaining to oral argument should be submitted via email to Courtroom Deputy Diyana Staples at [Diyana\\_Staples@wawd.uscourts.gov](mailto:Diyana_Staples@wawd.uscourts.gov).

### **IX. SETTLEMENT**

If this case settles, counsel shall notify Courtroom Deputy Diyana Staples via email at [Diyana\\_Staples@wawd.uscourts.gov](mailto:Diyana_Staples@wawd.uscourts.gov) as soon as possible. Pursuant to LCR 11(b), an attorney

who fails to give the courtroom deputy prompt notice of settlement may be subject to sanctions.

## **X. SCHEDULING TEMPLATE**

To aid the parties in drafting requests for scheduling continuances, the Court's preferences regarding case scheduling are listed here. Please contact Courtroom Deputy Diyana Staples at [Diyana\\_Staples@wawd.uscourts.gov](mailto:Diyana_Staples@wawd.uscourts.gov) before requesting a continuance of a trial date to a future date certain, to ensure the Court's availability. Please note the Court requires approximately 120 days between the deadline for filing dispositive motions and the trial date. Stipulated motions proposing a schedule that does not comply with this requirement will be denied.

<b>Event</b>	<b>Date</b>
JURY TRIAL SET FOR 9:30 a.m. on	<b>Trial Date</b>
Length of trial	___ days
Deadline for joining additional parties	28 days from today
Deadline for filing amended pleadings	56 days from today
Disclosure of expert testimony under FRCP 26(a)(2) due	TR – 7 mos
All motions related to discovery must be filed by	TR – 6 mos
Discovery must be completed by	TR – 5 mos
All dispositive motions and motions challenging expert witness testimony must be filed by this date ( <i>see</i> LCR 7(d)). Such motions must be noted for consideration no later than 28 days after this date ( <i>see</i> LCR 7(d)).	TR – 4 mos
Settlement conference, if mediation has been requested by the parties per LCR 39.1, held no later than	TR – 2 mos
All motions in limine must be filed by	TR – 35 days

Proposed jury instructions and agreed LCR 16.1 Pretrial Order due, including exhibit list with completed authenticity, admissibility, and objections fields	TR – 21 days
Trial briefs, proposed voir dire questions, and deposition designations due	TR – 14 days
Pretrial conference scheduled at 10:00 a.m. on	TR – 11 days