

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

**JUDGE TIFFANY M. CARTWRIGHT  
CHAMBERS PROCEDURES FOR CIVIL CASES  
UPDATED JANUARY 31, 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 email inquiries to Courtroom Deputy Mary Trent at [Mary\\_Trent@wawd.uscourts.gov](mailto:Mary_Trent@wawd.uscourts.gov). Matters that may be communicated by email include requesting a discovery conference, checking on a decision on a motion under LCR 7(b)(5), confirming trial procedures, or notifying the Court of settlement. All counsel should be copied on the e-mail when communicating with the courtroom deputy. Ex parte communications are strongly discouraged.

**II. COURTESY COPIES**

Courtesy copies are welcomed but not required for pleadings that in the aggregate (*i.e.*, the brief plus any declarations or exhibits) are longer than 50 pages 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 should be printed double-sided. Courtesy copies should be three-hole punched and tabbed but *not* submitted in a three-ring binder, as it leads to unnecessary waste.

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

Judge Cartwright 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, before filing any discovery motions, Judge Cartwright requires the parties to request a conference with the Court. *See* FRCP 16(b)(3)(B)(v). 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 Mary Trent at [Mary\\_Trent@wawd.uscourts.gov](mailto:Mary_Trent@wawd.uscourts.gov) to schedule a conference. Most discovery conferences take place via Zoom videoconference or telephone. Judge Cartwright will typically resolve the dispute at the conference or in a minute order. If the discovery dispute involves a complex legal question that cannot be resolved at the conference, Judge Cartwright will provide further direction to the parties on a briefing schedule.

## **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 Mary Trent at [Mary\\_Trent@wawd.uscourts.gov](mailto:Mary_Trent@wawd.uscourts.gov). If the document is longer than 50 pages, the party shall also deliver a physical copy of the documents to the Tacoma Clerk's Office, clearly marked for *in camera* review to avoid inadvertent filing on the docket.

## **VI. ESI DISCOVERY REQUIREMENTS**

Judge Cartwright encourages parties to adopt in writing a version of the Court's Model ESI Agreement tailored to the needs of their case. Whether they do so or not, Judge Cartwright requires all parties to disclose their ESI search protocols to one another, including custodians, data sources, file types, date restrictions, and search terms. Counsel should confer in advance of document production to attempt to reach agreement on search protocols and continue to cooperate to revise search protocols as necessary throughout the case. If there is a discovery dispute related to ESI, counsel must complete the search protocol disclosure before requesting a discovery conference with the Court.

## **VII. SETTLEMENT CONFERENCE REQUIREMENT**

Judge Cartwright's scheduling order includes a deadline for an attorney settlement conference. This is not a conference with the Court but rather a requirement that counsel participate in a good-faith discussion about options for settlement, including whether to engage in mediation. Of course, Judge Cartwright encourages the parties to consider possibilities for settlement throughout the litigation.

The Court expects parties who can afford private mediation to do so before requesting a conference with a settlement judge. Parties who cannot afford private mediation may request a

pro bono mediator pursuant to Local Civil Rule 39.1(c)(4). If private mediation has failed, but all parties believe the case would benefit from further settlement discussions, the parties may request a settlement conference with a Magistrate Judge. Those requests should be made by email to Courtroom Deputy Mary Trent at [Mary\\_Trent@wawd.uscourts.gov](mailto:Mary_Trent@wawd.uscourts.gov).

### **VIII. EXPERT DISCOVERY**

Judge Cartwright's scheduling order contains a single deadline for the discovery cutoff, which includes fact and expert discovery. The parties are expected to cooperate and manage their case to ensure any fact discovery that is needed for expert witness preparation is completed in advance of the deadline for expert disclosures. If a producing party is delaying discovery in a way that interferes with expert witness preparation, the requesting party should seek a conference with the Court as soon as possible. If the parties have a specific need for phased discovery, they should make that request in their joint status report at the beginning of the case.

### **IX. SCHEDULING TEMPLATE**

To aid the parties in drafting requests for schedule continuances, Judge Cartwright's preferences regarding case scheduling are listed here. Please note Judge Cartwright 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. Judge Cartwright disfavors trial continuances and will not grant them absent good cause beyond the normal process of litigation. A failure to complete discovery within the time allowed or a decision to engage in settlement discussions does not on its own create good cause, although Judge Cartwright will consider requests for brief continuances where the parties have secured a mediation date or where there is a compelling reason that discovery could not be completed as scheduled.

Event	Date
JURY TRIAL SET FOR 9:00 a.m. on	<b>Trial Date</b>
Length of trial	___ days
Deadline for joining additional parties	Today + 3 mos
Deadline for filing amended pleadings	Today + 3.5 mos
Disclosure of expert testimony under FRCP 26(a)(2) due	TR – 7 mos
Disclosure of rebuttal expert testimony under FRCP(26)(a)(2)	TR – 6 mos
All motions related to discovery must be filed by	TR – 6 mos
Discovery must be completed by	TR – 5 mos
Attorney Settlement Conference	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 the fourth Friday thereafter ( <i>see</i> LCR 7(d)).	TR – 4 mos
All motions in limine must be filed by	TR – 37 days
Proposed jury instructions and agreed LCR 16.1 Pretrial Order due, including exhibit list with completed authenticity, admissibility, and objections fields	TR – 22 days
Trial briefs, proposed voir dire questions, and deposition designations due	TR – 21 days
Pretrial conference scheduled at 10:00 a.m. on	TR – 13 days