

Chambers Procedures – Civil
for
United States District Judge
Jamal N. Whitehead of the Western
District of Washington



Effective April 24, 2024

The Honorable Jamal N. Whitehead

United States Courthouse

700 Stewart Street, Suite 16128

Courtroom 16A

Seattle, WA 98101-9906

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<https://www.wawd.uscourts.gov/judges/whitehead-chambers>

These procedures apply to all civil matters before United States District Judge Jamal N. Whitehead. They differ or add to the Local Rules in some important respects, so please read them carefully.

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1. GENERAL FILING GUIDELINES

1.1 Text-Searchable and Electronic Bookmarks.

All PDFs submitted to the Court must be text-searchable. Any PDF document longer than 14 pages should also include electronic bookmarks or an outline with links embedded in the file.

1.2 No Courtesy Copies.

Unless the Court orders otherwise, parties need not submit courtesy copies of any filings.

1.3 Footnotes.

Avoid substantive footnotes. Most information and argument should be presented in the body text of your brief. And as a matter of preference, the Court prefers in-line legal citations over citational footnotes. Footnotes must be single spaced and 12-point font or larger.

1.4 Table of Contents.

For submissions longer than 14 pages (regardless of word count), please include a table of contents.

1.5 Slip sheets.

Use slip sheets to separate and identify exhibits when one or more exhibits are attached to a document or grouped together and filed as one (e.g., “Exhibit A,” and nothing more on the page).

2. CONTACTING CHAMBERS

2.1 In general.

Most questions to Chambers can be answered by consulting the Federal or Local Rules, the Court’s website, the case scheduling order, or Judge Whitehead’s Chambers Procedures. Technical questions about CM/ECF filings should go to the Help Desk at (206) 370-8440 (choose option 2), (866) 323-9293 (toll free) (choose option 2), or cmecf@wawd.uscourts.gov.

2.2 Emails.

If questions persist, parties may contact Judge Whitehead’s Court Deputy, Grant Cogswell, at grant_cogswell@wawd.uscourts.gov, or Chambers directly at whiteheadchambers@wawd.uscourts.gov. Parties must copy all counsel of record on any email to Chambers.

2.3 Telephone calls.

Parties should not contact Chambers by telephone. Calls to Chambers are permitted in emergency situations only or for matters that require immediate attention. In those rare situations, call (206) 370-8700.

2.4 Letters.

Electronic filing is mandatory for attorneys and optional for those representing themselves (“pro se”). Parties representing themselves are encouraged to consult the District’s online resources for pro se litigants available at <https://www.wawd.uscourts.gov/representing-yourself-pro-se>.

2.5 Faxes.

There is no fax machine in Chambers. Please don’t fax the Court.

3. DISCOVERY

3.1 Discovery motions in general.

Discovery motions should be filed only as a last resort. Before filing a discovery motion, parties must meet and confer and exhaust all reasonable alternatives to a formal motion. Good faith conferral demands not just an expression of either side’s position, but affirmative suggestions and compromise aimed at achieving the sought-after relief without court involvement. As one court observed, parties “must make genuine efforts to resolve the dispute by determining precisely what the requesting party is actually seeking; what responsive documents or information the discovering party is reasonably capable of producing; and what specific, genuine objections or other issues, if any, cannot be resolved without judicial intervention.” *Cotracom Commodity Trading Co. v. Seaboard Corp.*, 189 F.R.D. 456, 459 (D. Kan. 1999). “The quality of the contacts [between opposing counsel] is far more important than the quantity.” *Id.*

The Court will deny or strike a discovery motion for failure to meet and confer in good faith.

If a discovery motion is filed, the moving party must clearly state—in specific terms—the grounds for seeking an order and the relief requested. Motions that lack the requisite specificity will be denied. *See* Fed. R. Civ. P. 7(b)(1).

3.2 Expedited Joint Motion Procedure.

The Court urges parties to use the District’s Expedited Joint Motion Procedure for discovery disputes. *See* LCR 37(a)(2).

3.3 Initial & Expert Disclosures.

Rule 26 disclosures are to be exchanged between the parties. Parties should not file initial disclosures or expert reports unless ordered by the Court or they are somehow at issue.

3.4 Depositions.

Objections should ordinarily be limited to grounds that might be immediately obviated, removed, or cured, such as those involving a privilege against disclosure, to the form of a question, or the responsiveness of an answer. Counsel must state their objections concisely and in a non-argumentative and non-suggestive manner. For example, “Objection, compound,” or “Objection, vague,” would be proper objections. Other than to evaluate privilege issues, counsel should not confer with a witness while a question is pending. Counsel may confer with witnesses, however, during breaks in a deposition without waiving any otherwise applicable privilege. Counsel may instruct a witness not to answer only when necessary to preserve a privilege, to enforce a limitation ordered by the Court, or to present a motion under Fed. R. Civ. P. 30(d)(3).

4. HEARINGS

4.1 **In-person.**

Unless the Court orders otherwise, all hearings will be held in-person in Courtroom 16A of the United States District Courthouse, Seattle, Washington, 98101.

4.2 **Zoom.**

If warranted, the Court will conduct hearings in civil cases on Zoom. Each participant must have a device with a microphone and camera (i.e., no shared cameras). All participants must have their video turned on, but their sound muted unless speaking. The screenshare function will be disabled. The Court will not provide technical support during the hearing, so you're encouraged to test your connectivity, lighting, equipment, and so on beforehand. You should conduct yourself as if the proceedings were taking place in-person: enter the "building" (i.e., participate from a quiet room, not your car), arrive on time, speak one at a time, and wear professional attire. **Broadcasting or recording a Zoom hearing is illegal.**

4.3 **Telephonic.**

Proceedings held by telephone will be on the Court's dedicated conference line. Judge Whitehead's Courtroom Deputy will send you the necessary sign-in credentials before the hearing. You should use a landline if possible and mute yourself unless speaking. To make a better transcript, be sure to identify yourself each time you talk.

5. MOTIONS

5.1 Oral Argument.

The Court encourages attorneys with less experience or from historically underrepresented backgrounds in the federal bar, particularly those who were vital in drafting the underlying filing, to argue motions. The Court will allow more than one attorney to argue per party on a single motion to promote this goal.

Parties may request oral argument, but they should not count on the Court granting the request as a matter of course. If oral argument is to be held, Judge Whitehead's Courtroom Deputy will contact the parties to schedule a date and time that work for all concerned. The "noting date" for a motion is different from the hearing date.

5.2 Notices of Unavailability.

As stated in LCR 83.2, "[n]otices of unavailability are not required." Please do not file them with the Court, as they have no effect on the case schedule or other court deadlines. Instead, if you'll be gone for any lengthy period, confer with opposing counsel. Parties should be professional and courteous at all times, including on discretionary scheduling matters. Relief from any court deadline must be sought under the Local and Civil Rules.

5.3 Extending Deadline to Answer.

Parties may agree to extend the time for a defendant to answer or otherwise respond to a complaint. So long as the parties agree to an extension, there's no need to file a stipulation with the Court.

5.4 Extending Initial Scheduling Order Deadlines.

The initial case schedule deadlines may be extended by contacting Judge Whitehead's Courtroom Deputy. There's no need to file a stipulation with the Court.

5.5 Extending Other Deadlines.

The parties may automatically extend deadlines coming due *before the dispositive motions deadline* by filing a Stipulated Notice, not a motion, with the Court. But *all* the following conditions must be met: (1) the deadline at issue comes due before the dispositive motions deadline set in the Court’s trial scheduling order; (2) all parties stipulate to the change (non-opposition will not suffice); (3) the parties have not previously extended the deadline at issue; and (4) the stipulation does not alter the date or deadline for any hearing or final submission to the Court related to a hearing.

If all conditions are met, the parties may file a Stipulated Notice signed by all parties, stating as follows:

As authorized by Judge Whitehead’s Chambers Procedures, the Parties have agreed to extend the following deadlines:

Event	Current Deadline	New Deadline
<i>E.g.</i> , Expert disclosures	January 2, 2024	January 16, 2024

The parties request that the Clerk of the Court reset the deadlines as noticed.

Other than stipulated extensions as described above, the dates listed in the Court’s trial scheduling order and set by the Local Civil Rules are firm and can only be altered by the Court upon a showing of good cause. Generally, Judge Whitehead will not decrease the time between the dispositive motion deadline and the trial date absent a really good reason.

5.6 Confer before moving to dismiss.

A motion to dismiss under Fed. Civ. R. 12(b) is discouraged if the defect can be cured simply by filing an amended complaint. Thus, the parties must meet and

confer before filing any Rule 12(b) motion to dismiss to determine whether it can be avoided. Parties should avoid opposing a timely motion, or withholding a stipulation, to amend. If a Rule 12(b) motion is filed, it must include a certification of conferral.

5.7 *Daubert* motions.

Daubert motions must be filed by the dispositive motion deadline according to the Court's trial scheduling order. *Daubert* motions may not be presented or renewed as a later-filed motion in limine.

5.8 Cross-motions for Summary Judgment.

If the parties anticipate cross-motions for summary judgment, they must file four briefs sequentially, rather than three pairs of briefing (i.e., six briefs). The Court's suggested filing sequence and word count is described below:

- The initial moving party files opening brief, which may not exceed 8,400 words.
- The opposing party files its combined opening/opposition brief, which may not exceed 10,500 words.
- The initial moving part files its combined opposition/reply brief, which may not exceed 10,500 words.
- The opposing party files its reply brief, not to exceed 4,200 words.

(The Court assumes the defendant will file the initial brief, but the parties may decide on any order they like.) The parties must submit a stipulated motion proposing a briefing schedule and word-limits on cross motions in advance of the first brief. All briefing must be complete and ready for the Court's consideration consistent with the dispositive motion deadline on the case schedule.

6. TRIAL

6.1 Trial Procedures.

The parties should consult and be familiar with Judge Whitehead’s separate Trial Procedures available on the Court’s web page.

7. COURTROOM ETIQUETTE

7.1 Lectern.

All argument and witness questioning should occur from the courtroom lectern. Do not approach the jury or a witness without permission.

7.2 Accommodations.

If you need an accommodation for a court appearance or have accessibility-related questions, please contact Judge Whitehead’s courtroom deputy.

7.3 Pronouns and Honorifics.

The Court invites parties and counsel to share their honorifics or pronouns—such as Ms., Mx., or Mr.—so that the Court may address them respectfully. People appearing before the Court may do so by email to, or speaking with, Judge Whitehead’s Courtroom Deputy, or when appearing for court.

7.4 Personal Electronic Devices.

Cellphones are allowed inside Judge Whitehead’s courtroom, but they must be turned *off* when court is in session. If your laptop or tablet features a digital assistant (e.g., *Siri*), be sure to disable the voice-prompt or always-listening feature to avoid accidental courtroom interruptions.

7.5 General Advice.

- Be on time.
- Stand when speaking. *But see* Section 7.2.
- Address all remarks to the Court, not opposing counsel or the opposing party.
- Be professional and ethical.
- Be courteous and respectful to courtroom staff at all times.