Effective February 9, 2024

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUDGE TANA LIN
STANDING ORDER FOR ALL CIVIL CASES

This Order sets forth the procedures that govern all civil cases assigned to this Court. This Order applies to all Counsel in cases before this Court, their clients, and any party representing themselves *pro se*. 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.

These procedures supplement the Federal Rules of Civil Procedure ("FRCP") and Local Civil Rules of the United States District Court for the Western District of Washington ("LCR"). **In the event there is an inconsistency between this Order and the Local Rules or the Federal Rules of Civil Procedure, the terms of this Order control. Failure to comply with the procedures set forth in this Order may result in sanctions.** The terms of this Order shall have the force and effect of orders of the Court from the date of the Order. If the case was previously assigned to a different District Judge, these procedures replace those that previously controlled, but only as to filings and hearings from the date of reassignment.

Parties shall review Judge Lin's procedures at https://www.wawd.uscourts.gov/judges/lin-procedures prior to any hearing, trial, or motion filing for information relating to her general practices and potential updates to this Order.

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I. COMMUNICATIONS WITH CHAMBERS

Parties should direct initial inquiries they have to the Courtroom Deputy, Kadya Peter, by email at kadya_peter@wawd.uscourts.gov or by telephone at (206) 370-8525. *Ex parte* communications with chambers involving any matter other than checking on a decision on a motion pursuant to LCR 7(b)(5) or settlement are strongly discouraged. For any other types of inquiries, all Parties must be on the line or copied on the email when communicating with the Courtroom Deputy.

II. GUIDELINES FOR ALL MOTIONS AND FILINGS

A. Structure and Typeface

A motion and the legal argument supporting the motion shall be filed as a single document.

Parties should follow the guidelines in LCR 10(e) except that **all motions, oppositions, objections, replies, and sur-replies must be in 12-point Times New Roman font in the body of the document and 10-point Times New Roman font in the footnotes.** All filings shall contain page numbers and have margins of no less than 1 inch.

Substantive information and discussion must appear in the body of the brief; footnotes are to be reserved for explanatory and supplemental information. Citations should be in Bluebook format and must be included in the body of the briefing, not footnotes or endnotes.

Filings that do not comply with these instructions may be summarily denied or stricken.

B. Citations to Unpublished Legal Authority

When filing a motion or brief that cites to a ruling from a court outside this jurisdiction that is not readily available on Lexis or Westlaw (*e.g.*, transcripts containing bench rulings), a copy of the ruling must be provided to the Court as an attachment to the motion.

C. Table of Contents & Table of Authorities

Parties who file a brief that is **ten (10) pages** or longer shall include a table of contents and a table of authorities (neither of which counts toward the word limit, *see* LCR 7(e)(6)).

D. Certification of Conferral

Motions shall contain a certification that the Parties have met and conferred (*see also* Section III.G for additional requirements as to FRCP 12(b) motions to dismiss). To not count against word limits for motions, the certification shall be attached as a separate page after the signature page of the motion and shall be signed by Counsel or the movant, if *pro se*.

Parties must make a meaningful effort to confer prior to filing a motion. For example, waiting until the expiration of a deadline and contacting the opposing Party, receiving no immediate response, and then filing the motion does not satisfy that duty. Parties shall explain their specific efforts to comply if contact was not successfully made. Motions that do not comply may be summarily denied.

E. Format of CM/ECF Filings

Where feasible, the Court prefers PDFs to be filed on the docket in a searchable-text format.

F. Courtesy Copies

Courtesy copies are only required for pleadings that in the aggregate (*i.e.*, the brief plus any declarations or exhibits) are longer than **fifty (50) pages**, trial exhibits (*see* Judge Lin's Civil Trial Procedures), 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.

G. Noting Dates

The Court follows LCR 7 in scheduling matters as ready for consideration by the Court. Parties should follow the guidelines specified in LCR 7(d). The Court may re-note or strike motions that have been improperly noted for consideration or may take other appropriate action. The Court may also re-note motions as needed to manage its docket.

III. MOTIONS BY TYPE

A. Requests for Extension of Deadlines

The Court permits Parties to automatically extend a deadline (or amend a scheduling order) to a specific new date, provided that: (1) such request is unopposed or agreed upon between the Parties; (2) the date has not been previously automatically extended; *and* (3) such request does not change the date for (a) any hearing, (b) any final submission to the Court related to a hearing, (c) any dispositive motion or expert motion deadline, or (d) any deadline after the filing of dispositive and expert motions in the trial scheduling order.

Parties shall meet and confer and jointly file any such requests under this paragraph as a stipulated notice to the Court, instead of as a motion, using the language set forth below:

> Pursuant to Judge Lin's Standing Order for All Civil Cases, the Parties have agreed to move the following deadlines: _____. The Parties request that the Clerk reset the deadlines as noticed.

Other than unopposed or stipulated requests for extensions described in the preceding paragraph, deadlines remain operational until the Court has ruled on a motion to extend those deadlines. The Court will not prioritize such motions simply because the Parties have waited until a deadline is imminent before filing a motion to extend. Motions for extensions of time shall be filed **at least three (3) business days** in advance of the expiration of the relevant deadline. Any opposition must be filed within **two (2) business days** of the motion. Untimely briefs or responsive pleadings may be summarily denied, stricken, or ignored.

The Court will not decrease the amount of time between the dispositive motion deadline and the trial date (*i.e.*, four months) unless the Parties set forth an extraordinary basis for doing so.

B. Requests to Reschedule Hearings

Motions to reschedule are discouraged because of their impact on the Court's calendar. If rescheduling is necessary, the motion shall be filed no later than **five (5) business days** before the scheduled hearing. The motion shall contain an explanation of why the rescheduling is necessary, as well as alternative dates and times that are available for all Parties. If the suggested dates and times are not available on the Court's calendar, the Court will select a date and time

sua sponte. Parties shall include known dates of unavailability for the Court to consider when selecting a new date and time, but the Court will select the most expedient date available that minimizes the impact to the Court's calendar.

C. Stipulated Protective Orders

LCR 26(c) discusses the District's model protective order. A redlined version against the model should be attached to and filed along with any proposed stipulated protective order. *See* LCR 26(c)(2). If there are no differences from the model, the Parties shall include with the stipulation a certification stating as such. Merely providing a list of specific documents to be designated as confidential in Section 2 as required by the model order is not considered a change or difference from the model.

D. Motions to Seal

The Court expects strict compliance with LCR 5(g).

It is the Court, not the Parties, that determines whether a document can be filed under seal. The Court will only permit filings under seal if the Party seeking to seal the information demonstrates why the public's traditional right of access to court documents and the public policies favoring disclosure are outweighed by good cause (if the motion is not case-dispositive) or compelling reasons (if the motion is case-dispositive or otherwise more than tangentially related to the merits of the case, or the information is included in the operative complaint) that support keeping the information under seal. The fact that a Party has designated a particular document "Confidential," or the Parties have stipulated it as such (or the opposing Party has not opposed the designation) is not sufficient to convince the Court that good cause or compelling reasons exist to seal that document.

For a helpful guide on properly redacting sensitive information from documents (including redactions required under LCR 5.2(a)), *see* https://www.cand.uscourts.gov/cases-e-filing/cm-ecf/preparing-my-filing/redaction-of-information/.

E. Proposed Orders

Under LCR 7(b)(1), any motion requiring the signature of the Court must be presented along with a proposed order. However, Parties are **not** required to submit proposed orders for dispositive motions.

Pursuant to this District's Electronic Filing Procedures, the moving party must email a Microsoft Word version of a proposed order to linorders@wawd.uscourts.gov at the time of filing. The subject heading of the email should include the case number, the case name, and the title of the motion rather than simply, "Proposed Order."

See LCR 10(e)(7) for guidance on the form of proposed orders.

F. *Daubert* Motions

Motions challenging expert testimony, though not dispositive motions, must be filed by the date dispositive motions are due in accordance with the Court's trial scheduling order. *Daubert* issues may not be presented in motions *in limine*.

G. Dispositive Motions

Parties must make a meaningful effort to confer prior to filing a dispositive motion. Such motions must contain a certification of conferral. *See* Section II.D. Parties should provide for **at least three (3) business days** between the final attempt to confer and a motion's filing and must explain their specific efforts to comply in the certification if contact was not successfully made.

A motion to dismiss pursuant to FRCP 12(b) is discouraged if the defect can be cured by filing an amended pleading. Parties must endeavor not to oppose timely motions to amend.

Parties must submit for approval a proposed briefing schedule if they plan on filing cross-motions for summary judgment. As noted in LCR 7(k), the Court may order Parties filing cross-motions for summary judgment to combine their memoranda and forgo reply briefs in exchange for an enlarged response brief.

H. Motions *in Limine*

Before filing motions *in limine*, a Party must make a good faith effort to meet and confer with the opposing Party and must comply with all other requirements of LCR 7(d)(4). Parties are discouraged from filing motions *in limine* that do not identify specific evidence or exhibits to be excluded, that request relief at a high level of generality, or that merely ask the Court to apply the Federal Rules of Evidence in the absence of an unusual issue. Each Party may file a single, omnibus motion *in limine*. Successive motions *in limine* shall require advance Court approval.

Motions *in limine* that do not comply with the applicable requirements, including the certification of conferral (LCR 7(d)(4)) or the word limit (LCR 7(e)(5)), without prior permission of the Court may be summarily stricken.

I. Motions for Attorney Fees

All motions seeking attorney fees must be accompanied by an appropriate declaration that attaches all relevant timesheets and costs.

IV. DISCOVERY

A. Discovery Disputes

The Court expects Parties to file a motion to compel only as a last resort. The Court strongly encourages Parties to make every effort to resolve discovery disputes without the Court's intervention. Before filing a motion to compel, the moving Party must make a good faith effort to meet and confer with the opposing Party. *See* Section II.D. A motion to compel must strictly comply with LCR 37(a)(1) and shall include a certification that lists the date, manner, and

participants to the conference. Failure to comply with these requirements may result in the motion being stricken or denied. Counsel found to be unreasonably delaying discovery may be sanctioned.

Parties are strongly encouraged to submit discovery disputes jointly through the procedure set forth in LCR 37(a)(2).

Opposed discovery motions shall contain a verbatim recitation of the discovery request and objection (if any) at issue or shall attach a copy of such. If the Court must resolve the discovery dispute by motion, the losing Party may be sanctioned.

When presented with disputes regarding discovery issues that are particularly time-sensitive, Parties may **jointly** contact the Courtroom Deputy, Kadya Peter, by email at kadya_peter@wawd.uscourts.gov or by telephone at (206) 370-8525, to arrange a telephone conference with the Court.

Discovery disputes shall be raised in a timely manner to allow discovery to be completed within the discovery deadline. Failure to do so may waive a Party's right to bring the dispute before the Court.

Parties must provide notice of these discovery procedures to third parties who receive discovery requests from the Parties. Such third parties shall also be expected to comply with these procedures.

Should the case be referred to a Magistrate Judge for discovery-related issues, no opposed discovery motions shall be filed until the Party has contacted the Magistrate Judge to be informed of that judge's procedures for resolving discovery disputes.

V. SETTLEMENT

A. Opportunities for Settlement

Parties shall evaluate the opportunity for settlement at the outset of the case regardless of whether the Parties' obligation to meet and confer has been triggered. When civil cases are settled early—before becoming costly and time consuming—all Parties and the Court benefit. The Federal Bar Association Alternative Dispute Resolution Task Force Report for this District has stated:

> [T]he major ADR-related problem is not the percentage of civil cases that ultimately settle, since statistics demonstrate that approximately 95% of all cases are resolved without trial. However, the timing of settlement is a major concern. Frequently, under our existing ADR system, case resolution occurs far too late, after the parties have completed discovery and incurred substantial expenditure of fees and costs.

Therefore, Parties also have an ongoing obligation to explore possible settlement options.

B. Procedure upon Notification of Settlement

Upon reaching settlement, Parties are reminded that pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), a plaintiff may dismiss an action without a court order by filing a Notice of Voluntary Dismissal (rather than a motion) signed by all Parties who have appeared.

For Parties who do not wish to voluntarily dismiss the action (*e.g.,* a settlement in principle has been reached but not yet finalized) and where court approval of a settlement is not required, Parties must file a Notice of Settlement upon reaching a settlement in principle. In the Notice, Parties shall specify their preferred approach regarding the dismissal of the case, such as: (1) "The Parties request the immediate dismissal of this case pursuant to the Court's standard procedure upon notification of settlement" (see below for the Court's standard language); or (2) "The Parties request that the Court set a deadline for the submission of a stipulated dismissal."

Under the second option, the Court will impose a deadline, ordinarily **thirty (30) days** unless a different time frame is specifically requested, for the Parties to file a voluntary dismissal as detailed above. The Court will also enter an order stating: Any trial date and pretrial dates previously set are hereby VACATED and any pending motions are hereby STRICKEN.

When the case is ripe for dismissal and if no Notice of Voluntary Dismissal has been filed, the Court will enter the below standard order of post-settlement dismissal, modified as needed:

> Counsel having notified the Court of settlement of this case, and it appearing that no issue remains for the Court's determination, it is ORDERED that this action and all claims asserted herein are DISMISSED without prejudice and without costs to any party. In the event that settlement is not perfected, any party may move to reopen the case **within sixty (60) days** of the date of this Order.

The dismissal will be **without prejudice**, pursuant to Federal Rule of Civil Procedure 41(a)(1)(B), unless otherwise specified by the Parties.

C. Notice of Settlement in Cases Set for Jury Trial

Parties shall refer to Local Civil Rule 39(d) where cases scheduled for jury trial are settled (or agreed to be tried without a jury) for the requirements of providing timely notice. Failure to provide timely notice may result in the assessment of jury expenses to the Parties. *See* LCR 39(d).

VI. HEARINGS AND TRIALS

A. Scheduling Oral Argument

After briefing has been completed on a motion, the Court will decide whether to grant a request for oral argument.

Should oral argument be held, the Court will contact the Parties to schedule a date and time. The Court may email questions to Counsel that they should be prepared to address at the hearing. The Court will endeavor to email questions no later than 5 p.m. P.T. the day before the hearing.

B. Presentation of Argument and Evidence

The Court encourages litigants to provide opportunities for less experienced lawyers or lawyers whose identities and/or backgrounds further the diversity of the legal profession to participate in all courtroom proceedings, particularly where they contributed significantly to the preparation. While typically only one lawyer may argue on behalf of a Party or question a witness, the Court may allow multiple attorneys to argue or examine a witness on behalf of a client to achieve this end. Counsel should advise the Court prior to the proceeding if they intend to have multiple lawyers argue a case pursuant to this policy. An experienced attorney may supplement a new lawyer's arguments or witness examination questions with their own if necessary. Of course, the ultimate decision of who speaks on behalf of the client is for the client and not the Court. Parties shall submit notice under this provision by issue and speaker **two (2) business days** prior to the hearing to the Courtroom Deputy, Kadya Peter, by email at kadya_peter@wawd.uscourts.gov.

C. Witnesses and Exhibits

If the Parties intend to call witnesses at a hearing, they must submit a filing declaring their intention to do so at least **two (2) business days** prior to the hearing. The filing must contain the identity of each witness and the scope of the testimony.

All Parties intending to introduce documentary evidence must supply a list of exhibits. For exhibits that have already been filed with the Court, the Party should clearly indicate the applicable docket number. If an exhibit has not been filed, the Party must supply the exhibit via email, in PDF format, to all relevant Parties and to the Court as soon as possible but no later than **twenty-four (24) hours** before the hearing. When the hearing at which exhibits will be introduced will proceed by videoconference, the email to the Court must identify the full name of the Counsel who will be introducing the exhibit, so the Court may authorize the appropriate attorney to share their screen.

D. Accommodations

An attorney or other participant may request disability-related or health-related accommodations to participate in an upcoming hearing for their case, whether held virtually, in-person, or in a hybrid format. Participants are encouraged to request accommodations as far in advance as possible by contacting the Courtroom Deputy, Kadya Peter, by email at kadya_peter@wawd.uscourts.gov or by telephone at (206) 370-8525.

E. Teleconference or Videoconference

Unless otherwise specified, hearings are in person. Counsel from outside of King County may appear by telephone or video at status conferences and hearings on non-dispositive motions, but they must request and make arrangements with the Courtroom Deputy ahead of time.

Instructions will be sent to participants in advance of any telephonic or video conference.

All videoconference participants must register prior to the hearing or trial date using the link that will be provided in advance of the hearing or trial date. Where a videoconference has been set, Counsel is required to appear via video unless they file, and the Court grants, a motion to appear telephonically. All Parties appearing via video should sign in using their first and last names as they appear in filings to the Court.

F. Cellular Phones and Wireless Devices

Except with prior Court approval, all cellular telephones and wireless devices must be turned off or turned to airplane mode during all proceedings. Simply silencing these devices is insufficient, as they may interfere with the courtroom audio system. Individuals whose devices interrupt proceedings may be sanctioned.

G. Courtroom Decorum

Judge Lin expects everyone in her courtroom to treat each and every person with dignity and respect. Therefore, at a minimum, she expects the following from all:

1. Be punctual.

2. Refer to and address witnesses, Counsel, and Parties by their surnames, unless leave to do otherwise is granted. Refer to and address Court personnel by their surnames or titles.

3. Refrain from interrupting when someone else is speaking. The same courtesy will be returned for every person.

4. Refrain from making disparaging remarks or displaying ill will toward any other person in the courtroom and from causing or encouraging any ill feeling among the litigants.

5. Refrain from making gestures, facial expressions, or audible comments as manifestations of approval or disapproval of testimony or argument.

The Parties and Counsel are also encouraged to advise the Court of their pronouns and honorifics (such as Ms., Mrs., Mx. or Mr.) and may do so in signature lines or by advising the Courtroom Deputy before a hearing or other proceeding begins, either via email or in person.

VII. GUIDANCE FOR *PRO SE* LITIGANTS IN CIVIL CASES

Parties who represent themselves in civil litigation (*i.e.*, appear *pro se*) should be aware that the Court holds them to the same standards of conduct to which it holds attorneys.

The following links may also be helpful to *pro se* litigants in civil cases:

- The Local Rules (including the Local Civil Rules, which apply to all civil cases) and General Orders for the Western District of Washington can be found at: https://www.wawd.uscourts.gov/local-rules-and-orders.

- A PDF version of the Federal Rules of Civil Procedure can be found at: https://www.uscourts.gov/sites/default/files/federal_rules_of_civil_procedure_december_1_2022_0.pdf..

- Additional information about how to represent yourself in matters before the Western District of Washington, including how to electronically file and receive case documents, is available at: https://www.wawd.uscourts.gov/representing-yourself-pro-se.

To seek a lawyer referral, *pro se* parties can contact:

- Washington State Bar Association at: www.wsba.org.

- King County Bar Association at: www.kcba.org.

DATED this 2nd day of January 2024.

Honorable Tana Lin
United States District Judge