Individual Procedures

Judge Evan J. Wallach

Chambers
United States Court of International Trade
One Federal Plaza, Room 695
New York, New York 10278
Fax Number (212) 264-3244

Deputy Clerk
Rebecca A. Ricci
(212) 264-1628

I. General Rules

1. Attorneys

Pursuant to CIT Rule 75(b)(1), where a summons is issued all Counsel proceeding before the Judge must ensure that the clerk's office possesses an up-to-date record of Counsel's address and telephone number. In all other cases, or where a change occurs thereafter, Counsel must alert the clerk's office of any change in firm name, address or telephone number immediately. The placement of any change on documents submitted to the Court is not sufficient.

2. Communications

(A) Communications with Chambers must be made in writing, except for urgent matters requiring immediate attention. Counsel must not call the Judge's law clerks regarding procedural matters. Counsel may contact the deputy clerk with specific procedural questions. Counsel are advised to consult the Rules of the United States Court of International Trade prior to any request or inquiry.

(B) Counsel must submit copies of correspondence to all interested parties.

(C) Counsel should fax a copy of any correspondence that is sent by certified mail.

(D) Any Affidavit or Certificate of Service must identify the served documents by title. Affidavits or Certificates which do not identify the documents will be deemed insufficient by the Court.

3. Memoranda of Law

(A) All Memoranda of Law submitted to the Court must be supported by cited authority. A table of authority must contain all authority cited. Counsel must keep the use of string citations to an absolute minimum. Motions not accompanied by Memoranda of Law must contain points and authorities, including USCIT Rules or case law where appropriate. Naked citations to authority will be deemed insufficient. Unless a party timely files an opposition to a pending motion, all material facts properly set forth by the moving party will be deemed admitted.

(B) Two courtesy copies of all motions and accompanying Memoranda of Law must be submitted to Chambers. Chambers' copies must be exact duplicates of the filed documents, including signatures, where applicable. In addition, Counsel must submit copies of Memoranda of Law that cite case authority on 3½ inch floppy disks, formatted, if possible, for Corel WordPerfect 8.0.

(C) Memoranda of Law supporting and opposing all motions must be limited to 30 pages in length. Reply Memoranda of Law must be limited to 15 pages in length. This limitation does not

include tables of authority, appendices, etc. No Memoranda of Law which exceeds those requirements may be filed without the prior written approval of the Court, leave for which will be freely given upon good cause shown.

(D) Any error in citation or otherwise which comes to Counsel's attention must be communicated to the Court in the form of an Errata Memorandum.

(E) Counsel should expect a hearing on any substantive motion, unless the Judge indicates otherwise.

4. Extensions of Time

Pursuant to CIT Rule 6(b) Motions for extension of time must be filed before the period in question expires. Any such request for enlargement or extension of time must be received by a FAX transmission of a courtesy copy to the Court's chambers prior to the date from which the enlargement or extension is sought and upon which the original document is due. Any such motion not made in writing and received by the Court prior to the expiration of the period in question, will be denied. Motions must cite to authority, and set forth the basis for good cause and that communication has been made with all parties.

5. Pretrial Order

A joint pretrial order must be submitted at least 10 days prior to the date set for any pretrial conference. The form of the pretrial order is annexed hereto.

6. Documentary Evidence

Prior to any trial or evidentiary hearing, the parties are encouraged to agree with respect to which evidence is necessary for any determination by the Court. In the absence of such agreement, the plaintiff must serve upon all interested parties a designation of all relevant exhibits. If any interested party considers other evidence to be necessary, it must serve a cross-designation upon all interested parties. Each designation must list all documents which the party intends to cite in Memoranda of Law or Oral Argument. The custodian of the record must submit photo copies of all designated documents, in their entirety, to the Court. This compilation must be received by the Court prior to any trial or hearing in which the evidence is to be considered, or when the first Memoranda of Law citing documentary evidence is submitted. All proposed evidence should be premarked for identification.

7. Changes to a Trial Transcript

Any proposed changes to a trial transcript must be made by written motion.

UNITED STATES COURT OF INTERNATIONAL TRADE

	:	
Plaintiff,		
	:	**Before: Wallach, J.**
v.		**Court No.:**
	:	
Defendant.		
	:	

PRETRIAL ORDER

At a pretrial conference held before Hon. Evan J. Wallach, and attended by counsel, the following matters were discussed and agreed to, and are hereby ordered:

1. **General**. The parties recognize that this pretrial order controls the subsequent course of the action unless the order is modified by consent of the parties and the Court, or by order of the Court. The sections that follow are part of this order.

2. **Parties and Counsel**. Section A shall set forth the names of all parties, the names, addresses and telephone numbers of their respective attorneys, and the names of trial counsel for each party.

3. **Jurisdiction**. Section B-1 shall set forth the statutes, legal doctrines, and facts upon which plaintiff claims jurisdiction is based. Section B-2 shall indicate which, if any, of these are contested.

4. **Uncontested Facts**. All uncontested facts shall be set forth in Section C.

5. **Claims and Defenses**. Each party's claims and defenses shall be listed separately in Sections D-1, D-2, etc.

6. **Damages and other Relief**. Claims with respect to damages and other relief sought by each party shall be detailed in Sections E-1, E-2, etc.

7. **Waivers of Claims**. Except as provided in USCIT Rule 15, the parties waive all claims with respect to liability, damages, and other relief and all affirmative defenses that are not set forth in Sections D and E.

8. **Issues**. Section F shall set forth and separately number the issues of the case. If the parties cannot agree as to the issues, then their separate statements of the issues shall be set forth as Sections F-1, F-2, etc..

9. **Witnesses**. Sections G-1, G-2, etc. shall list for each party each witness whose testimony is not unlikely at the trial, setting forth for each witness (a) name, (b) address, and (c) a summary of expected testimony, and for expert witnesses (d) the area of expertise, and (e) a current *curriculum vitae*.

10. **Expert Witnesses**. Any scientific expert testimony must satisfy the five-part test set out in **Daubert v. Merrell Dow Pharmaceuticals, Inc. 113 S. Ct. 2786** (1993).

11. **Deposition Testimony**. Any party proposing to use deposition testimony as evidence shall, at least two weeks prior to the trial date, notify all adversaries of the testimony proposed to be read, and may supply a complete copy of the deposition transcript to the Court. Objections to any proposed deposition testimony shall be made in writing no later than one week prior to trial. The Court will rule on all such objections prior to commencement of the trial.

12. **Exhibits**. Sections H-1, H-2, etc. shall list for each party the exhibits to be offered in evidence by that party. Each list shall identify and describe each exhibit. Plaintiff's exhibits shall be identified by numbers, defendant's by letters.

13. **Objections to Exhibits**. Sections I-1, I-2, etc. shall list for each party each adversary's exhibits whose authenticity and admissibility are **not** stipulated. Any specific ground for objection to any contested exhibit shall be stated.

14. The parties recognize that they will not be allowed to use at trial any exhibits or witnesses not identified in this pretrial order except upon prompt notice to all parties and to the Court, and upon a showing of good cause.

15. All discovery is complete.

16. The trial will take approximately _____ days.