

**THE HONORABLE TANYA M. BRANSFORD
FOURTH JUDICIAL DISTRICT
CIVIL PRACTICE POINTERS & PREFERENCES**

I. Contact with Chambers

- Counsel may contact Judge Bransford’s law clerk with questions related to procedural matters not covered by the rules or applicable orders. The clerk should be contacted at the following e-mail address: 4th.Judge.Bransford.Staff@courts.state.mn.us
- Judge Bransford rarely conducts telephone conferences with the parties and her ability to do so would depend upon her schedule.

II. Motion Practice

- Except for motions regarding discovery disputes, Judge Bransford does not have a requirement that the parties must meet and confer prior to bringing other dispositive or non-dispositive motions.
- No discovery dispute can be brought before the Court unless the parties have conferred and made a good faith effort to settle their dispute as contemplated by Minn. R. Civ. P. 37.01(b) and Minn. Gen. R. Prac. 115.10.
- If a dispute arises during the course of a deposition, the parties should raise and preserve their objections in the deposition. Judge Bransford’s availability to resolve such disputes cannot be guaranteed.
- Judge Bransford typically hears contested motions on Thursdays, depending on the Court’s calendar.
- All cross-motions for summary judgment should be scheduled at the same time.
- In order to make changes to the scheduling order or requests for continuances, the parties should confer and agree on new dates at their discretion. However, if the changes to the scheduling order will necessitate a trial date change, the parties must make a request to the Court directly. The trial date will only be changed for good cause. Any changes to the scheduling order must include 120 days between the dispositive motion deadline date and the trial date.

III. Written Submissions

- Judge Bransford will not grant requests for word or page number enlargements.
- All deadlines should be adhered to. Generally, as long as a party has a reasonable opportunity to respond and review submissions to the Court, Judge Bransford disfavors

striking motions, responses, or replies from the record. However, the Court cannot guarantee that it will review submissions filed after a deadline.

- If any written submissions are 35 pages or more, including exhibits, those submissions must be sent via hard copy to chambers. Trial exhibits must be delivered to chambers in a 3 ring binder prior to trial.
- Proposed orders must specify what the order is (e.g. Proposed Order Granting Plaintiff's Motion for Summary Judgment).
- Attorneys must submit copies of unpublished opinions cited in their written submissions.
- Judge Bransford generally disfavors granting temporary restraining orders when both parties are not present. Upon receiving a request for a temporary restraining order, the Court will schedule a hearing as soon as possible, generally within 2 business days.

IV. In-Court Proceedings

- Judge Bransford recommends that attorneys arrive for a hearing at least 10 minutes prior to the hearing time. However, if any of the parties plans to use a display or courtroom technology, that party should arrive well before the hearing to allow sufficient time to setup. Additionally, the party using courtroom technology should contact the Court to arrange a time to receive training on the technology.
- Judge Bransford requires attorneys to stand when addressing the Court. Generally, attorneys are permitted to stand at counsel table unless they wish to use the podium for materials. If one party uses the podium, the Judge will require that all parties use the podium.
- Parties will be allowed a maximum of fifteen (15) minutes per side to argue dispositive and non-dispositive motions, but additional time can be requested.
- During oral arguments, parties should not recap their written submissions word for word, but should hit the main points of their written submissions.
- Hearings on preliminary injunctions and temporary restraining orders will usually be decided based on affidavits and argument of counsel.
- Attorneys introducing new case authority during oral argument are required to provide a courtesy copy of the case to the Court and opposing counsel.
- The use of technology in the Courtroom is permitted. However, all cellular phone use is prohibited in the Courtroom unless the party utilizing the cell phone is checking their calendar to schedule another hearing.

- Procedure for motion hearings: Moving party delivers oral argument first, then non-moving party delivers response. If a rebuttal is necessary, the moving party must indicate to the Court the amount of time it needs for rebuttal.

V. Pretrial Procedures

- The Court will issue a pre-trial order and the parties should familiarize themselves with all the provisions in that order.
- The Court will conduct *voir dire*. Once the Court has finished, the attorneys may ask a few questions as follow-up, but that will be limited in nature. Further, attorneys are not to ask the same questions the Court has already asked.
- The requirements and procedures for jury instructions, witness lists, and exhibit lists will be specified in the scheduling order. Generally, the jury instructions will be due 1-2 weeks before the trial date.
- Judge Bransford expects that the parties will meet with the Court prior to trial to discuss any motions in limine brought by the parties.
- A pre-trial conference will not be set in the original scheduling order. If the parties are unable to settle or otherwise resolve the case, a separate notice containing the notice of pre-trial conference will be sent to the parties.
- Judge Bransford uses a rotating list of mediators for court-ordered mediation. The scheduling order will encourage or order the parties to engage in pre-trial settlement discussions.

VI. Trial

- Trial begins promptly by 9 AM and continues through 4:30 PM, with a 1.5 hour break for lunch from 12 PM-1:30 PM. The parties will also be allowed one break during the morning session and one break during the afternoon session.
- There is no general requirement about informing opposing counsel which witness will testify on which particular day. However, the longer the trial is expected to last, the Court may order the parties to provide a witness schedule.
- When making an objection, the attorney must stand and state the basis for the objection. The objecting party must then be quiet for a period of time until the Court rules on the objection. Under no circumstances should the parties argue an objection in front of the jury. If a party is dissatisfied with the Court's ruling, the party can request to approach the bench. Such request may or may not be granted.
- Attorneys should sit at counsel table when examining witnesses.

- Attorneys must ask the Court's permission before approaching a witness, but must do so only once per witness. Attorneys should be sure to clarify whether the attorney wants to approach the witness or approach the bench.
- Trial exhibits are to be placed in a 3 ring binder, delivered to chambers no later than 1 week before trial. The exhibits shall be marked before trial. The parties shall meet and confer regarding the exhibits and any exhibits that are stipulated to be admitted should be marked as such.
- All audio and video recordings must be presented so that the jury and bench can see them.
- Parties will be allowed to use technology in the courtroom during trials, except that parties cannot use exhibits in openings unless it has been stipulated that the exhibits will be admitted into evidence.
- If an attorney wishes to contact jurors after the conclusion of trial, the Court will allow that, however the attorneys will need to obtain the juror's information from the jury office directly.