

**THE HONORABLE MARY VASALY  
FOURTH JUDICIAL DISTRICT  
PRACTICE POINTERS & PREFERENCES**

**I. Contact with Chambers**

- Counsel may contact Judge Vasaly’s law clerks with questions related to procedural matters not covered by the rules or any applicable orders. Counsel should have the court file number at hand when calling chambers. Clerks will not answer substantive legal questions.
- Guidance on many procedural points is provided in Judge Vasaly’s applicable scheduling and trial orders.
- Judge Vasaly does not accept unsolicited correspondence from parties or attorneys, except with respect to scheduling matters or as is otherwise provided by rule or statute. Counsel and parties should call the clerk to schedule a telephone conference so that both parties can be heard in real time on any issue that requires a decision on a substantive issue or an informal conference.

**II. Motion Practice**

- No discovery dispute shall be brought to the attention of the Court unless the parties have conferred and made a good faith effort to settle their dispute pursuant to Rule 37.01(b) of the Minnesota Rules of Civil Procedure and Rule 115.10 of the Minnesota Rules of General Practice. Discovery motions may not be scheduled unless there has been a telephone conference to discuss the discovery dispute (or interrogatory or deposition question and answer).
- Judge Vasaly is willing to schedule telephone conferences with the parties to hear discovery disputes, as provided and in accordance with the Minnesota Rules of Civil Procedure. Prior to scheduling such a telephone conference, counsel should meet and confer regarding their willingness to have such motions decided in a telephone hearing. If both parties consent, Judge Vasaly is willing to decide such motions based on the letter briefs as provided in the Minnesota Rules of Civil Procedure and arguments presented during the telephone conference. Letter briefs should be limited to two pages, and should not include attachments or exhibits.
- For non-dispositive motions, Judge Vasaly encourages parties to use CourtCall to increase efficiencies and decrease costs. In particular, Judge Vasaly encourages parties to use CourtCall for default motions and settlement conferences involving out of state parties. Parties should refer to Judge Vasaly’s CourtCall Remote Appearances memorandum for additional details and procedures regarding CourtCall.
- Parties should schedule motions well in advance of the deadline, as much as two to three months.

- Parties should call the clerk as soon as possible in advance of a hearing to inform the Court that a contested motion is resolved or partially resolved.
- Parties may stipulate to changes in scheduling orders, but as appropriate, changes will only be granted when good cause is shown.
- Any request for changes to the scheduling order shall be made by letter or fax and copied to all parties. Parties are encouraged to obtain consent from opposing parties before requesting scheduling changes.
- Non-dispositive motions are ordinarily scheduled for 30 minutes for each side. Judge Vasaly will generally try to schedule dispositive motions for as much time as is reasonably necessary.

### **III. Written Submissions**

- Requests for enlargements of word limits or variations in the briefing schedule are disfavored but will be granted on request when appropriate.
- The attorneys or parties shall provide the Court with two courtesy copies of all motions that are accompanied by a memorandum and exhibits when they are e-filed. These copies shall be sent directly to the chambers by mail or by messenger to be received as soon as possible on or after the e-filed date.
  - The courtesy copies of memoranda and supporting documents of more than 30 pages shall be three-hole punched and organized in three-ring binders.
  - Only those portions of deposition transcripts and exhibits referenced in the memoranda shall be submitted.
- An electronic copy of legal memoranda and proposed orders shall be emailed to chambers in Microsoft Word or RTF format as soon as practicable after the documents are filed.
- Proposed orders should be detailed and tailored to the relief requested.

### **IV. In-Court Proceedings**

- Attorneys may sit or stand at counsel's table when addressing the Court, so long as the Court is able to hear the presentation from the attorney's chosen location.
- Judge Vasaly carefully reads the briefs before the oral argument. Judge Vasaly does not use oral argument to listen to attorneys summarize what is in the briefs. Instead, she uses oral argument to engage in a back-and-forth discussion of the case with the attorneys. Counsel should focus on the most important points and supporting case law and be prepared to answer detailed questions about the case, including questions about the evidence in the record.

- Live witness testimony is generally not allowed during hearings on preliminary injunction/temporary restraining order motions. Requests to present testimony at a hearing must be made in writing as far in advance as possible, copying all parties.
- Courtesy copies of any new authority should be provided to the Court and opposing counsel in advance of the hearing if possible, or during the hearing at the latest.
- Judge Vasaly encourages attorneys to use courtroom technology to present their arguments. Demonstratives are acceptable, but attorneys must provide opposing counsel and the Court with courtesy copies at the hearing.

**V. Pretrial Procedures**

- Generally, Judge Vasaly requires parties to mediate. Parties can select a mediator by agreement, but if they cannot agree, Judge Vasaly will appoint a mediator.
- A Joint Statement of the Case pursuant to Minn. R. Gen. Prac. 112.01 must be filed by the parties at least six weeks prior to the scheduled trial block.
- Judge Vasaly generally issues a pre-trial order 28 days before the scheduled trial block.
- Generally, Judge Vasaly schedules a pretrial conference, and encourages parties to be prepared to discuss settlement during the pretrial conference.
- Judge Vasaly will conduct preliminary questioning during voir dire. She will also provide time for attorneys to conduct voir dire. Counsel may submit questions for Judge Vasaly to ask prospective jurors upon request. Counsel may not discuss the facts of the case or similar hypotheticals, disputed issues of law, or attempt to “educate” the jury during voir dire.
- Judge Vasaly asks that counsel and the prospective jurors use a hand-held microphone during voir dire so everyone can hear the questions and answers.
- The attorneys or parties shall meet at least 30 days before trial to exchange all exhibits intended to be introduced at trial and to discuss any other pre-trial issues, including objections to deposition testimony. During this meeting, parties shall reach agreement regarding the organization of exhibits and exhibit lists, and attempt to stipulate as to the admissibility of exhibits. Parties shall also discuss objections to exhibits and attempt to resolve them.
- To the extent the parties are unable to resolve objections to exhibits and anticipated motions in limine, the parties shall determine whether an informal telephone conference with the Court may assist in avoiding the necessity for motion practice, and if so, contact the Court’s chambers to schedule a telephone conference. If motion practice is necessary, objections to pretrial disclosures, exhibits, and depositions shall be filed 14 days following their disclosure.

- All trial briefs, exhibit lists, proposed jury instructions, special verdict forms, and motions in limine shall be filed with the Court no later than 21 days before the scheduled trial block. Responses to motions in limine, if any, shall be filed no later than one week before the scheduled trial block.
- Motions in limine will generally be considered before trial and decided on the briefing. Parties may, however, request oral argument on motions in limine.
- The attorneys or parties shall provide the Court with two copies of all trial exhibits no later than 21 days before the scheduled trial block. All exhibits shall be pre-marked, in a single series of Arabic numbers and bound in a three-ring binder with dividers and tabs, and accompanied by an Exhibit List. The Exhibit List should identify the documents with a series of columns to the right of the exhibit number for “offered,” “objection,” and “received.” The parties shall coordinate with one another so that the same exhibit numbers are not used by both. Any stipulations as to the admissibility of exhibits shall be included in the Exhibit List. The attorneys or parties should provide a third book of trial exhibits for witness use during trial.
- The attorneys or parties shall provide the Court with two copies of all documents filed with the Court as described above.

**VI. Trial**

- Trial days are generally scheduled from 9:30 a.m. to 4:30 p.m, with one 20 minute break in the morning and in the afternoon, and a one-hour break for lunch.
- Counsel must have sufficient witnesses available to assure testimony can be taken every day until 4:30 p.m.
- A non-argumentative summary of the anticipated evidence is allowed as an opening statement.
- Attorneys should notify other parties of the witnesses they intend to call the following day.
- Attorneys should stand and state the basis for making any objection. Attorneys may request to approach the bench if they wish to argue the objection.