

**THE HONORABLE DANIEL C. MORENO**  
**FOURTH JUDICIAL DISTRICT**  
**CIVIL PRACTICE POINTERS & PREFERENCES**

**I. Contact with Chambers**

- Counsel may contact Judge Moreno by email. Phone is permissible too, but requests must generally be submitted in writing via email, particularly if they are substantive. If you are looking to schedule a motion hearing, or have minor logistical questions (courtroom number, e.g.) phone is the best way to contact us.
- Judge Moreno requires phone conferences prior to scheduling any hearing regarding discovery disputes. Parties must provide us with their direct dial phone numbers, and chambers will initiate the call. We also ask the parties to submit a short letter brief (three pages maximum) outlining the conflict at least three days prior to the conference.

**II. Motion Practice**

- With very few exceptions, Judge Moreno will not hear summary judgment motions until mediation has occurred. Judge Moreno will not hear motions to compel regarding discovery issues until a phone conference is held between Judge Moreno and the parties.
- Contact chambers via phone or email as soon as an issue or motion is resolved so the hearing can be removed from the calendar.
- Counsel are not required to “meet and confer” before bringing discovery disputes to a hearing, but Judge Moreno requires a phone conference before scheduling any hearing on a discovery dispute, and encourage the parties to attempt to resolve any discovery disputes among themselves.
- Judge Moreno will accept telephone calls from attorneys to rule on discovery disputes that occur during the course of a deposition only in exceptional and emergency circumstances, and if the Court is available.
- Contact chambers via phone to set up a summary judgment motion hearing. As soon as a party thinks it needs to schedule a dispositive motion, we ask that you contact chambers to schedule it because the summary judgment calendar fills up 2-3 months in advance. Do not wait for a month before the dispositive motion deadline because there is a very good chance the Court will not be able to accommodate you.
- Generally, contested substantive motions are heard on Thursday mornings, and uncontested motions and pretrial hearings on Fridays. Exceptions can be made depending on the Court’s trial schedule and parties’ scheduling conflicts.

- Judge Moreno holds hearings on all motions unless they are expressly waived by the parties (with the Court's permission), or by statute.
- For scheduling cross motions for summary judgment, the Court prefers to hear all motions on the same day.
- For protective orders or filing documents under seal, make sure that the documents are clearly marked confidential.
- Parties are not allowed to stipulate to changes in the scheduling order. Any requests for changes to the scheduling order must be made in writing within 10 days of receiving the scheduling order, or as soon as the party discovers a conflict. All requests must be made to the Court, with the other party copied on the request. The Court will not grant continuances absent exceptional circumstances, particularly when the change requires moving the trial date.
- Provide the Court with a stipulation for dismissal as soon as possible, and email the clerks with a word copy of any proposed order.

### **III. Written Submissions**

- Requests for page enlargements are generally disfavored and will be granted only in complex cases. If you need to make such a request, please submit it in writing with the opposing party copied.
- Please contact the Court with any requests for variations or extensions from the briefing schedule. While such requests are generally disfavored, the Court will grant them when the extension is for purposes of developing the record.
- Written submissions do not need to be filed during business hours on the due date. They are due at 11:59 PM on the due date. If a submission is filed three days or less prior to a hearing, please email us and alert us to the filing.
- With regard to hard copies of motions, if a party's submissions exceed 25 pages in total, then provide the Court with two hard copies of the memoranda of law and 1 paper copy of the supporting documents. Three-hole punch the submissions and, if voluminous, place them in a binder with appropriate tabbing. If the supporting documents include depositions, provide the condensed version and index.
- We do not require attorneys to submit courtesy copies of case authority.
- In all but extreme circumstances, the Court requires that notice be provided to the opposing party of any temporary restraining order motions prior to the Court hearing that motion.

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

- Arrive at least five minutes prior to the hearing.
- For substantive motions, the Court generally asks the parties to stand at a podium to address the Court.
- We have no preference for which table/side of the courtroom each party sits at.
- With regard to how much time is allowed per side for arguing dispositive or non-dispositive motions, this depends based on the complexity of the case, but generally the Court provides 10 minutes for each party, with a five minute rebuttal.
- Parties are allowed to bifurcate their oral argument (i.e. allow different attorneys to address different issues).
- You may briefly summarize your written submissions, but Judge Moreno has read all written submissions prior to the hearing, so detailed recounting is not necessary.
- Live witness testimony during hearings on preliminary injunction/temporary restraining order motions is permitted if possible and practical.
- If an attorney intends to present new case authority at oral argument, i.e. cases not cited in the papers, he/she needs to provide a courtesy copy of the case to the Court and to opposing counsel.
- You may use technology, but you must provide whatever you need, including screens for projecting. The courtroom has few technological capabilities beyond basic electricity. Court staff will not be able to assist you in setting up anything.

#### **V. Pretrial Procedures**

- The Court will issue a pre-trial order/notice. The order contains trial-specific deadlines and submission standards. The order is typically filed the same day as the scheduling order.
- Judge Moreno generally begin by asking basic questions during voir dire (whether anyone knows the parties or any witnesses, general biographical information, etc.), and then allow the attorneys to continue asking questions. Judge Moreno does not have any topics that are per se off limits, but will consider the appropriateness of questions on a case-by-case basis.
- For jury instructions, Judge Moreno asks the parties to provide a joint copy of proposed jury instructions at least 14 days before trial. If the parties cannot agree as to a specific jury instruction, both parties must specify the grounds for their objections in writing, with supporting authorities.

- For special verdict forms, Judge Moreno asks the parties to provide proposed verdict forms tailored to fit the facts and issues of the case at least 14 days before trial.
- For witness lists, Judge Moreno asks the parties to provide witness lists at least 14 days before trial. Include the witnesses' names, occupations, and towns of residence.
- Except for good cause shown, each party is limited to 3 motions in limine. Each motion is limited to 5 pages in length. The motions must be filed at least 14 days before trial, and are argued on the first day of trial.
- Pre-trials are typically held 3-4 weeks before trial. All parties (clients and attorneys) must appear, absent exceptional circumstances which the Court must be advised of well in advance of the hearing. No pre-trial conferences are held in conciliation court appeals and consumer credit cases.
- Judge Moreno does not have a particular schedule or procedure for pre-trial settlement discussions, but please advise the Court immediately upon reaching a settlement agreement.
- Settlement discussions are generally part of the Court's pretrial conference. If the parties want an earlier or additional settlement conference, they may set one up with the Court via email.

## **VI. Trial**

- Trial is held from 9:00 to 4:30, with fifteen minute mid-morning and mid-afternoon breaks, and a lunch break from 12:00 to 1:30. This schedule is always subject to change depending on the Court's schedule and the trial's progress. The Court asks that the attorneys arrive fifteen minutes before the scheduled morning and afternoon start times.
- The Court asks the parties to coordinate with each other to determine the trial schedule to the greatest extent possible. If something arises that will affect this schedule, please notify opposing counsel as soon as possible.
- The Court asks that the attorneys stand to object and state the basis for their objection. At that point Judge Moreno will either rule on the objection or ask the parties to approach the bench. Parties should never argue their objections unless specifically asked by Judge Moreno.
- Attorneys may sit or stand while examining witnesses (please let the Court know in advance if you want to use the podium), and must receive permission prior to approaching witnesses. The Court asks attorneys to stand when delivering opening and closing arguments, but may remain seated during voir dire.
- Time limits on opening statements or closing arguments will depend on the case.
- Attorneys must ask the Court's permission before approaching a witness.

- Witnesses and opposing counsel must be addressed formally during trial.
- Mark all exhibits prior to trial and provide hard copies of all exhibits, even in cases with a voluminous number. Also provide an index and table of contents for all exhibits, which includes the exhibit numbers and a brief description of each exhibit. If the exhibits are contained in a binder, tab all exhibits.
- Attorneys may use actors to read deposition transcripts during trial if necessary at their own expense.
- Attorneys should communicate directly with our court reporter, Patricia Weinberg (612-348-0200, [patricia.weinberg@courts.state.mn.us](mailto:patricia.weinberg@courts.state.mn.us)) regarding the feasibility of ordering daily transcripts during trial.