

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

Office of the Clerk

**JUDICIAL PREFERENCES
For Judge Brian Lea, United States District Judge**

A. CONTACT INFORMATION

1. **Courtroom:** Courtroom 3 in the Odell Horton Federal Building, Memphis, Tennessee
2. **Judge's Initials:** BCL
3. **Chambers' Email Address (also known as the "ECF Inbox"):**
ECF_Judge_Lea@tnwd.uscourts.gov
4. **Chambers' Address:**
167 North Main Street
Memphis, TN 38103
Odell Horton Federal Building
(901) 495-12000
5. **Courtroom Deputy:** Ross Herin, (901) 495-1331, Ross_Herrin@tnwd.uscourts.gov

B. GENERAL PREFERENCES

1. Counsel should become familiar with the Court's Local Rules. Counsel must comply with all Local Rules unless otherwise directed by the Court.
2. Telephonic, written, and electronic correspondence to or communication with the Court should be avoided, except for matters such as scheduling, advising of a settlement, notifying of emergencies, etc. **Counsel should take care that such communications do not address the merits of any motion or pending case.** Counsel must include counsel for all parties (and any pro se parties) on all correspondence with or calls to the Court unless permitted otherwise by law. If a party seeks action from the Court, it generally must do so by motion.
3. Absent an emergency or extenuating circumstance, a party must file a motion when seeking to (1) reset a hearing, or (2) extend a deadline. **The motion should be filed at least three (3) business days prior to the applicable hearing or deadline.** The Court generally will not entertain such requests via email, phone, or other informal means.

4. Deadlines will be enforced absent a motion requesting a reasonable extension and setting forth good cause.

5. Counsel should include the case number and abbreviated case name in the subject line when submitting proposed orders to the ECF inbox (ECF_Judge_Lea@tnwd.uscourts.gov).

6. Counsel shall comply with the Local Rules regarding pro hac vice admissions.

C. SCHEDULING CONFERENCES

1. By default, scheduling conferences, status conferences, or other similar case management conferences will be set to occur via Microsoft Teams as a video/virtual conference. If parties prefer to have such conference(s) in person, they must file a motion at least seven (7) days prior to the conference. The Court may also set an in-person conference in its discretion.

2. Once a scheduling order has been entered, it will be modified only for good cause.

D. DISCOVERY

1. All written discovery requests should be served sufficiently in advance of the deadline so that responses will be due prior to the deadline.

2. Parties may agree to conduct discovery after a relevant deadline is expired, but the Court will not involve itself in discovery disputes that arise following the expiration of a relevant deadline absent exceptional circumstances.

3. Counsel for all parties should confer regarding any discovery disputes. Such disputes should be brought before the Court only when necessary, and the parties must comply with Local Rule 26.1.

4. Written reports by expert witnesses who are scheduled to or may testify generally need not be filed with the Court. If a party files a motion to exclude an expert witness's testimony, the movant shall file the expert's report with the motion to exclude. If any party relies on the expert's report in supporting or opposing any motion, that party shall file the expert's report with the motion or opposition, as relevant.

5. Parties may agree to any reasonable confidentiality terms, but such terms do not automatically merit the filing of covered materials "under seal." To file a document under seal, a party must move for leave to do so under the applicable Local Rules. Parties should be mindful of the high value placed on public access to judicial records and should be guided by the provisions of Federal Rule of Civil Procedure 26(c), the Local Rules, and binding precedent including *Proctor & Gamble Co. v. Bankers Trust Co.*, 78 F.3d 219 (6th Cir. 1996). Such motions will be closely scrutinized.

E. MOTIONS, BRIEFS, AND HEARINGS

1. The Court generally will enforce page limits. The Court will consider reasonable requests to exceed a page limit, but such motions must demonstrate that good cause exists for enlarging the page limit. Failure to comply with a page limit will result in the Court disregarding the noncompliant portion of the brief or summarily denying the underlying motion.

2. If a party files a motion for emergency relief, the filing party should also email the motion and any documents filed in support to the ECF Inbox (ECF_Judge_Lea@tnwd.uscourts.gov), copying counsel for all parties.

3. If a party seeks resolution of a motion on an expedited basis, the party should caption it as an expedited motion and include on the first page of the motion both the reasons justifying expedited consideration and the requested time frame for briefing and resolution.

4. If counsel intends to present evidence at a hearing, she must notify the Court and opposing counsel at least two (2) business days prior to the hearing. Counsel must bring courtesy copies of any exhibits and provide them to the Court and opposing counsel at the hearing.

5. Documents relating to a hearing or trial should be filed sufficiently in advance to allow for processing, recording, and review by the Court. If a party must file something last minute, please deliver a hard copy to Chambers and bring a copy to the hearing or trial. Unless otherwise instructed by the Court, courtesy copies should not be mailed or delivered to Chambers.

6. When a Notice of Settlement is filed in a case, the Court will automatically enter an order denying without prejudice any pending motions as moot. If an issue arises, the parties may refile any such motions.

F. PRETRIAL CONFERENCE

1. All attorneys who will try a case are required to attend the pretrial conference in person. Parties proceeding pro se are likewise required to attend the pretrial conference in person. Otherwise, parties are not required to attend the pretrial conference.

2. If an attorney fails to appear at the pretrial conference or to comply with the directions set forth herein, an ex parte hearing may be held and judgment of dismissal or default or other appropriate sanction entered.

3. Counsel should come to the pretrial conference with full authority to accomplish the purpose of the conference, which is to simplify and define the triable issues, expedite and organize the trial, and save time and expense.

4. After the pretrial conference, the Court will enter a pretrial order that shall govern the conduct of the trial and will constitute the final statement of the issues involved.

5. Prior to the pretrial conference, counsel must do the following:

- a. Complete all discovery.
- b. Confer and exchange information as to the material issues of law and fact in order to eliminate unnecessary or irrelevant issues that appear in the pleadings and discovery, and arrive at all possible stipulations.
- c. Comply with Federal Rule of Civil Procedure 26(a)(3)(B).
- d. Exchange documents and exhibits which the party proposes to offer into evidence at trial.
- e. Prepare and submit a Joint Proposed Pretrial Order, Joint Trial Plan, Joint Exhibit List, Witness Lists and Deposition Designations, and Joint Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law, as applicable), in accordance with these Preferences and the instructions set forth in the Sample Scheduling Order available on the Court's website. Plaintiff's counsel is responsible for initiating these submissions, but all counsel are responsible for ensuring they are timely filed.

6. A party wishing to introduce videotaped testimony must notify the courtroom deputy at or before the final pretrial conference.

G. JOINT PROPOSED PRETRIAL ORDER

The caption of the Joint Proposed Pretrial Order should list all parties, both plaintiff and defendant, who remain in the case as of the date the Joint Proposed Pretrial Order is filed. Do not use "et al." or otherwise omit parties.

H. TRIAL

1. The Court will conduct voir dire. If counsel would like the Court to ask certain special questions, counsel shall submit those questions to the Court (via the ECF Inbox, [ECF Judge Lea@tnwd.uscourts.gov](mailto:ECF_Judge_Lea@tnwd.uscourts.gov)) in Word format, no later than two (2) weeks prior to the beginning of the trial.

2. Arguments are not permitted during opening statements. The Court may reduce the time allotted to closing arguments for counsel who violate this rule.

3. Display of printed or electronic visual media during opening statements or closing arguments will be permitted only if such exhibits either (i) have been admitted into evidence, or (ii) are the subject of a stipulation by the parties. A party seeking an exception should file a motion sufficiently in advance of the proposed use of the exhibit to allow all parties a reasonable opportunity to respond.

4. Counsel must stand when addressing the Court or making objections.

5. More than one attorney may represent a party at trial, but only one attorney may address a witness.

6. Sidebar will be allowed if deemed necessary by the Court. If a lengthy conference is needed, the jury will be excused.

7. Exhibits should be admitted individually and not collectively. Parties should move to admit each exhibit at or around the time it is presented unless it has been admitted via pretrial stipulation. Objections to exhibits may be determined at or before the final pretrial conference.

8. Notetaking by jurors is permitted.

9. Written jury instructions will be provided to the jury.

10. Counsel who leave the vicinity of the courtroom during jury deliberations must notify the courtroom deputy of their whereabouts and be able to return to the courtroom within ten minutes of being notified to do so.

11. Judge Lea adheres to the Local Rules regarding the interrogation of jurors after a trial has concluded. If the jury is polled, Judge Lea will conduct the polling,