

**PRACTICE EXPECTATIONS  
FOR THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN  
(AS REVISED JANUARY 2009)**

*These Practice Expectations were compiled by the Western District Bar Association's Committee On Court Rules, Practice and Procedure, and are distributed by the Western District Bar Association as a courtesy to its members*

<b>PRACTICE EXPECTATION</b>	<b>JUDGE CRABB</b>	<b>JUDGE SHABAZ</b>	<b>MAGISTRATE JUDGE CROCKER</b>
Electronic filings <sup>1</sup>	Permitted consistent with the Court's Administrative Order of June 17, 2002, and as Amended by Administrative Order of November 26, 2002	Not permitted in civil cases, except that filing of Summons and Complaint (before a judge is assigned) is allowed consistent with the Court's Administrative Order of June 17, 2002, and as Amended by Administrative Order of November 26, 2002. Allowed in criminal cases through final pretrial conference	Permitted consistent with the Court's Administrative Order of June 17, 2002, and as Amended by Administrative Order of November 26, 2002
Permission to allow the extension of time to file an answer	Five to ten day extensions allowed by stipulation, with notice to the Court. Longer extensions require leave of Court	Court permission required	Five to ten day extensions allowed by stipulation, with notice to the Court. Longer extensions require leave of Court
Preliminary Pre-trial Conference Order – Patent Cases		Requires that plaintiff's counsel must make a reasonable effort to determine whether accused device satisfies each of the limitations of the asserted claims and provide those determinations to the defendant as initial disclosures under Rule 26(a)(1), all pursuant to <i>Antonius v. Spaulding &amp; Evenflo Companies, Inc.</i> , 275 F.3d 1066 (Fed. Cir. 2002)	
Patent Claim Construction	Parties may move the Court for claims construction. Must persuade Court construction is necessary to resolve a disputed issue regarding infringement or invalidity. If party wants hearing, must request one, specify which terms require hearing, and why hearing is necessary for each term.	Will construe the claims through dispositive motions or jury instructions	Parties may move the Court for claims construction. Must persuade Court construction is necessary to resolve a disputed issue regarding infringement or invalidity. If party wants hearing, must request one, specify which terms require hearing, and why hearing is necessary for each term.
Permission to extend discovery deadlines; expert disclosure deadlines	Allowed by stipulation	Court permission required	Allowed by stipulation
Permission to change any other date	Court permission required	Court permission required	Court permission required

<sup>1</sup> Procedures will change with the implementation of CMEF/ECF in late 2007.  
10098LMS:BKS 03/20/02

<b>PRACTICE EXPECTATION</b>	<b>JUDGE CRABB</b>	<b>JUDGE SHABAZ</b>	<b>MAGISTRATE JUDGE CROCKER</b>
Use of depositions, at trial	No restrictions	Restricted to Court approved summaries, except for impeachment	No restrictions. Professional readers allowed
Use of videotape depositions, at trial	Allowed, however, Court requires a written transcript before trial so that objections can be ruled upon before the video is played	Court permission required	Allowed. Parties must submit a stipulated transcript or frame the dispute for the Court with their 26(b)(3) submissions
Use of video demonstrations, at trial	Allowed, subject to objections and Court rulings	Court permission required	Allowed, subject to objections and Court rulings
Reading from exhibits, at trial	No restrictions	Prohibited	Allowed if necessary
Establishing the expertise of an expert witness at trial	Allowed	May be done only by a written summary read by the Court	Allowed
Stipulated facts, for trial	Flexibility in regard to further testimony	No further testimony on a stipulated fact is permitted	Allowed
Demonstrative exhibits	Received, subject to objections	Not received, if they are part of another exhibit	Allowed, subject to objections
Disclosure of experts pursuant to a pretrial order	Ordered	Ordered	Ordered
Jury note taking	Allowed	Not allowed	Allowed
Date on which discovery is deemed "complete"	Deadline set; parties may extend it by stipulation	Answers to discovery requests must be due before the discovery deadline set by the Court	Deadline set; parties may extend it by stipulation
Scheduling nondispositive motions	Automatic schedule of five calendar days to respond, no reply, no hearing unless directed by the Court	Scheduled and noticed by court	Automatic schedule of five calendar days to respond, no reply, no hearing unless directed by the Court
Transcript during trial and motions	Court reporter present	Proceedings recorded (audio); all questioning must be done near a microphone	Court reporter present
Admission of Exhibits	In due course during trial	All preadmitted, reserved or excluded, subject to relevancy objection at trial	Admitted during trial unless a party requests a different procedure
Original trial exhibits	Counsel retains control	Counsel retains control	Counsel retains control
Copy of trial exhibits	Provided to the Court on the first day of trial along with exhibit sheet  Counsel retains copies after trial	Provided to the Court, if there are objections to admission, as directed at final pretrial conference	Provided to the Court on the first day of trial along with exhibit sheet  Counsel retains copies after trial
Boiler plate jury instructions	Distributed with Pre-trial Conference Order	Distributed at final pretrial conference by judge	Available through the Clerk of Court
Proposed modification of standard jury instructions by parties	Deletions and additions are to be indicated with citations to authorities warranting change	Procedure provided at final pretrial conference	Modifications must be identified and explained
Specially drafted proposed jury instructions	Citations to cases and statutes are necessary	Procedure provided at final pretrial conference	Sufficient legal justification must be submitted
Summary judgment procedure	Standing order available through the Clerk of Court – on website	Standing order available through the Clerk of Court – on website	Standing order available through the Clerk of Court

<b>PRACTICE EXPECTATION</b>	<b>JUDGE CRABB</b>	<b>JUDGE SHABAZ</b>	<b>MAGISTRATE JUDGE CROCKER</b>
Motions for injunctive relief	Standing order available through the Clerk of Court – on website	Standing order available through the Clerk of Court – on website	Not applicable
Voir Dire	Circulates boiler plate voir dire and allows some additional questions proposed by counsel	All questions requested by counsel, unless objected to	Circulates boiler plate voir dire and allows some additional questions proposed by counsel

These Practice Expectations were prepared by the Western District Bar Association's Committee on Court Rules, Practice and Procedure. The Practice Expectations do not constitute rules of the Court. Instead, they represent the Committee's effort to provide information about what attorneys practicing in the Western District might generally expect from each of the presiding District Court judges. The Practice Expectations were developed with input from attorneys and others familiar with the practices of the judges in the Western District, but they have not been sanctioned or approved by the judges. © 2007 Western District Bar Association.