

In The United States Court of Federal Claims

No. 12-622C

(Filed: October 1, 2012)

LABORATORY CORPORATION OF
AMERICA,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

SPECIAL PROCEDURES ORDER

The parties are advised that all references in this order to the Rules of the United States Court of Federal Claims (RCFC) are local rules of this court, effective July 15, 2011. Therefore, and pursuant to RCFC 1, 16, and 83(b), as well as Appendix A, it is ordered that each party shall comply with the following procedures:

(1) Document Preservation.

The court hereby orders the parties to take all necessary action to preserve relevant evidence in this matter. Violation of this provision may lead to the imposition of sanctions under RCFC 37 and this court's inherent authority.

(2) Disclosure of Pending Litigation(s).

In the preliminary status report required by RCFC Appendix A, ¶ 4, the parties shall indicate whether any other cases related to this litigation are pending in other jurisdictions. This information is requested, in part, to determine whether any issues will arise in this case involving 28 U.S.C. § 1500; *see also United States v. Tohono O'odham Nation*, 131 S. Ct. 1723 (2011).

(3) Electronic Digital Recording.

Where electronic digital recording (EDR) is used to record a form of proceeding, the digital recording is the official electronic sound recording of the proceedings, and all references to

the proceeding shall be to that record (e.g., “Oral Argument of October 29, 2009, Argument of Ms. Smith at 2:46:13 - 2:46:50”). Absent special circumstances, which should be raised in an appropriate motion, the court will only accept for filing transcripts of trial (or other evidentiary) proceedings. A party requesting a transcript of a non-evidentiary proceeding will not be permitted to recover the cost thereof.

(4) Communications with the Court.

Unless invited or otherwise ordered by the court, communications with these chambers shall be by formal motion or other formal submission, filed with the clerk’s office or in open court. In particular, letters will not be accepted in lieu of motions without prior authorization. Notwithstanding this provision, counsel may, at any time, jointly request a conference with the judge to discuss a dispute or other pending matter. Scheduling needs or questions should be directed to Sak Im at (202) 357-6492. Questions regarding CFC filing requirements and other standard court procedures should be directed to the clerk’s office at (202) 357-6406. Questions regarding the Case Management/Electronic’s Case Filing (CM/ECF) system should be directed to the CM/ECF help desk at a toll free number at 866-784-6273 or at (202) 357-6402.

(5) Professional Conduct.

At all times during this proceeding, counsels’ conduct should be characterized by personal courtesy and professional integrity in the fullest sense of those terms. In fulfilling their duty to represent their clients vigorously as lawyers, counsel should be mindful of their obligations to the administration of justice. Conduct that may be characterized as uncivil, abrasive, abusive, hostile or obstructive impedes the fundamental goal of resolving disputes rationally, peacefully and efficiently. Such conduct will not be tolerated and may result in sanctions being imposed. See, e.g., RCFC 37.

(6) Video-Conferencing, Electronic Courtroom and Court Website.

Both video-conferencing and an electronic courtroom are available at the courthouse in Washington, D.C. The court is amenable to the use of these state-of-the-art facilities not only for trials with a venue in Washington, D.C., but also for status conferences and oral arguments. The scheduling of these facilities should be coordinated with Sak Im at (202) 357-6492. Technical questions concerning the court’s video-conferencing equipment and the capacities of the electronic courtroom should be directed to the clerk’s office at (202) 357-6406. Other helpful information about the court, including a copy of the court’s local rules, may be found at www.uscfc.uscourts.gov.

IT IS SO ORDERED.

s/ Francis M. Allegra
Francis M. Allegra
Judge