

Exhibit A

Federico Antonio Moreno

District Judge

JUDGE | CHAMBERS | ELECTRONICS IN COURT | CM/ECF PROCEDURES | CRIMINAL PRETRIAL | CIVIL PRETRIAL | DISCOVERY | SETTLEMENT | TRIAL | SENTENCING | GENERAL ADVICE | LINKS | ATTACHMENTS

The following information was provided in response to a survey prepared by the Federal Court Practice Committee of The Florida Bar. This information is not binding on any judge or court official and may not be relied upon for precedential purposes. Further information may be found in the attachments (sample orders, etc.) referenced at the end of this Guide entry or on the court's website noted below.

JUDGE

Court: **Southern District of Florida**

Location of chambers: **Wilkie Ferguson Courthouse, 400 North Miami Avenue, Miami, Florida 33128**

Assigned courtroom: **13-3**

Phone: **305-523-5110**

Email address (only for proposed orders or jury instructions): **moreno@flsd.uscourts.gov**

CHAMBERS

Staff:

Judicial Assistant/Secretary: **Mariela Martinez-Cid, Career Law Clerk**

Phone: **305-523-5110**

Email address:

Courtroom Deputy: **Shirley Christie**

Phone: **305-523-5110**

Email address:

Court Reporter: **Gilda Pastor-Hernandez**

Phone: **305-523-5118**

Email address:

Docket Clerk:

Phone:

Email address:

Law Clerk phone number(s), only if you permit law clerk(s) to receive calls: **305-523-5110**

Communication with chambers:

Do you permit contact with chambers

regarding questions of procedure? **Yes**

regarding the status of pending matters? **Yes**

May counsel contact chambers to speak with your law clerks(s)

on procedural matters? **Yes**

on the status of pending matters? **Yes**

Comments:

USE OF CELL PHONES, LAPTOPS, AND OTHER ELECTRONICS IN COURT

Other than procedures adopted by the U.S. Marshal's Service relating to access to a federal courthouse, do you have any additional procedures to be followed for the use of cell phones, laptops, or other electronics? **The Southern District of Florida has various administrative orders relating to use of cellular phones and electronic equipment. Please check the Court's website to view the relevant policies.**

Is there a designated court staff person to contact relating to the use of electronic media or other audiovisual needs? **Christian Molina 305-523-5071**

***Always verify with the Clerk of Court or the U.S. Marshal's Service as to any procedures relating to the use of cell phones or other electronic devices at the courthouse.**

CM/ECF PROCEDURES

(in addition to Local Rules or CM/ECF procedures applicable in the District)

Do you have a preferred method for counsel to correct an electronically filed document that inadvertently contains personal information (as prohibited by Fed.R.Civ.P. 5.2)?

Do you have a preferred method governing the filing of sealed documents? **Nothing should be filed under seal without first seeking leave of court.**

Do you prefer that (non-trial) exhibits be filed as separate docket entries (instead of filing them as attachments to the document they support)? **No**

When filing documents with multiple attachments, do you prefer that the document be filed such that it is displayed with bookmarks within the PDF image? (This question only applies if such filing

is available as a format for filing attachments in your District.) **No**

Do you prefer that (non-trial) exhibits and depositions be filed conventionally as well as on CM/ECF? **No**

If YES, do you require more than one copy to be filed?

Do you prefer to have proposed orders (other than those required to be filed in the case) submitted as an attachment to documents filed in CM/ECF, or do you prefer to receive them by email or another method? **Either method is acceptable**

Should proposed orders be submitted in a format which can be edited, or is a PDF version acceptable? **Word Perfect Format is preferred**

Comments:

PRETRIAL PROCEDURE (CRIMINAL)

Do you conduct preliminary pretrial conferences in criminal cases? **No**

If YES, what matters do you typically discuss during a preliminary pretrial conference?

Do you require the defendant to be present at status conferences? **No**

If YES, do you have the same policy for defendants in custody and for defendants on bond?

Do you conduct suppression hearings or do you refer them to a Magistrate Judge? **Varies**

Do you conduct hearings on pretrial motions to dismiss or to sever? **Yes**

Do you take the plea or do you regularly refer plea hearings to a Magistrate Judge? **Judge Moreno handles all pleas**

If you regularly refer plea hearings to a Magistrate Judge, what circumstances would permit the parties to have a plea hearing before you?

Do you have a regular plea deadline? **No**

If YES, when is that deadline?

If NO, is a plea deadline set at pretrial conferences?

What is your policy concerning *nolo contendere* or Alford pleas? **Nolo contendere pleas are not accepted.**

Do you have any special procedures regarding plea agreements for individuals who are cooperating with the government, e.g., sealed plea agreements, etc.?

What is your policy as to plea agreements that involve sentencing recommendations?

Comments:

PRETRIAL PROCEDURE (CIVIL)

Do you issue a standard pretrial order? (Please attach a copy at the end of this survey.) **Yes**

Do you conduct preliminary pretrial hearings, e.g., pursuant to Fed.R.Civ.P. 16? **No**

If YES, what matters do you typically discuss during preliminary pretrial hearings? **If they are requested, the Court may conduct pretrial hearings.**

Do you have any requirements, beyond those found in the Federal Rules of Civil Procedure and the Local Rules, as to motions for extension of time or motions for continuance? **No**

If YES, what do you require?

Other than as required by Local Rules, do you prefer that the moving parties submit proposed orders along with non-dispositive motions? **Yes**

Do you have any requirements, beyond those found in the Federal Rules and the Local Rules, as to *ex parte* temporary restraining orders?

Do you generally hear preliminary injunction motions? **Yes**

If YES, do you permit evidence to be introduced? **Yes**

If NO, do you routinely refer preliminary injunctions for report and recommendation by a Magistrate Judge?

Should copies of cases cited in motions and memoranda be forwarded to chambers?

copies of published cases? **No**

copies of unpublished opinions? **No**

If copies of cases are submitted, do you accept copies that have portions highlighted by counsel? **No**

Do you regularly set aside time during a given week/month for hearings on motions? **No**

If YES, when is your normal hearing date/time?

Under what circumstances do you allow telephonic hearings? **Only in exceptional circumstances and with leave of Court provided beforehand**

What is your practice concerning oral arguments on dispositive motions? **The Court sometimes sets oral arguments. The parties are always free to request it.**

Will you entertain motions *in limine* prior to trial? **Yes**

If YES, how far in advance should they be filed? **If the motion is filed within the deadlines set by the Scheduling Order**

Comments:

DISCOVERY

Other than those discovery schedules contained in Local Rules, do you have special discovery deadlines or procedures for certain types of cases (ERISA, FLSA, etc.)? **Yes**

If YES, what types of cases and what are the deadlines or procedures? **The Court has special procedure for FLSA and Removal Cases**

Do you routinely refer discovery matters to a Magistrate Judge? **No**

When a dispute arises during a deposition, is it appropriate to call your chambers or the Magistrate Judge's chambers (depending on whether the case has been referred for discovery) to seek an immediate ruling? **No**

Comments: **Any dispute should be put in writing**

SETTLEMENT

What is your preference regarding the use of alternative dispute resolution methods such as arbitration or mediation? **The Court has a standard order referring all cases to mediation.**

Do you require counsel to submit a proposed order referring the case to mediation? **Yes**

Do you have a procedure for counsel to request referral to a Magistrate Judge for settlement conferences? **Counsel may put in writing any request for referral to a Magistrate Judge for a settlement conference.**

Do you have any special procedures for the settlement of FLSA cases? **No**

Comments:

TRIAL

Do you automatically set civil cases for trial or do you wait for counsel to propose a time period in which a case should be scheduled for trial? **Automatic**

Do you grant specially set trial dates (dates certain)? **Yes**

If YES, under what circumstances will you grant trial dates certain? **Cases are set for two-week trial periods. Any requests for continuance or for a specially-set trial date should be in writing to the Court and are discussed at the calendar call.**

IF NO, what is your policy regarding notice for trial during a trial docket (e.g., will you give at least 48 hours' notice)? **Calendar Call is held the Tuesday before the two-week trial period starting the following Monday**

What is your practice or procedure regarding rescheduling trials that are not reached on a trial docket, e.g., will the trial date be automatically rescheduled on your next trial docket? **All cases are "reached" during the trial docket.**

Do you conduct pretrial conferences? **Yes**

If YES, and you have a standing order regarding pretrial conferences, please attach a copy at the end of this survey.

Do you conduct Daubert hearings prior to trial? **Yes**

What, if any, procedural requirements do you have regarding the use of videotapes, trial graphics, depositions, and demonstrations?

Do you require trial briefs

in jury trials? **No**

in bench trials? **Yes**

If you require trial briefs, when are they due? **The Court will set deadlines with counsel for trial briefs.**

Do you have any requirements for trial briefs?

Do you permit counsel to perform voir dire? **Yes**

If YES, what guidelines or restrictions must counsel follow when conducting voir dire? **The Court allows counsel to conduct limited voir dire. Time limits are set by the Court. The limitations vary from case to case.**

If NO, can counsel submit proposed voir dire questions?

If YES, when should such questions be submitted?

What are your peremptory challenge procedures?

In multiple party cases, do you grant each party three peremptory challenges? **No**

If NO, do you limit each side (i.e., plaintiff/defense) to a total of three peremptory challenges to be shared? **Yes**

Do you allow back striking during jury selection? **No**

Do you impose any standard time limits on counsel's opening statements? **Yes**

If YES, what are the time limits? **The Court sets the time limits with counsel in any given case.**

Can exhibits be used in opening statements? **Yes**

Do you allow plaintiffs to make a rebuttal during opening statements? **No**

Do you permit jurors to

take notes? **Yes**

ask questions? **No**

If YES, under what constraints and restrictions? **The Court allows exhibits in opening if agreed by the parties. The Court allows the jurors to ask questions in civil cases only and if agreed to by the parties.**

What, if any, procedures do you have concerning objections at trial? **Counsel should stand and state the grounds for the objection**

When do you require counsel to file proposed jury instructions? **Early in trial**

Should jury instructions also be submitted to chambers electronically? **Yes**

When standard jury instructions are available, do you prefer that attorneys submit condensed versions of the standard instructions?

Do you require proposed findings of fact and conclusions of law to be filed in bench trials? **No**

If YES, when do you require the proposed findings of fact and conclusions of law to be filed? **The Court does not require proposed findings of fact and conclusions of law unless requested at the trial.**

Should the proposed findings and conclusions also be submitted to chambers electronically? **No**

Comments:

SENTENCING

Do you require sentencing memos from the parties? **No**

If YES, what is the deadline for filing a sentencing memo?

If NO, may parties file a sentencing memo? **Yes**

If counsel anticipates a contested or extensive sentencing hearing, should counsel notify the court? **Probably.**

If you are considering an upward departure under the United States Sentencing Guidelines, do you provide notice orally or in writing? **Orally**

In a proceeding for a violation of supervised release conditions, do you personally conduct the admissions/findings of fact hearing or do you refer this to a Magistrate Judge? **Judge Moreno handles all supervised release violation hearings**

Comments:

GENERAL ADVICE

What should lawyers avoid at all costs when appearing before you (other than the obvious: don't be late, do be courteous, etc.), i.e., do you have any "pet peeves"? **Counsel should be dressed professionally; stand up when addressing the Court, jury, or witness; speak into the microphone.**

Do you have any other practice pointers, advice, observations, or suggestions for members of the Bar appearing before you?

LINKS

Links to your court's webpage with information about your practices or other links you recommend for practitioners:

www.flsd.uscourts.gov

ATTACHMENTS

Sample orders (please include a sample of any scheduling orders), biography, etc.

Survey last modified on *01/24/2011*

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