

# Chief United States Magistrate Judge Shirley Padmore Mensah

## Courtroom 13S

### Address

111 S. 10th Street,  
Suite 13.174  
St. Louis, MO 63102

### Phone

(314) 244-7490

### Fax

(314) 244-7499

### Paralegal

Genevieve Bales

### Case Management Team

Shared Team Number  
(314) 244-7533

Chelsea Hutson  
(314) 244-7911

Jennifer Bailey  
(314) 244-7584

Heather Aubuchon  
(314) 244-6743

---

### Law Clerks

Jessica Golby  
Claudia Kassner

## Judge's Requirements

### 1. Local and Federal Rules

Many answers to frequently asked questions are contained in the [Local Rules of the United States District Court for the Eastern District of Missouri](#), the [Federal Rules of Civil Procedure](#), the [Federal Rules of Criminal Procedure](#), and the [Federal Rules of Evidence](#). All counsel and self-represented parties are expected to know these rules and follow them.

Additional information may be found on the [homepage of the United States District Court for the Eastern District of Missouri](#).

### 2. Self-Represented Litigants

In civil cases, self-represented litigants are expected to follow the Federal Rules of Civil Procedure, the Court's Local Rules, and these Requirements. I encourage self-represented litigants to consult the Court's website for additional information and resources: <https://www.moed.uscourts.gov/self-represented-litigants-srl>.

### 3. Notice Regarding Magistrate Judge Jurisdiction in Civil Cases

Pursuant to 28 U.S.C. § 636(c), each party in a civil action must execute and file, within 21 days of its appearance either a written consent to the exercise of authority by the magistrate judge under 28 U.S.C. § 636(c), or a written election to have the action reassigned to a district judge. Parties are required to electronically submit their Notice Regarding Magistrate Judge Jurisdiction through the court's CM/ECF system. E.D. Mo. L.R. 2.08(A). If any party declines magistrate judge jurisdiction, the case will be reassigned to a United States District Court Judge. If all parties consent to my jurisdiction, the case will proceed before me until final judgment. I cannot rule on dispositive motions before consent from all parties is obtained; this includes motions to dismiss, motions to remand, motions for judgment on the pleadings, and summary judgment motions. Consent to a magistrate judge's authority does not constitute a waiver of any jurisdictional defense unreleased to the grant of authority under 28 U.S.C. § 636(c).

#### **4. Rule 16 Conferences in Civil Cases**

If I determine a Rule 16 conference is necessary, I will typically set a Rule 16 conference after all defendants have filed a responsive pleading. If the parties believe a conference should be held sooner, they should file a motion requesting an expedited conference. Absent truly exceptional circumstances, lead counsel must appear for the Rule 16 conference. All attending counsel should be prepared to discuss the facts of the case and all other matters set out in the parties' joint scheduling plan.

#### **5. Case Management Orders in Civil Cases**

Counsel should consult the Case Management Order (CMO) and refer to it throughout the case. If a party seeks to amend part of the CMO that cannot be amended by stipulation of the parties, see Fed. R. Civ. P. 29, that party must file a motion to amend the CMO before the applicable deadline. The moving party should solicit the consent of all other parties and include the term "unopposed" or "consent" in both the body and the title of the motion, as appropriate.

The deadlines set forth in the Civil and Criminal Case Management Orders will be strictly enforced. Modifications should be requested by filing an appropriate motion to amend and will be granted only upon a showing of good cause.

#### **6. Alternative Dispute Resolution (ADR)**

The parties are encouraged to undertake settlement negotiations at the earliest practicable point in the litigation. I refer most civil cases to mediation. Most ADR referrals are for a 60-day period. Please be prepared to discuss the appropriate timing for referral to mediation at the Rule 16 conference. When proposing a date for mediation in the proposed schedule, counsel should consider what discovery they need to conduct a meaningful mediation conference. Please note that once the case has been referred to ADR, those deadlines are binding and may only be extended by court order.

Plaintiff's counsel will be designated as lead counsel for purposes of coordinating ADR. Lead counsel must work with opposing counsel to select a neutral. Counsel should consult the Court's website for general information regarding ADR, including a list of court-certified neutrals: <https://www.moed.uscourts.gov/alternative-dispute-resolution-adr>.

The parties must immediately notify the Court upon reaching a settlement.

#### **7. Discovery Disputes**

All parties should attempt to resolve their discovery disputes without court intervention. Before filing any motion relating to discovery or disclosure, the parties must comply with both (1) **the requirements set forth in Local Rule 3.04**, and (2) **the applicable discovery conference procedure set forth in the Case Management Order**.

Local Rule 3.04 requires parties to confer in person or by telephone, or to make reasonable efforts to do so, before filing any motion relating to discovery or disclosure. This means that the parties must *actually speak* to each other in an attempt to resolve any discovery dispute. Emails and letters do not satisfy this requirement.

Any motion that fails to comply with Local Rule 3.04 or the procedure set forth in the Case Management Order will be denied without prejudice.

#### **8. Sealed Documents**

Local Rule 13.05 governs the filing of sealed documents in both civil and criminal cases. Counsel should review that rule carefully before filing a motion for leave to file any document under seal. I will deny motions that fail to comply with Local Rule 13.05 or these Requirements. I expect counsel to provide a sufficient legal and factual basis to justify any sealing request.

#### **9. Motions to Withdraw**

Any motion to withdraw as counsel that will leave an individual unrepresented should be supported by an affidavit documenting the individual's consent. If the individual does not consent, then the attorney seeking to withdraw should request an ex parte hearing on the motion.

#### **10. Final Pretrial Conferences**

I will typically hold final pretrial conferences 7 to 10 days before the scheduled trial date. Counsel should be prepared at the final pretrial conference to argue any motions *in limine* and to discuss any evidentiary problems and scheduling issues. We will put any necessary argument and all rulings on the record.

#### **11. Electronic Filing**

Whenever possible, counsel should convert any word-processed document into a .pdf document by printing or publishing to .pdf, not by manually scanning a paper copy. The former method generates searchable optical character recognition (OCR) text; the latter does not.

#### **12. Jury Instructions and Other Pretrial Compliance Materials**

In civil cases, I will typically hold a case status conference approximately 14 days before the deadline for completion of all discovery as established by the Case Management Order ("CMO"). After the case status conference, I will issue an Order Setting Trial and Pretrial Procedures. Details regarding the submission of jury instructions and pretrial compliance materials may be found in the Court's Order Setting Trial and Pretrial Procedures.

#### **13. Available Courtroom Technology**

The Court has evidence presentation equipment available, including an evidence camera (e.g., ELMO), VCR, DVD, monitors, and hook-ups for computer stored evidence or computer presentation. An explanation on the use of this equipment is available on the Court's website at <http://www.moed.uscourts.gov> under [Courtroom Technology](#). Interested counsel should call the Case Management Team in the Clerk's office to schedule training before trial. Training usually takes no more than 30 minutes and gives you the opportunity to get comfortable with the equipment before trial. No training will be provided on the day of trial. If you intend to use your computer with the Court's evidence presentation system, you must confer with the Clerk's office before trial to be sure

your settings and connections are appropriate for our system. The Court does not provide equipment to play an audio tape; you will need to bring your own tape player.

#### **14. Courtroom Rules**

- a. **Advocates are expected to be thoroughly prepared for every proceeding. Counsel must make clients and witnesses aware of all courtroom rules.**
- b. At all times, parties and advocates are expected to treat each other, Court personnel, and witnesses professionally and courteously.
- c. Upon arrival, lead counsel should report to the Courtroom Deputy and introduce additional counsel, support staff, and parties. No advocate may speak in Court unless he or she has entered an appearance in the case.
- d. Photographs, audio/video recordings, and broadcasting are prohibited in the courtroom. Laptops and tablets are not allowed except at counsel tables.
- e. No one may eat, drink (except water), chew gum, or wear any audible device. **Cell phones and other electronic devices must be turned off and may not be used during a Court proceeding unless specifically authorized in advance.**
- f. Everyone must stand when the jury enters or exits the courtroom.
- g. When speaking, counsel must stand and speak into a microphone.