



*United States District Court for the Middle District of Florida  
Sam M. Gibbons United States Courthouse  
801 North Florida Avenue, Room 14B  
Tampa, Florida 33602*

*Virginia M. Hernandez Covington  
United States District Judge*

*(813) 301-5340 Office  
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January 14, 2016

Dear Counsel:

This letter is to advise you that certain policies and procedures for civil and criminal cases have been updated. The updates are explained thoroughly on the Court's website at: <http://www.flmd.uscourts.gov/judicialInfo/Tampa/JgCovington.htm>. Counsel is expected to review the website promptly and carefully. The undersigned takes this opportunity to highlight three principal changes:

**1. Motion for Summary Judgment Statement of Material Facts –**

Each motion for summary judgment must include a specifically captioned section titled, "Statement of Material Facts." The statement of material facts must list each material fact alleged not to be disputed in separate, numbered paragraphs. Each fact must be supported by a pinpoint citation to the specific part of the record relied upon to support that fact. The record includes depositions, electronically stored information, affidavits or declarations, stipulations, admissions, and interrogatory answers; however, it does not include attorneys' affidavits. When preparing the statement of material facts, the moving party must reference only the facts necessary for the Court to determine the issues presented in the motion. Legal argument should not be included. Failure to submit a statement of material facts constitutes grounds for denying the motion.

Each response in opposition to a motion for summary judgment must include a specifically captioned section titled, "Response to Statement of Material Facts." The opposing party's response must mirror the statement of material facts by admitting and/or denying each of the moving party's assertions in matching numbered paragraphs. Each denial must set forth a pinpoint citation to the record where the fact is disputed. Although the opposing party's response must correspond with the paragraph scheme used in the statement of material facts, the response need not repeat the text of the moving party's paragraphs. In deciding a motion for summary judgment, the Court will deem admitted any

fact in the statement of material facts that the opposing party does not specifically controvert, provided the moving party's statement is supported by evidence in the record. Additional facts that the party opposing summary judgment contends are material shall be numbered and placed at the end of the opposing party's response and include a pinpoint citation to the record where the fact is established.

When resolving a motion for summary judgment, the Court has no duty to search and consider any part of the record not otherwise referenced and pinpoint cited to in the statement of material facts and response thereto. See Fed. R. Civ. P. 56(c)(3) ("The court need consider only the cited materials, but it may consider other materials in the record.").

2. **Electronic Exhibit Binder –**

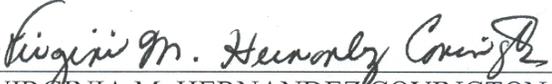
Counsel for each party must provide the undersigned with an electronic exhibit binder that contains all individual exhibits and joint exhibits that each party intends to introduce. Each exhibit must be saved as a PDF document and then combined with the other exhibits into a single PDF file. Within the single PDF file, counsel must identify each exhibit separately using PDF bookmarks. The electronic exhibit binder must be emailed to the Chambers' inbox at: Chambers\_FLMD\_Covington@flmd.uscourts.gov. Include the case number and case name in the email subject line. If the file containing the electronic exhibit binder is too large to email, counsel should provide the Court with a single CD or DVD of the binder.

3. **Civil Case Management and Scheduling –**

In an effort to effectuate the spirit and purpose of the Amendments to the Federal Rules of Civil Procedure that became effective on December 1, 2015, the Court actively manages and oversees its assigned cases to keep focus on the matters truly in dispute, alleviate unnecessary costs and delays, and facilitate speedy and just resolution of cases. As part of that process, the Court requires parties to submit a Case Management Report prior to a Case Management Hearing per Rule 16 of the Federal Rules of Civil Procedure. Please note that the undersigned utilizes three different Case Management Reports designed to fit the needs of particular types of cases; Counsel and pro se parties should familiarize themselves with these forms. Further, please be advised that the undersigned's Case Management Report Forms are different from those used by other judges.

The undersigned requires your close attention to and strict compliance with all policies and procedures. Thank you.

Sincerely,

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE