

The Board of Judges of the Eastern District of New York has agreed that to the extent the district and magistrate judges have a set of practices which they follow in most cases, they will employ one of the versions set forth below. Each judge's choices are set out on the Schedule and Information Sheet appended to this model.

RECOMMENDED MODEL FOR INDIVIDUAL JUDGE'S PRACTICES

Unless otherwise ordered by Judge X in a specific case, matters before Judge X shall be conducted in accordance with the following practices:

1. Communications With Chambers

A. Letters. Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel.

Version 1: Copies of correspondence between counsel shall not be sent to the Court.

Version 2: Except for discovery matters, copies of correspondence between counsel shall be sent to the Court.

B. Telephone Calls.

Version 1: Except as provided in Paragraph 1(D) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at the number listed on the attached information sheet.

Version 2: In addition to Paragraph 1(D) below, telephone calls to chambers are permitted. For non-docketing, scheduling or calendar matters, call chambers at the number listed on the attached information sheet.

C. Faxes.

Version 1: Faxes to chambers are not permitted unless prior authorization is obtained.

Version 2: Faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than the number of pages listed on the attached information sheet may be faxed without prior authorization. Do not follow with hard copy. The fax number is listed on the attached information sheet.

D. Docketing, Scheduling, and Calendar Matters. For docketing, scheduling and calendar matters, call the contact listed on the attached information sheet during the hours specified.

E. Request for Adjournments or Extension of Time. All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. Motions

A. Pre-Motion Conferences in Civil Cases. For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions,

Version 1: pre-motion conferences are not required.

Version 2(a): in all cases where the parties are represented by counsel a pre-motion conference with the court is required before making a motion for summary judgment.

Version 2(b): in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue or to amend a pleading pursuant to Rule 15 of the Fed. R. Civ. P. where leave of court is required.

For Both Versions 2(a) and 2(b): To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. All parties so served must serve and file a letter response, not to exceed three (3) pages within seven (7) days from service of the notification letter. Service of the letter by the moving party within the time requirements of Rule 12 of the Fed. R. Civ. P. shall constitute timely service of a motion made pursuant to Fed. R. Civ. P. 12(b).

B. Courtesy Copies.

Version 1: Courtesy copies of motion papers should not be submitted.

Version 2(a): Courtesy copies of all motion papers, marked as such, should be submitted for chambers.

Version 2(b): In addition to motion papers, courtesy copies of pleadings, marked as such, shall be submitted to chambers, as soon as practical after filing.

C. Memoranda of Law.

Version 1: Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages.

Memoranda of 10 pages or more shall contain a table of contents.

Version 2: The court expects counsel to exercise their professional judgment as to the length of briefs and may impose limits if that expectation is not met.

D. Filing of Motion Papers.

Version 1: Motion papers shall be filed promptly after service.

Version 2: No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

The parties are to set up their own briefing schedule. The parties may revise the schedule on consent, informing chambers by letter.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

E. Oral Argument on Motions.

Version 1: Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

Version 2(a): Where the parties are represented by counsel, oral argument will be held on all motions.

Version 2(b): Where the parties are represented by counsel, oral argument will be held on all motions. After the motion has been fully briefed, and after reconsultation with all parties, the moving party shall schedule oral argument on a specific [insert day of the week when the Judge normally hears oral argument on motions] at [insert time] by letter to be received by chambers and all other parties at least ten days prior to the date selected.

Version 2(c): Where the parties are represented by counsel, oral argument will be held on all motions. The notice of motion shall state that oral argument will be "on a date and at a time to be designated by the court". The court will contact the parties to set the specific date and time for oral argument.

F. Paragraphs A and D above do NOT apply to any of the motions described in Federal Rule

of Appellate Procedure 4(a)(4)(A). A pre-motion conference is not required before making such motions, which should be filed when served.¹

Paragraph D above does not apply to any of the motions described in Federal Rule of Appellate Procedure 4(a)(4)(A). Such motions should be filed when served and each party shall be responsible for filing its motion papers and furnishing chambers with courtesy copies.²

3. Pretrial Procedures

Version 1: Pretrial orders are not required unless specifically directed by the court in a particular case.

Version 2:

A. Joint Pretrial Orders in Civil Cases. Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order, which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a

¹Please note that paragraph F, Section 2.Motions, was added on March 16, 2001 and pertains to the practices of Chief Judge Korman and Judges Trager, Ross, Gershon, Nickerson, Dearie, Platt, Gleeson, Block and Hurley; and Magistrate Judges Gold, Levy, Mann and Boyle.

²Please note that this version of paragraph F pertains to the practices of Judge Glasser.

magistrate judge (without identifying which parties have or have not so consented).

vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.

viii. **Version 2(a):** A list by each party as to the fact and expert witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.

Version 2(b): A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.

ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

x. **Version 2(c):** A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

Version 2(d): 1) A statement of stipulated facts, if any;

2) A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause shown; and

3) All exhibits must be premarked for the trial and exchanged with the other parties at least ten days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

B. Filings Prior to Trial in Civil Cases. Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought

and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format;

ii. By claim, a detailed statement regarding damages and other relief sought;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

v. In any case where such party believes it would be useful, a pretrial memorandum.

**INDIVIDUAL MOTION PRACTICES OF
JUDGE EDWARD R. KORMAN
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
Telephone: (718) 260-2476
Fax: (718) 260-2478
Fax Page Limit: 10 pages
Contact: PaulaMarie Susi, Case Manager
Telephone: (718) 260-2476
Hours: None listed**

Motions Returnable: Set by the Court

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*

A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* Except as provided in Paragraph 1(D) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at the number listed above.

C. *Faxes.* Faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than ten pages may be faxed without prior authorization. Do not follow with hard copy. The fax number is listed above.

D. *Docketing, Scheduling, and Calendar Matters.* For docketing, scheduling and calendar matters, call the contact listed above during the hours specified.

E. *Request for Adjournments or Extension of Time.* All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. *Electronic Case Filing (ECF)*

A. All documents in civil actions MUST be filed electronically. Questions regarding ECF filing or training should be directed to Terry Vaughn or Marilyn Glenn at (718) 260-2330/2610.

B. Hard copies of all papers filed electronically, including motions, letters and stipulations, must be provided to Chambers. All such papers must be clearly marked "Courtesy Copy," and indicate that the original was filed by ECF.

C. Parties filing voluminous or non-text exhibits shall only file hard copies.

D. Requests to be exempt from ECF requirements may be made before the Magistrate Judge.

3. *Motions*

A. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, pre-motion conferences are not required.

B. *Courtesy Copies.* Courtesy copies of all motion papers, marked as such, should be submitted for chambers.

C. The court expects counsel to exercise their professional judgment as to the length of briefs and may impose limits if that expectation is not met.

D. *Filing of Motion Papers.* No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

Subject to court approval, the parties are to set up their own briefing schedule. No changes in the approved schedule may be made without court approval. Approval may be given at the pre-motion conference or by subsequent letter. No party is to serve any motion papers prior to obtaining court approval for the schedule.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

E. *Oral Argument on Motions.* Where the parties are represented by counsel, oral argument will be held on all motions. The notice of motion shall state that oral argument will be "on a date and at a time to be designated by the court." The court will contact the parties to set the specific date and

time for oral argument.

F. Paragraphs A and D above do NOT apply to any of the motions described in Federal Rule of Appellate Procedure 4(a)(4)(A). A pre-motion conference is not required before making such motions, which should be filed when served.

4. *Pretrial Procedures*

A. *Joint Pretrial Orders in Civil Cases.* Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary to each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.
- viii. A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designate, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.
- ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

x. 1) A statement of stipulated facts, if any;

2) A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause shown; and

3) All exhibits must be premarked for the trial and exchanged with the other parties at least ten days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

B. *Filings Prior to Trial in Civil Cases.* Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format;

ii. By claim, a detailed statement regarding damages and other relief sought;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

v. In any case where such party believes it would be useful, a pretrial memorandum.

**INDIVIDUAL MOTION PRACTICES OF
JUDGE CAROL BAGLEY AMON
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
Telephone: 718-260-2410
Fax: 718-260-2417
Fax Page Limit: 10 pages
Contact: CR: Vanessa Holley -- CV: Maria Liberatore
Telephone: Holley: 260-2415 -- Liberatore: 260-2410
Motions Returnable: Set by the Court**

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*

A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* Except as provided in Paragraph 1(D) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at the number listed above.

C. *Faxes.* Faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than ten pages may be faxed without prior authorization. All faxes should be followed with a hard copy. The fax number is listed above.

D. *Docketing, Scheduling, and Calendar Matters.* For docketing, scheduling and calendar matters, call the contact listed above.

E. *Request for Adjournments or Extension of Time.* All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. *Motions*

A. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules

37.3 and 6.4. For motions other than discovery motions, in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue or motion to amend a pleading pursuant to Rule 15 of the Fed. R. Civ. P. where leave of court is required.

To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. All parties so served must serve and file a letter response, not to exceed three (3) pages within seven (7) days from service of the notification letter. Service of the letter by the moving party within the time requirements of Rule 12 of the Fed. R. Civ. P. shall constitute timely service of a motion made pursuant to Fed. R. Civ. P. 12(b).

B. *Courtesy Copies.* Courtesy copies of all motion papers, marked as such, should be submitted for chambers.

C. *Memoranda of Law.* The court expects counsel to exercise their professional judgment as to the length of briefs and may impose limits if that expectation is not met.

D. *Filing of Motion Papers.* The parties are to set up their own briefing schedule and submit it to the Court for approval. No changes in the approved schedule may be made without court approval. Approval may be given at the pre-motion conference or by subsequent letter. No party is to serve any motion papers prior to obtaining court approval for the schedule.

No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to chambers and the assigned magistrate judge at this time.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

E. *Oral Argument on Motions.* Where the parties are represented by counsel, oral argument will be held on all motions. The notice of motion shall state that oral argument will be “on a date and at a time to be designated by the court.” The court will contact the parties to set the specific date and time for oral argument.

F. *Summary Judgment Motions Against Pro Se Litigants.* In any case where a summary judgment motion is filed against a pro se litigant, the moving party is directed to comply with the notice required by Local Civil Rule 56.2, entitled Notice to Pro Se Litigants Opposing Summary Judgment.

3. *Joint Pretrial Orders.* The Pretrial Order to be submitted shall include the below listed

items, and be governed by the directions and principles stated herein. The Pretrial Order controls the subsequent course of the action unless the order is modified by consent of the parties and the court, or by order of the court to prevent manifest injustice. The Pretrial Order shall be submitted on a date set by the United States Magistrate Judge to whom the case has been referred, but in no event will that date be later than 60 days from the date set for the completion of discovery in a civil case.

A. *Contents of Pretrial Order.* The Pretrial Order shall be submitted with a full, unabbreviated caption. Each of the following topics shall be addressed in a separately-labeled schedule. Counsel should work together to prepare any schedules, e.g., stipulations or consent to trial before the magistrate, which require agreement of the parties. Where applicable, e.g., exhibits or witnesses, each party will submit an individual schedule labeled as such.

i. *Parties and Counsel.* The names, firm names, addresses, and telephone and fax numbers of trial counsel.

ii. *Jurisdiction.* A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall set forth applicable statutes and legal doctrines as well as relevant facts such as citizenship and jurisdictional amount.

iii. *Claims and Defenses.* A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. The parties waive all claims and defenses not set forth in the Pretrial Order.

iv. *Damages.* A brief statement of the damages claimed or other relief sought.

v. *Jury or Bench Trial.* A statement as to whether the case is to be tried with or without a jury, and the number of trial days needed.

vi. *Consent to Magistrate.* A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).

vii. *Stipulations.* Any stipulations or statements of fact or law which have been agreed to by all parties.

viii. *Witnesses.* A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown. For expert witnesses list, in addition, the area of expertise.

ix. *Exhibits.* A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. Plaintiff's exhibits shall be identified by

numbers, defendant's by letters. Each exhibit shall be identified and described. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. Copies of statements proposed to be read to the jury as "learned treatises" under FRE 803(18) shall be listed as exhibits. Copies of those portions of depositions intended to be offered into evidence shall also be listed as exhibits.

The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Except for good cause shown, only listed exhibits will be received in evidence.

B. Directions for Filing a Pretrial Order

i. Plaintiff's counsel shall, three weeks prior to the date fixed for filing the Pretrial Order, prepare and serve on all opposing counsel a Proposed Pretrial Order with attached schedules.

ii. All opposing counsel shall, within one week of receipt of plaintiff's proposed order, prepare any additional schedules and deliver them in final form to plaintiff's counsel for inclusion in the final Pretrial Order. Opposing counsel's failure timely to provide plaintiff with schedules may be deemed a waiver of the right to do so.

iii. Plaintiff's counsel, on the date fixed, will file with this court two copies of the final proposed Pretrial Order. A copy of this final order will also be served on opposing counsel on the same date.

iv. When separate schedules are submitted on any given topic, they shall be clearly labeled as such.

v. The timing of the exchanges noted above may be altered by the United States Magistrate Judge to whom the case has been referred, as long as the dates given permit the exchange of information prior to the filing date for the Pretrial Order. Under no circumstances should the parties file separate Pretrial Orders. The parties are directed to cooperate with each other in the preparation of a joint Pretrial Order.

4. Final Pretrial Conference

A. *Document Exchange.* Prior to attending the pretrial conference on a date to be scheduled by this court, counsel shall exchange copies of all documents proposed to be used in evidence, and shall be prepared to discuss and have the court rule on objections to exhibits.

B. *Pretrial Conference.* Counsel shall attend the pretrial conference and be prepared and authorized to stipulate for purposes of narrowing the issues and proof and to discuss and conclude settlement.

C. *Premark Exhibits.* Immediately following the pretrial conference, on the same day,

counsel shall meet with the courtroom deputy to premark their exhibits, using the numbering assigned to them in the exhibit schedules of the Pretrial Order.

5. *One Week Prior to Trial*

A. *In Jury Trials:*

i. *Legal Memoranda.* Counsel for each party shall provide the court with legal memoranda addressing all contested legal issues and anticipated evidentiary problems.

ii. *Voir Dire Requests.* Counsel for each party shall provide the court with any voir dire requests which pertain specifically to the case at issue. Routine voir dire requests are not required.

iii. *Requests to charge.* Each party shall submit written requests to charge the jury. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format.

B. *In Non-Jury Cases.* Each party shall file with the court:

i. Copies of the proposed exhibits in a suitable binder.

ii. Proposed findings of fact and conclusions of law, not to exceed fifteen pages without the express approval of the court.

iii. A legal memorandum addressing all contested legal issues.

**INDIVIDUAL MOTION PRACTICES OF
JUDGE FREDERIC BLOCK
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
Telephone: (718) 260-2420
Fax: (718) 260-2427
Fax Page Limit: 10 pages
Contact: Michael Innelli, Case Manager
Telephone: (718) 260-2405
Hours: None Listed**

Motions Returnable: Counsel will be notified.

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*

A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* In addition to Paragraph 1(D) below, telephone calls to chambers are permitted. For non-docketing, scheduling or calendar matters, call chambers at the number listed above.

C. *Faxes.* Faxes to chambers are not permitted unless prior authorization is obtained.

D. *Docketing, Scheduling and Calendar Matters.* For docketing, scheduling and calendar matters, call the contact listed above during the hours specified.

E. *Request for Adjournments or Extension of Time.* All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. *Motions*

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represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue or to amend a pleading pursuant to Rule 15 of the Fed. R. Civ. P. where leave of court is required.

To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. All parties so served must serve and file a letter response, not to exceed three (3) pages within seven (7) days from service of the notification letter. Service of the letter by the moving party within the time requirements of Rule 12 of the Fed. R. Civ. P. shall constitute timely service of a motion made pursuant to Fed. R. Civ. P. 12(b).

B. *Courtesy Copies.* In addition to motion papers, marked as such, shall be submitted to chambers.

C. *Memoranda of Law.* Unless prior permission has been granted, memoranda of law in support of an in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

D. *Filing of Motion Papers.* No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

The parties are to set up their own briefing schedule. The parties may revise the schedule on consent, informing chambers by letter.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

E. *Oral Argument on Motions.* Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

3. *Pretrial Procedures*

A. *Joint Pretrial Orders in Civil Cases.* Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial

counsel.

iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.

iv. A brief summary to each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.

v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.

vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).

vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.

viii. A list by each party as to the fact and expert witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.

ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

x. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

B. *Filings Prior to Trial in Civil Cases.* Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format;

ii. By claim, a detailed statement regarding damages and other relief sought;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

v. In any case where such party believes it would be useful, a pretrial memorandum..

**INDIVIDUAL MOTION PRACTICES OF
JUDGE RAYMOND J. DEARIE
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
Telephone: (718) 260-2430
Fax: (718) 260-2437
Fax Page Limit: None listed
Contact: Ellen Mulqueen, Case Manager
Telephone: (718) 260-2435
Hours: None listed**

Motions Returnable: Set by the court.

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*

A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* In addition to Paragraph 1(D) below, telephone calls to chambers are permitted. For non-docketing, scheduling or calendar matters, call chambers at the number listed above.

C. *Faxes.* Faxes to chambers are not permitted unless prior authorization is obtained.

D. *Docketing, Scheduling and Calendar Matters.* For docketing, scheduling and calendar matters, call the contact listed above during the hours specified.

E. *Request for Adjournments or Extension of Time.* All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

c

3. *Motions*

A. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue or to amend a pleading pursuant to Rule 15 of the Fed. R. Civ. P. where leave of court is required.

To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. All parties so served must serve and file a letter response, not to exceed three (3) pages within seven (7) days from service of the notification letter. Service of the letter by the moving party within the time requirements of Rule 12 of the Fed. R. Civ. P. shall constitute timely service of a motion made pursuant to Fed. R. Civ. P. 12(b).

B. *Courtesy Copies.* In addition to motion papers, marked as such, shall be submitted to chambers.

C. *Memoranda of Law.* The court expects counsel to exercise their professional judgment as to the length of briefs and may impose limits if that expectation is not met.

D. *Filing of Motion Papers.* No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

Subject to court approval, the parties are to set up their own briefing schedule. No changes in the approved schedule may be made without court approval. Approval may be given at the pre-motion conference or by subsequent letter. No party is to serve any motion papers prior to obtaining court approval for the schedule.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

E. *Oral Argument on Motions.* Where the parties are represented by counsel, oral argument will be held on all motions. The notice of motion shall state that oral argument will be “on a date and at a time to be designated by the court.” The court will contact the parties to set the specific date and time for oral argument.

F. Paragraphs A and D above do NOT apply to any of the motions described in Federal Rule of Appellate Procedure 4(a)(4)(A). A pre-motion conference is not required before making such motions, which should be filed when served.

4. *Pretrial Procedures*

A. *Joint Pretrial Orders in Civil Cases.* Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary to each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.
- viii. A list by each party as to the fact and expert witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.
- ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.
- x.
 - 1) A statement of stipulated facts, if any;
 - 2) A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any

exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause shown; and

3) All exhibits must be premarked for the trial and exchanged with the other parties at least ten days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

B. *Filings Prior to Trial in Civil Cases.* Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format;

ii. By claim, a detailed statement regarding damages and other relief sought;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

v. In any case where such party believes it would be useful, a pretrial memorandum.

INDIVIDUAL RULES OF
HONORABLE SANDRA J. FEUERSTEIN
UNITED STATES DISTRICT COURT- E.D.N.Y.

BROOKLYN CHAMBERS ROOM 365
LONG ISLAND CHAMBERS ROOM 1014
718-797-7370 (Brooklyn)
631-712-5630 (Long Island)

All papers must indicate the docket number followed by the initials of the Judge (SJF) and initials of the Magistrate Judge assigned.

Calls:

All calls concerning any calendar matters or docketing should be made to Brian Ketcham, Case Manager, at 718-797-7375. *Do not call regarding the **status** of any case or submission without **first** referring to the docket sheet. (Docket sheets are available in the Clerk's Office and the Court's online ECF system, www.nyed.uscourts.gov).*

All request for adjournments must be made in writing and faxed to chambers at least two (2) days prior to the scheduled proceeding.

For questions concerning procedure please refer to the Federal Rules of Civil (or Criminal) Procedure, and the Local Rules of the Eastern District.

Declaratory Judgment Actions brought by Insurance Companies:

In any action brought by an insurance company seeking a declaration that it is not liable to defend or indemnify an insured in an action pending in another court, the insurance company must join the plaintiff in that action. See Fed. R. Civ. P. 19; Federal Kemper Ins. Co. v. Rauscher, 807 F.2d 345, 354 & n.5 (3d Cir. 1986).

Motion Practice:

The following procedures apply to all dispositive motions, these procedures do not apply in habeas corpus/prisoner petitions, H.H.S. cases, **pro-se** litigation (call Mr. Ketcham for instructions) and motions for default (which should be submitted to the judgment clerk for the Clerk's certification prior to filing with chambers).

The moving party will prepare its notice of motion, brief, affidavits and other supporting documentation. The notice of motion **shall not contain a return date**. These papers will be sent to all parties. A copy of the cover letter ONLY shall be filed in the Clerk's office and will be sufficient to evidence the extension of the time for filing a responsive pleading (e.g., an answer) pursuant to F.R.Civ.P. 12(a) and (b).

If opposition papers cannot be prepared within the normal 10-day period, the parties may agree to a briefing schedule (informing the court in writing). An original shall be filed with the Clerk's Office and copies of all opposition papers are then to be served on all other parties. A copy of ONLY the cover letter to be sent to Mr. Ketcham. A copy of the reply is to be served on all parties, with a copy of the cover letter to be sent to Mr. Ketcham. If the parties cannot agree, they should telephone Mr. Ketcham at 718-797-7375 to obtain the time within which the opposition papers must be prepared.

THIS PROCEDURE IS TO BE FOLLOWED FOR CROSS MOTIONS AS WELL.

Only after the motion has been fully briefed and is ready for submission to the Court, the motion, opposition and reply papers shall be submitted to the Court. Each paper shall be clearly denominated. Briefs are to comply with the local rules and must be

limited to twenty-five (25) pages. No rebuttal, sur-reply, etc. shall be accepted. Original papers together with a cover letter shall be sent to the Clerk's Office, Room, 130, each clearly marked. The originals shall be filed; the copies shall be delivered to chambers. The cover letter shall list each document (brief, affidavit, etc.) submitted. A courtesy copy of all papers including the cover letter shall be forwarded to Mr. Ketcham.

Any questions concerning these procedures should be directed to Mr. Ketcham.

The court will not schedule pre-motion conferences.

A self-addressed, stamped envelope should accompany all motion papers if you wish a copy of the decision.

No motions will be argued orally unless the Court so orders.

Note: All non-dispositive motions (discovery, pro hac vice admissions, amendments to the pleadings, etc.) are to be considered referred to the Magistrate Judge assigned to the case. Please contact the appropriate Magistrate chambers for the proper procedures.

Other:

Counsel shall appear promptly for all conferences with the Court, prepared and authorized to discuss progress in the case, scheduling of further proceedings, and possible settlement. The court may permit adjournment of a conference provided Mr. Ketcham is notified in writing **three days** prior to the date of conference.

Orders:

Parties are to confirm the issuance of an order by checking the New York Law Journal, the docket sheet or the PACER system. **Do not call chambers.** Submitted orders

and stipulations **will not** be mailed to the parties. Orders will be noticed in the New York Law Journal. Orders which originate from chambers will be mailed to the parties **AS A COURTESY** if a self addressed stamped envelope is submitted to chambers with a request for copies.

**INDIVIDUAL RULES OF
JUDGE NICHOLAS G. GARAUFIS
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201**

**Telephone: (718) 260-2540
Fax: (718) 260-2634
Fax Page Limit: 10 Pages**

**Contact: Joseph D. Reccoppa
Telephone: (718) 260-4558**

Motions Returnable: Set by the Court.

Unless otherwise ordered, matters before Judge Garaufis shall be conducted in accordance with the following rules:

1. ELECTRONIC CASE FILING (ECF)

A. All documents in civil actions filed after October 1, 2002 MUST be filed electronically. Questions regarding ECF filing or training should be directed to Terry Vaughn or Marilyn Glenn at (718) 260-2330/2610.

B. Hard copies of all papers filed electronically, including motions, letters and stipulations, must be provided to Chambers. All such papers must be clearly marked “Courtesy Copy”, and indicate that the original was filed by ECF.

C. Parties filing voluminous or non-text exhibits shall only file hard copies.

D. Requests to be exempt from ECF requirements may be made before the Magistrate Judge assigned to the case.

2. COMMUNICATIONS WITH CHAMBERS

A. *Letters.* Except as provided below, communication with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* Except as provided in Rule 2(D) below, telephone calls to chambers are permitted only in situations requiring immediate attention. In such situations only, call chambers at the number listed above.

C. *Faxes*. Faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than the number of pages listed above may be faxed without prior authorization. Do not follow with hard copy.

D. *Docketing, Scheduling, and Calendar Matters*. For docketing, scheduling, and calendar matters, call the contact listed above.

E. *Request for Adjournments or Extensions of Time*. All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reason given by the adversary for refusing to consent. If the requested adjournment or extension affects no other scheduled dates, proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

3. CIVIL MOTIONS

A. *Pre-Motion Conferences in Civil Cases*.

i. For discovery motions, follow Local Civil Rules 6.4 and 37.3.

ii. For any dispositive motion, motion for a change of venue, or motion to amend a pleading pursuant to Fed. R. Civ. P. 15 (where leave of court is required), a pre-motion conference is required. The movant shall write to the Court requesting such conference, with a brief description of the grounds for such motion. Opposition to requests for a pre-motion conference will not be considered.

iii. No pre-motion conference shall be required for post-trial motions, *pro se* habeas corpus/prisoner petitions, social security appeals, bankruptcy appeals.

B. *Filing of Motion Papers*. A complete set of motion papers shall be filed only by the moving party as set forth below. The notice of motion, memorandum of law, and other supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter **only** is to be mailed to Chambers and to the assigned magistrate judge at this time.

After the support, opposition, and reply papers have been exchanged among the

parties, only the original moving party shall file all motion papers with the Court, subject to the ECF requirements stated above. Such party is further obligated to furnish Chambers with a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

Subject to court approval, the parties are to set up their own briefing schedule. Approval may be given at the pre-motion conference or by subsequent letter. No party is to serve any motion papers prior to obtaining court approval for the schedule. No changes in the approved schedule may be made without court approval.

C. *Memoranda of Law*. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, not including appendices or attachments, and reply memoranda are limited to 10 pages, not including appendices or attachments. Memoranda of 10 pages or more shall contain a table of contents. All memoranda must have the date of service plainly visible on the front cover. No letter briefs shall be permitted.

D. *Oral Argument on Motions*. Parties may request oral argument by letter at the time their moving or opposing papers are filed. The court will determine whether to hear oral argument and, if so, will advise counsel of the argument date. Counsel so advised is responsible for informing all other parties.

4. CRIMINAL MOTIONS

A. *Pre-Motion Conferences in Criminal Cases*. Counsel shall advise the Court of any motions they want to file at a status conference scheduled by the Court. If no status conference has been scheduled, counsel shall request a pre-motion conference in writing and briefly state the grounds for such motion.

B. *Filing of Motion Papers*. Unless otherwise directed by the Court, follow Rule 3(B) above.

C. *Memoranda of Law*. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, not including appendices or attachments, and reply memoranda are limited to 10 pages, not including appendices or attachments. Memoranda of 10 pages or more shall contain a table of contents. All memoranda must have the date of service plainly visible on the front cover. No letter briefs shall be permitted.

D. *Oral Argument on Motions*. Oral arguments on all criminal motions will be heard on a date set by the Court.

E. *Sentencing Motions*. Applications for a downward departure shall be made in writing at least 5 business days prior to the date of sentencing. The Government's response, if any, shall be made in writing at least 2 business days before the date of sentencing.

5. PRETRIAL PROCEDURES

A. *Joint Pretrial Orders in Civil Cases*. Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order, which shall include the following:

- i. The full caption of the action.
- ii. The names (including firm names), addresses, and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter, and including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or statements of fact or law which have been agreed to by all parties.
- viii. A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify

except when prompt notice has been given and good cause shown.

ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

x. A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal.

The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions.

Only exhibits listed will be received in evidence except for good cause shown.

B. Filings Prior to Trial in Civil Cases. Unless otherwise ordered by the Court, 15 days before the commencement of the trial, the parties shall file:

i. Proposed *voir dire* questions, jury instructions and verdict sheet. Parties shall submit a hard-copy of such materials and a 3.5" diskette or CD in WordPerfect format. Requests to charge should be limited to elements of the claims, the damages sought and defenses. General instructions will be prepared by the Court.

ii. A detailed statement regarding damages and other relief sought for each claim.

iii. In non-jury cases a statement of the elements of each claim or defense involving each party, together with a summary of the facts relied upon to establish each element.

iv. A pretrial memorandum in any case where a party believes such would be useful.

C. Motion In Limine. Motions addressing evidentiary or other issues, which should be resolved *in limine* must be filed no later than 20 days before commencement of trial. Responses, if any, shall be due 5 days later.

D. *Trial Exhibits.* All exhibits to be used at trial shall be pre-marked and exchanged with the other parties at least 10 days before trial. No later than the first day of trial all parties are to provide the Court with tabbed binders containing copies of all exhibits.

6. POST TRIAL PROCEDURES

A. In non-jury trials, parties shall file proposed findings of fact and conclusions of law no later than 10 days after the conclusion of trial. No responses to such submissions shall be permitted.

**INDIVIDUAL MOTION PRACTICES OF
JUDGE NINA GERSHON
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
Telephone : 718-260-2650
Fax: None Listed
Fax Page Limit: None Listed
Contact: Jennifer Baclini
Telephone: 718-260-2655
Hours : None listed
Motions Returnable: Set by the Court**

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*

A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* Except as provided in Paragraph 1(D) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at the number listed above.

C. *Faxes.* Faxes to chambers are not permitted unless prior authorization is obtained.

D. *Docketing, Scheduling, and Calendar Matters.* For docketing, scheduling and calendar matters, call the contact listed above during the hours specified.

E. *Requests for Adjournments or Extension of Time.* All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. *Motions*

A. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue or to amend a pleading pursuant to Rule 15 of the Fed. R.Civ. P. where leave of the court is required.

To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three(3) pages in length setting forth the basis for the anticipated motion. All parties so served must serve and file a letter response, not to exceed three (3) pages within seven (7) days from service of the notification letter. Service of the letter by the moving party within the time requirements of Rule 12 of the Fed. R. Civ. P. shall constitute timely service of a motion made pursuant to Fed. R. Civ. P. 12 (b).

B. *Courtesy Copies.* Courtesy copies of all motion papers, marked as such, should be submitted for chambers.

C. *Memoranda of Law.* The Court expects counsel to exercise their professional judgment as to the length of briefs and may impose limits if that expectation is not met.

D. *Filing of Motion Papers.* No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

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- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented.)
- vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.
- viii. A list of names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.
- ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.
- x.
 - 1) A statement of stipulated facts, if any;

2) A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause shown; and

3) All exhibits must be premarked for the trial and exchanged with the other parties at least ten days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

B. Filings Prior to Trial in Civil Cases. Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the Court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format;

ii. By claim, a detailed statement regarding damages and other relief sought;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

v. In any case where such party believes it would be useful, a pretrial memorandum.

**INDIVIDUAL MOTION PRACTICES OF
JUDGE I. LEO GLASSER
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201
Telephone: 718-260-2440
Fax: 718-260-2447
Fax Page Limit: None listed
Contact: Louise Schillat
Telephone: 718-260-2445
Hours: None listed**

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*

A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* Except as provided in Paragraph 1(D) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at the number listed above.

C. *Faxes.* Faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than the number of pages listed above may be faxed without prior authorization. Do not follow with hard copy. The fax number is listed above.

D. *Docketing, Scheduling, and Calendar Matters.* For docketing, scheduling and calendar matters, call the contact listed above during the hours specified.

E. *Request for Adjournments or Extension of Time.* All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. *Electronic Case Filing (ECF)*

A. All documents in civil actions MUST be filed electronically. Questions regarding ECF filing or training should be directed to Terry Vaughn or Marilyn Glenn at (718) 260-2330/2610.

B. Hard copies of all papers filed electronically, including motions, letters and stipulations, must be provided to Chambers. All such papers must be clearly marked “Courtesy Copy,” and indicate that the original was filed by ECF.

C. Parties filing voluminous or non-text exhibits shall only file hard copies.

D. Requests to be exempt from ECF requirements may be made before the Magistrate Judge.

3. *Motions*

A. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, pre-motion conferences are not required.

B. *Courtesy Copies.* Courtesy copies of all motion papers, marked as such, should be submitted for chambers.

C. *Memoranda of Law.* The court expects counsel to exercise their professional judgment as to the length of briefs and may impose limits if that expectation is not met.

D. *Filing of Motion Papers.* No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

The parties are to set up their own briefing schedule. The parties may revise the schedule on consent, informing chambers by letter.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

E. *Oral Argument on Motions.* Where the parties are represented by counsel, oral argument will be held on all motions.

F. Paragraph D above does NOT apply to any of the motions described in Federal Rule of Appellate Procedure 4(a)(4)(A). Such motions should be filed when served and each party shall be responsible for filing its motion papers and furnishing chambers with courtesy copies.

4. *Pretrial Procedures*

A. *Joint Pretrial Orders in Civil Cases.* Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order, which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.
- viii. A list by each party as to the fact and expert witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.
- ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

x. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

B. *Filings Prior to Trial in Civil Cases.* Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format;

ii. By claim, a detailed statement regarding damages and other relief sought;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

v. In any case where such party believes it would be useful, a pretrial memorandum.

JUDGE JOHN GLEESON
Brooklyn Courthouse
Phone: 718-260-2450
Fax: 718-260-2457 (by permission only)
Email: Gleeson_Chambers@nyed.uscourts.gov (by permission only)
Contact: Vivian Virno-Klein (718-260-2455)

Unless otherwise ordered in a specific case, matters before the Court shall be conducted in accordance with the following practices:

I. *Communications with Chambers*

A. *Docketing, Scheduling, or Calendar Matters*

For these matters, call 718-260-2455. (To request an adjournment or extension of time, see below at III.E.)

B. *Letters*

Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to the Clerk of Court (see *infra* Part II (“Electronic Case Filing”)) and all counsel. Copies of correspondence between counsel shall not be sent to the Court.

C. *Telephone Calls*

Telephone calls to chambers are permitted. However, as noted above, for docketing, scheduling, or calendar matters, call 718-260-2455.

D. *Faxes*

Faxes to chambers are permitted only if prior authorization is obtained.

E. *Request for Adjournments or Extension of Time*

All requests for adjournments or extensions of time must be in writing and state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether those previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled date(s), (a) proposed revised date(s) must be provided. If the request is for an adjournment of a court appearance, absent an emergency, it shall be made

at least forty-eight hours prior to the scheduled appearance.

II. *Electronic Case Filing (ECF)*

All documents in civil actions shall be filed electronically. Orders will be posted electronically, and parties not registered on ECF will not receive them.

Questions regarding ECF registration, filing or training should be directed to Terry Vaughn (718-260-2330) or Marilyn Glenn (718-260-2620). Attorneys should also refer to the Court's website at http://www.nyed.uscourts.gov/CM_ECF/cm_ecf.html.

Hard copies of all papers filed electronically, including motions, letters, and stipulations, must be provided to chambers. All such papers must be clearly marked "Courtesy Copy" and indicate that the original was filed by ECF.

Parties filing voluminous or nontext exhibits shall only file hard copies.

III. *Motions*

A. *Motions Returnable*

Unless otherwise specified by the Court, all motions are returnable Friday morning.

B. *Premotion Conference Requests in Civil Cases*

For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, in all cases where the parties are represented by counsel, except habeas corpus/prisoner petitions and social security and bankruptcy appeals, a premotion conference with the court must be requested before making any motion pursuant to Federal Rule of Civil Procedure ("FRCP") 12 or 56, any motion for a change of venue, or any motion to amend a pleading pursuant to FRCP 15 where leave of court is required.

To request a premotion conference, the moving party shall submit a letter not to exceed three pages in length setting forth the basis for the anticipated motion. A Rule 56.1 statement should be attached to this letter. All parties so served may, but are not required to, serve and file a letter response, not to exceed three pages, within seven days from service of the notification letter. Service of the letter by the moving party within the time requirements of FRCP 12 shall constitute timely service of a

motion made pursuant to FRCP 12(b).

In many cases, it will be apparent from the letter requesting a premotion conference that such a conference will not be a useful expenditure of the parties' time, and a motion schedule will be set (or the parties will be directed to set one) without convening a premotion conference.

Note that these provisions do *not* apply to motions other than those specifically enumerated. For example, letters requesting premotion conferences do not apply to motions pursuant to FRCP 50, 59, and 60, and counsel should be aware that the Court of Appeals will not accept an argument that compliance with district court motion rules should excuse noncompliance with Federal Rule of Appellate Procedure 4. See, e.g., Camacho v. City of Yonkers, 236 F.3d 112 (2d Cir. 2000).

C. *Courtesy Copies*

Courtesy copies of all motion papers, marked as such, shall be submitted to chambers. (See also supra Part II (“Electronic Case Filing”).)

D. *Memoranda of Law*

Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to twenty-five pages, and reply memoranda are limited to ten pages. Memoranda of ten pages or more shall contain a table of contents.

E. *Filing of Motion Papers*

No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and magistrate judge at this time.

Subject to court approval, the parties may agree on a briefing schedule. No changes in the approved schedule may be made without court approval.

The moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each

document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

F. *Oral Argument on Motions*

Where the parties are represented by counsel, oral argument will be held on all motions. The notice of motion shall state that oral argument will be “on a date and at a time to be designated by the Court.” The Court will contact the parties to set the specific date and time for oral argument.

IV. *Pretrial Procedures*

A. *Joint Pretrial Orders in Civil Cases*

Unless otherwise ordered by the Court, within sixty days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order, which shall include the following:

1. The full caption of the action.
2. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
3. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
4. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matters but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
5. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
6. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).

7. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.
8. A list by each party as to the witnesses (fact and expert) whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.
9. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.
10.
 - (a) A statement of stipulated facts, if any;
 - (b) A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause shown; and
 - (c) All exhibits must be premarked for the trial and exchanged with the other parties at least ten days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

B. *Filings Prior to Trial in Civil Cases.*

Unless otherwise ordered by the Court, each party shall file fifteen days before the date of commencement of trial if such a date has been fixed, or thirty days after the filing of the final pretrial order if no trial date has been fixed;

1. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be

limited to the elements of the claims, the damages sought, and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted in IBM Word Perfect format either by email to Gleeson_Chambers@nyed.uscourts.gov (preferred) or on a 3.5" diskette;

2. By claim, a detailed statement regarding damages and other relief sought;
3. In nonjury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;
4. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and
5. In any case where such party believes it would be useful, a pretrial memorandum.

**INDIVIDUAL MOTION PRACTICES OF
JUDGE DENIS R. HURLEY
United States District Court
100 Federal Plaza
Central Islip, New York 11722
Telephone: 631-712-5650
Fax: 631-712-5651
Fax Page Limit: None, but see ¶ 1(C) infra
Contact: Patricia Best
Telephone: 631-712-5652
Hours: None Listed**

Motions Returnable: Date of filing constitutes return date.

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*

A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* Other than those calls which should be directed to Judge Hurley's Courtroom Deputy, Patricia Best, as specified in Paragraph 1(D) below, telephone calls to chambers are permitted.

C. *Faxes.* Faxes to chambers are not permitted unless prior authorization is obtained, which will only be granted in emergency situations. Faxes sent without approval will not be accepted for filing.

D. *Docketing, Scheduling, and Calendar Matters.* For docketing, scheduling and calendar matters, call Judge Hurley's Courtroom Deputy, Patricia Best, at the number provided above.

E. *Request for Adjournments or Extension of Time.* All requests for adjournments or extensions of time must state (1) the originally scheduled date, (2) the number of previous requests for adjournment or extension,(3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must

be attached. All requests for an adjournment, including those relating to Court appearances, shall be made at least 48 hours prior to the deadline or scheduled appearance.

2. *Motions*

A. *Motion Practices*

All motions (except (i) motions for admission pro hac vice, (ii) habeas motions of incarcerated petitioners, (iii) objections to a magistrate judge's report and recommendation, and (iv) all motions outlined in Federal Rule of Civil Procedure 6(b), where the time for filing may not be extended by the Court, for which motions, the moving party shall file the moving papers with the Court and the Court will then issue a briefing schedule) must be filed in conformity with the procedures outlined below.

The party proposing to make a motion shall write to the Court and request a pre-motion conference and briefly state in the letter each basis for the proposed motion, citing supporting authority. The opposing party shall respond to such letter within 10 days of receipt. Neither the moving letter nor the opposing letter shall exceed three (3) pages in length. Service of the letter by the moving party within the time requirements of Federal Rule of Civil Procedure 12 shall constitute timely service of a motion made pursuant to Rule 12(b). The Court will thereafter schedule a pre-motion conference to set the dates for the service of motion papers, answering papers, reply papers, and possibly oral argument, all within a 30 day period. Once such dates have been set, no adjournments will be granted absent extraordinary circumstances. If an extraordinary circumstance is presented, the motion will be withdrawn and a new schedule set by the Court.

B. *Courtesy Copies.* Courtesy copies of all motion papers including those filed with the Court electronically pursuant to ECF, marked as such, should be submitted to Chambers.

C. *Memoranda of Law.* Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 20 pages, and reply memoranda are limited to 10 pages. All memoranda of law shall be produced in a font of 11 (eleven) or higher and shall have one inch margins on all sides. Memoranda of 10 pages or more shall contain a table of contents. These requirements apply to briefs filed in support of bankruptcy and social security appeals and habeas corpus petitions as well.

D. *Filing of Motion Papers.* No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

E. *Oral Argument on Motions.* Parties may request oral argument by letter at the time their motion papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

F. Paragraphs A and D above do NOT apply to any of the motions described in Federal Rule of Appellate Procedure 4(a)(4)(A). A pre-motion conference is not required before making such motions, which should be filed when served.

3. *Pretrial Procedures*

A. *Joint Pretrial Orders in Civil Cases.* Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order, which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or

without a jury, and the number of trial days needed.

vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).

vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.

viii. A list by each party as to the fact and expert witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or be deposition. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.

ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

x. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

B. Filings Prior to Trial in Civil Cases. Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format;

ii. By claim, a detailed statement regarding damages and other relief sought;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

v. A pretrial memorandum.

**INDIVIDUAL MOTION PRACTICES OF
JUDGE STERLING JOHNSON, JR.**

**United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
Telephone - (718) 260-2460
Courtroom Deputy: August Marziliano - (718) 260-2465**

DOCKETING PROCEDURE

To facilitate the work of the Clerk's Office and avoid confusion, all papers should bear the Judge's name (Hon. Sterling Johnson, Jr.) and the docket number of the matter followed by the initials "SJ" and the initials of the assigned magistrate judge. Unless otherwise ordered by Judge Johnson in a specific case, matters before the Judge shall be conducted in accordance with the following practices:

COMMUNICATIONS WITH CHAMBERS

All phone calls concerning Docketing, Scheduling, and Calendar matters or adjournments shall be made to **August Marziliano** at **(718) 260-2465**. Counsel are directed to submit inquiries in writing whenever possible. Telephone calls to Chambers are permitted only in emergency situations requiring immediate attention. For questions about procedure, please refer to the Federal Rules of Civil/Criminal Procedure, the Local Rules and the Judge's Individual Rules. The individual rules are published in the New York Law Journal on Tuesdays and are available online. Faxes to Chambers are not permitted unless prior authorization is obtained.

Requests for adjournment or extension of time must state: (1) the original date, (2) the number of previous requests for adjournments or extensions, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, or the reasons given for refusing to consent. If the requested adjournment or extension affects any other scheduling dates, a proposed revised scheduling order must be attached. Absent an emergency, any request for adjournment of a court appearance shall be made at least 48 hours in advance.

RULES AND PROCEDURES

Motions Returnable Fridays at 10 A.M.

Pre-Motion Conferences in Civil Cases. For discovery motions, follow Local

Civil Rules 37.3 and 6.4 in all cases where the parties are represented by counsel. A pre-motion conference with the court is required before making a motion for summary judgment. Pre-motion conferences are **not** required for any other motion. Consistent with Local Civil Rule 72.2, all non-dispositive pretrial matters are automatically referred to the assigned magistrate judge unless otherwise ordered.

To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. A copy of the letter shall be served on all opposing parties. All parties so served must serve and file a letter response, not to exceed three (3) pages within seven (7) days from service of the notification letter.

Courtesy Copies. Courtesy copies of all motion papers including those filed with the Court electronically pursuant to ECF, marked as such, should be submitted to Chambers.

Memoranda of Law. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 20 pages, and reply memoranda are limited to 10 pages. All memoranda of law shall be produced in a font of 11 (eleven) or higher and shall have one inch margins on all sides. Memoranda of 10 pages or more shall contain a table of contents. These requirements apply to briefs filed in support of bankruptcy and social security appeals and habeas corpus petitions as well.

Filing of Motion Papers. No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

Subject to court approval, the parties are to set up their own briefing schedule. No changes in the approved schedule may be made without court approval. Approval may be given at the pre-motion conference or by subsequent letter. No party is to serve any motion papers prior to obtaining court approval for the schedule.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

Oral Argument on Motions. Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

Pretrial Procedures.

Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order, which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.

Witnesses. A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.

Deposition Testimony.

A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

Exhibits:

- 1) A statement of stipulated facts, if any;
- 2) A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause shown; and
- 3) All exhibits must be premarked for the trial and exchanged with the other parties at least ten days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

Filings Prior to Trial in Civil Cases. Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

- i. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format;
- ii. By claim, a detailed statement regarding damages and other relief sought;
- iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;
- iv. In all cases, motions addressing any evidentiary or other issues which

should be resolved in limine; and

- v. In any case where such party believes it would be useful, a pretrial memorandum.

**INDIVIDUAL MOTION PRACTICES OF
JUDGE JACOB MISHLER
United States District Court
100 Federal Plaza
Central Islip, New York 11722
Telephone: (631) 712-5630
Fax: None listed
Fax Page Limit: None listed
Contact: Keith Jones
Telephone: (631) 712-5635
Hours: None listed
Motions Returnable: No instructions provided
Judge Mishler has no individual practices.**

**INDIVIDUAL PRACTICES OF
JUDGE THOMAS C. PLATT**

Long Island Courthouse
1044 Federal Plaza
Central Islip, NY 11722
Telephone: 631-712-5600
Fax: 631-712-5606

Fax Page Limit: 25 pages, unless permission is given by the court

Contact: Karen O'Hara
Telephone: 631-712-5605
Hours: 9:00 a.m. to 5:00 p.m.

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. Communications With Chambers

A. Letter. Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. Telephone Calls. Telephone calls to chambers are not permitted.

C. Faxes. Faxes to chambers are not permitted unless prior authorization is obtained.

D. Docketing, Scheduling, and Calendar Matters. For docketing, scheduling, and calendar matters, call the contact listed above during the hours specified.

E. Request for Adjournments or Extensions of Time. All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. Motions

A. Courtesy Copies. In addition to motion papers, courtesy copies of pleadings, marked as such, shall be submitted to chambers, as soon as practical after filing.

B. Memorandum of Law. Unless prior permission has been granted, memorandum of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

C. Filing of Motion Papers. No motion papers shall be filed until the motion is fully briefed by both sides and exchanges of all papers has been made. **No service of papers shall be made until all exchanges are complete.** On the completion date the parties shall communicate by telephone with the Court's Deputy Clerk at 631-712-5605 to schedule service, filing and return dates. **The formal service and filing of all papers is on a date 10 days before the date of oral argument scheduled by the Court.**

If the motion is one for summary judgment, within 30 days of the completion of discovery the parties must communicate by telephone with the Court's Deputy Clerk to schedule an oral argument date. Failure to schedule an oral argument date in this time frame will waive the parties right to file a summary judgment motion. No adjournments of the oral argument date will be granted. Local Civil Rule 56.1 statements must be filed with the filing of such a motion. Each statement of fact in each 56.1 statement and each counter 56.1 statement shall be stated in a single sentence separately numbered and each such statement will be followed by a reference to the factual source (e.g. Dep. of X at pg. or Exh. A. at _). Rule 56.1 statements must be read and complied with by the parties before filing. Failure to comply with this rule may result in an adverse decision.

The moving party shall be responsible for the formal service and filing of all motion papers on the date agreed upon with the Court's Deputy Clerk. Such party is further obligated to furnish chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

D. Oral Argument on Motions. Where the parties are represented by counsel, oral argument will be held on all motions with the exception of motions under 28 U.S.C. Sections 2254 and 2255, and motion in the context of Social Security Appeals.

E. Social Security Appeals. Motions for judgment on the pleadings pursuant to Rule 12(c) must be made within two weeks of the filing of the transcript with the Clerk of the Court. Failure to adhere to this rule will result in dismissal of the appeal without

prejudice and with leave to refile. **No extensions will be granted.**

F. Bankruptcy Appeals. As per Section 8009 of the Rules of Bankruptcy Procedure (a) Briefs (1) The appellant shall serve and file a brief within 15 days after entry of the appeal on the docket pursuant to Rule 8007 (2) The appellee shall serve and file a brief within 15 days after service of the brief of the appellant. If appellee has filed a cross appeal, the brief of the appellee shall contain the issues and argument pertinent to the cross appeal, denominated as such, and the response to the brief of the appellant (3) The appellant may serve and file a reply brief within 10 days after service of the brief of the appellee and if the appellee has cross-appealed, the appellee may file and serve a reply brief to the response of the appellant to the issues presented in the cross appeal within 10 days after service of the reply brief of the appellant. No further briefs may be filed except with leave of the district court. No variations, extensions or exceptions will be granted.

3. Pretrial Procedures

A. Joint Pretrial Orders in Civil Cases. Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order, which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case

by a magistrate judge (without identifying which parties have or have not so consented).

vii. Any stipulation or agreed statements of facts or law which have been agreed to by all parties.

viii. A list by each party as to the fact and expert witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.

ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

x. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

B. Filings Prior to Trial in Civil Cases. Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format.

ii. By claim, a detailed statement regarding damages and other relief sought;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

v. In any case where such party believes it would be useful, a pretrial memorandum.

18, 2002

December

PRETRIAL AND TRIAL RULES AND PROCEDURES

PRETRIAL CONFERENCE/DISCOVERY

After an answer is filed, a case is referred to a Magistrate Judge for all matters relating to discovery and the entry of a Federal Rule of Civil Procedure 16(b) scheduling order. If parties wish to pursue discovery or settlement negotiations before an answer has been filed, they may request that the Judge refer them to a Magistrate Judge for this purpose.

GUIDELINES FOR THE CONDUCT OF TRIALS AND PRETRIAL MOTIONS AND OTHER APPEARANCES

- ii **PRETRIAL IN CIVIL CASES.** Ordinarily, the Court will have determined at pretrial what claims and defenses will be tried, what witnesses will testify, and what exhibits will be received at trial. Except for proper impeachment, trial by ambush is not acceptable.

- ii **OPENING STATEMENTS.** An opening statement is simply an objective summary of what counsel expects the evidence to show. No argument or discussion of the law is permissible.

- ii **QUESTIONING OF WITNESSES.**
 - a. Conduct the examination from the lectern located at the far end of the jury box. Ask permission to approach the witness when necessary and return to the lectern as soon as practicable. Treat witnesses with courtesy and respect, do not become familiar, do not address witnesses by their first names, and do not shout at witnesses.

 - 2. Ask brief, direct, and simply stated questions. Cover one point at a time. Leading questions may be used for background or routine matters. It is helpful to write out the questions in advance, but do not read them at trial.

 - C. Cross-examination similarly should consist of brief, simple, and clearly stated questions. Again, it is helpful to write out questions in advance, but do not read them. Cross-examination should not be a restatement of the direct examination and should not be used for discovery (*i.e.*, it is not like taking a deposition).

 - iv Only one lawyer for each party may examine any one witness and may object as to questions asked of that witness on cross.

- 4. **USING DEPOSITIONS.**
 - a. The deposition of an adverse party may be used for any purpose. It is unnecessary to (although one may) ask a witness if he or she “recalls” it or otherwise lay a foundation. Simply identify the deposition and page and line numbers and read the relevant portion. Opposing counsel may then immediately ask to read such additional testimony as is necessary to complete the context.

- ii The deposition of a witness not a party may be used for impeachment or if the witness has been shown to be unavailable. For impeachment, the preferred practice is: allow the witness to read to him- or herself the designated portion first, ask simply if the witness gave that testimony, and then read it. Opposing counsel may immediately read additional testimony necessary to complete the context.
- ii A deposition of or statement offered by someone not a witness (unless previously adopted by the witness), even if it purports to contain statements made by the witness to the offeror, may not be used to impeach the witness.
- ii A deposition or statement may be used to refresh a witness's recollection by showing it to the witness, or, just as any other document, as a basis for relevant questions, but unless adopted by the witness or received in evidence, it may not be read to the witness in connection with or as a part of such question.
- ii In bench trials, do not offer depositions wholesale. Unless all of the testimony is important, copy the relevant pages only, staple the extracts from each deposition, and offer each as an exhibit.
- ii Note: It is the responsibility of counsel anticipating use of a deposition at trial to check in advance of trial that it has been made available to the witness for signature and that the original is filed with the Clerk's Office.

E. OBJECTIONS.

- a. To make an objection, **rise**, say “objection,” and briefly state the legal ground (*e.g.*, “hearsay,” “privilege,” “irrelevant”). **If you do not rise, your objection will be deemed waived and will be ignored by the Court.** Failure to rise when addressing the Court is a form of contempt and will be regarded and dealt with as such.
- iv Do not make a speech or argument, or summarize evidence, or suggest the answer to the witness. If argument is desired, ask for an opportunity to argue the objection at sidebar.
- iv Where an evidentiary problem is anticipated, bring it to the Court’s attention in advance to avoid interrupting the orderly process of a jury trial.

6. **EXHIBITS.**

- ii **All exhibits** (except proper impeachment exhibits) **must be marked before the trial starts**, using the clerk’s standard form of label. Normally, plaintiff’s exhibits will be numbered and defendant’s exhibits lettered. Copies must be provided to opposing counsel and the Court before trial.**
- ii When offering an exhibit, follow this procedure to the extent applicable (unless foundation has been stipulated):

Request permission to approach the witness;

Show the witness the document and say:

I show you (a letter) premarked Exhibit __,

dated __, from

A to B. Can you identify that document?

**This does not apply to defendants in a criminal trial.

follows:

Identification having been made, make your offer as

I offer Exhibit _____.

Note: In some circumstances, additional questions may be necessary to lay the foundation.

- ii It is the responsibility of counsel to see that all exhibits counsel wants included in the record are formally offered and ruled on, and that all of the clerk's copies of exhibits are in the hands of the clerk. Take nothing for granted.
- ii Exhibits received in evidence should be shown to the jury when so received or as soon thereafter as possible. Counsel should not hold all such exhibits until his or her adversary commences cross-examination. Questioning normally should continue while the jury examines exhibits.
- ii Tapes are normally received in evidence; transcripts are normally not. Transcripts are marked for identification only and used as guides.
- vii. **INTERROGATORIES AND REQUESTS FOR ADMISSION.** Counsel wishing to place into the record an interrogatory answer or response to request for admission should prepare a copy of the particular interrogatory or request and accompanying response, mark it as an exhibit, and offer it.
- viii. **USE OF PREPARED DIRECT TESTIMONY.** In bench trials, when the direct testimony of witnesses has previously been submitted in narrative, written statement form, the proponent of the witness must have the witness available for cross-examination unless cross-examination has been waived.

The following procedure should be followed:

When the witness is called to the stand, ask the witness to identify the statement, which should be premarked as

an exhibit, as his or her testimony and to state that it is true and correct. Then offer the exhibit.

iv **CONDUCT OF TRIAL.**

- a. The Court expects counsel and the witnesses to be present and ready to proceed promptly at the appointed hour—normally starting at 9:15 a.m. A witness on the stand when a recess is taken should be back on the stand when the recess ends. If you or your client are late, you may find the jury in the box awaiting your arrival.
- b. Bench conferences should be minimized. Raise anticipated problems at the start or the end of the trial day or during a recess.
- c. Have a sufficient number of witnesses available in court to fill the time available. Running out of witnesses may be taken by the Court as resting your case.
- d. Trials normally are conducted each day except on the day scheduled for the motion calendar (usually Friday). Do not assume that the Court will recess on any of those days at any given time or times unless prior arrangements have been made with the Court and counsel.
- e. Counsel are expected to cooperate with each other in the scheduling and production of witnesses. In civil cases, in particular, witnesses may be taken out of order where necessary. Every effort should be made to avoid calling a witness twice (as an adverse witness and later as a party's witness).
- f. Counsel should be prepared each day to discuss with the Court the next day's schedule of witnesses and exhibits.

x. **JURY TRIAL.**

- a. When trial is to a jury, counsel should present the case so that the jury can follow it. Witnesses should be instructed to speak clearly and in plain language. When documents play an important part, an overhead projector and screen should be used to display the exhibit while a witness testifies about it or extra copies should be made available to the jury and the Court.
- b. Proposed *voir dire* questions must be submitted in writing no later than the last pretrial conference.
- c. Jury instructions must be submitted no later than the last pretrial conference but may be supplemented during the trial. Only those dealing with the particular issues in the case need be presented. Instructions are to be drafted specifically to take into account the facts and issues of the particular case, and in plain language; do not submit copies from form books. Do not submit argumentative or formula instructions. Consult the Court for additional guidance.
- d. Do not offer a stipulation in the presence of the jury unless agreement has previously been reached. Preferably, such stipulations should be in writing.
- e. In final argument, do not express personal opinions or ask jurors to place themselves in the position of a party, or to consider the consequences of the litigation beyond the evidence presented. Do not make reference to or use testimony or exhibits not in evidence.
- f. Normally, the Court will instruct the jury after, but will confer with counsel before, closing arguments. Accordingly, there will be no need (and indeed it is improper for counsel to attempt) to explain the law in the closing argument.

xi. General Decorum.

1. A trial is a rational and civilized inquiry to seek a just result. Counsel are expected to conduct themselves with dignity and decorum at all times, which includes appropriate dress (suits and neckties for men) and courtroom behavior. Disruptive tactics or appeals to prejudice are not acceptable.
2. Colloquy between counsel on the record is not permitted—all remarks are to be addressed to the Court.
3. Vigorous advocacy does not preclude courtesy to opposing counsel and witnesses and respect for the Court. Calling attorneys, witnesses or parties by first names on the record is not appropriate.
4. Do not engage in activity at counsel table or move about the courtroom while opposing counsel is arguing or questioning witnesses, or in other ways cause distraction. Neither counsel nor client while at counsel table should indicate approval, disapproval, or other reactions to a witness's testimony or counsel's argument.
5. If you have a question or problem, talk to the Judge's courtroom deputy but not the law clerks.
6. When one lawyer is making a motion or application either before or at trial, all other lawyers should be seated, and the same is true when another is answering any such motion or application. Do not attempt to interrupt your adversary's argument unless the Court asks you a question—then rise, answer it, and resume your seat until your adversary is finished.
7. If an objection to a question has been sustained (other than on the ground of "form"), do **not** attempt to circumvent the Court's ruling by repeating the question in other words. This is a form of contempt and will be regarded as such.

8. You are bound by written stipulations or those made in open Court whether made by you or by predecessor counsel unless you have been relieved therefrom by order of the Court.
9. Histrionics, mini-summations, comments on testimony of a witness during questioning, repetitious questions, procrastination, delaying tactics, rearguments following Court rulings (except at recesses), *etc.*, will not be tolerated.
10. Prior to trial, the attorneys should attempt to stipulate the testimony of all *pro forma* witnesses, *e.g.*, if the secretary of the XYZ Corporation were called to testify, he would testify that Exhibit A was kept in the ordinary course of business, *etc.*, is admissible.
11. Repetitious cross-examination by successive (or even the same) attorney(s) on the same subject area is inappropriate and will not be permitted except for good cause shown in exceptional circumstances.

December 18, 2002

**INDIVIDUAL MOTION PRACTICES OF
JUDGE REENA RAGGI
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
Telephone: (718) 260-2490
Fax: (718) 260-2497
Fax Page Limit: None listed
Contact: CR: Eileen Levine
Telephone: (718) 260-2495
CV: Law Clerks
Hours: None listed**

Motions Returnable: Friday at 2:00 p.m., as set by the court.

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*
 - A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.
 - B. *Telephone Calls.* Except as provided in Paragraph 1(D) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at the number listed above.
 - C. *Faxes.* Faxes to chambers are not permitted unless prior authorization is obtained.
 - D. *Docketing, Scheduling and Calendar Matters.* For docketing, scheduling and calendar matters, call the contact listed above during the hours specified.
 - E. *Request for Adjournments or Extension of Time.* All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must

be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. *Motions*

A. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, pre-motion conferences are not required.

B. *Courtesy Copies.* In addition to motion papers, marked as such, shall be submitted to chambers.

C. *Memoranda of Law.* The court expects counsel to exercise their professional judgment as to the length of briefs and may impose limits if that expectation is not met.

D. *Filing of Motion Papers.* No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

Subject to court approval, the parties are to set up their own briefing schedule. No changes in the approved schedule may be made without court approval. Approval may be given at the pre-motion conference or by subsequent letter. No party is to serve any motion papers prior to obtaining court approval for the schedule.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

E. *Oral Argument on Motions.* Where the parties are represented by counsel, oral argument will be held on all motions. The notice of motion shall state that oral argument will be “on a date and at a time to be designated by the court.” The court will contact the parties to set the specific date and time for oral argument.

3. *Pretrial Procedures*

A. *Joint Pretrial Orders in Civil Cases.* Unless otherwise ordered by

the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary to each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.
- viii. A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.
- ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.
- x.
 - 1) A statement of stipulated facts, if any;
 - 2) A schedule listing exhibits to be offered in evidence and, if not

admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause shown; and

3) All exhibits must be premarked for the trial and exchanged with the other parties at least ten days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

B. *Filings Prior to Trial in Civil Cases.* Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format;

ii. By claim, a detailed statement regarding damages and other relief sought;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

v. In any case where such party believes it would be useful, a pretrial memorandum.

**INDIVIDUAL MOTION PRACTICES OF
JUDGE ALLYNE R. ROSS
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
Fax Page Limit: None listed
Contact: CR: Dennis LaSalle
Telephone: (718) 260-2385
CV: Pamela Warren
Telephone: (718) 260-2380
Fax: (718) 260-2386
Hours: None listed**

Motions Returnable: Set by the Court

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*
 - A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.
 - B. *Telephone Calls.* Except as provided in Paragraph 1(D) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at the number listed above.
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be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. *Motions*

A. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue or to amend a pleading pursuant to Rule 15 of the Fed. R. Civ. P. where leave of court is required.

To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. All parties so served must serve and file a letter response, not to exceed three (3) pages within seven (7) days from service of the notification letter. Service of the letter by the moving party within the time requirements of Rule 12 of the Fed. R. Civ. P. shall constitute timely service of a motion made pursuant to Fed. R. Civ. P. 12(b).

B. *Courtesy Copies.* In addition to motion papers, courtesy copies of pleadings, marked as such, shall be submitted to chambers, as soon as practical after filing.

C. *Memoranda of Law.* The court expects counsel to exercise their professional judgment as to the length of briefs and may impose limits if that expectation is not met.

D. *Filing of Motion Papers.* No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

Subject to court approval, the parties are to set up their own briefing schedule. No changes in the approved schedule may be made without court approval. Approval may be given at the pre-motion conference or by subsequent letter. No party is to serve any motion papers prior to obtaining court approval for the schedule.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the

motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

E. *Oral Argument on Motions.* Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

F. Paragraphs A and D above do NOT apply to any of the motions described in Federal Rule of Appellate Procedure 4(a)(4)(A). A pre-motion conference is not required before making such motions, which should be filed when served.

3. *Pretrial Procedures*

A. *Joint Pretrial Orders in Civil Cases.* Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary to each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so

consented).

vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.

viii. A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.

ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

x. 1) A statement of stipulated facts, if any;

2) A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause shown; and

3) All exhibits must be premarked for the trial and exchanged with the other parties at least ten days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

B. *Filings Prior to Trial in Civil Cases.* Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5"

diskette in IBM Word Perfect format;

- ii. By claim, a detailed statement regarding damages and other relief sought;
- iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;
- iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and
- v. In any case where such party believes it would be useful, a pretrial memorandum.

**INDIVIDUAL MOTION PRACTICES OF
JUDGE JOANNA SEYBERT
United States District Court
Alfonse M. D'Amato Federal Building
1034 Federal Plaza
Central Islip, NY 11722-4443
Chambers: (631) 712-5610
Contacts: Charles Baran, Deputy Clerk, (631) 712-5615
Bonnie Nohs, Secretary, (631) 712-5610
Hours: 9:00 a.m. to 5:00 p.m.**

I. COMMUNICATIONS WITH CHAMBERS:

A. *Letters*

Except as provided below, communications with Chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

All correspondence should be mailed to the Honorable Joanna Seybert, U.S. District Court, Long Island Federal Courthouse, 1034 Federal Plaza, Central Islip, New York 11722-4443, or delivered to the Clerk's Office. No correspondence should be delivered to Chambers. The Court will not consider any ex parte correspondence or documents.

B. *Telephone Calls*

Counsel are urged to communicate by letter whenever possible. For questions concerning procedure, please refer to the Federal Rules of Civil Procedure, the Local Rules of the Eastern District of New York, and these Individual Rules. Except as provided in paragraph I.D. below, telephone calls to Chambers are permitted only in emergency situations requiring immediate attention. In such situations, call Chambers at the number listed above.

There shall be no ex parte telephone calls to Chambers, unless concerning the scheduling of matters or as otherwise permitted by these rules.

C. *Faxes*

Faxes to Chambers are not permitted unless prior authorization is obtained.

D. *Docketing, Scheduling, and Calendar Matters*

For docketing, scheduling and calendar matters, call Charles Baran, Deputy Clerk, at the number listed above.

E. *Requests for Adjournments or Extensions of Time*

All requests for adjournments or extensions of time must state (1) the original date; (2) the number of previous requests for adjournment or extension; (3) whether previous requests were granted or denied; and (4) whether the adversary consents, and if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling Order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

Requests for extensions of time or adjournments regarding motions, Bankruptcy Appeals, Social Security Appeals, and Objections to Orders of Magistrate Judges may be affected by the requirements of Section III, below.

II. CONFERENCES:

Conferences will be held in Courtroom 1030 at the Long Island Federal Courthouse, Central Islip, New York. All parties shall appear at the courthouse promptly at the scheduled hour and wait in the courtroom until the case is called.

All counsel appearing at conferences should be fully familiar with the case, prepared to discuss all aspects of the case, and should be authorized to consummate settlements. In this regard, counsel are expected to be fully familiar with Fed. R. Civ. P. 16 before attending any conferences.

III. MOTIONS:

A. Strict compliance with these rules, the Federal Rules of Civil Procedure and the Local Rules of the Eastern District of New York is required. Papers not in compliance will not be considered by the Court.

B. Parties wishing to make motions, except motions for summary judgment, admission pro hac vice, motions in conjunction with Bankruptcy and Social Security Appeals and objections to orders and reports and recommendations of Magistrate Judges,

must follow the procedures outlined below under the "General Motion Rules." The rules governing motions for summary judgment, admission pro hac vice, motions in conjunction with Bankruptcy and Social Security Appeals and motions objecting to orders and reports and recommendations of Magistrate Judges are set forth below under the appropriate headings.

C. All original motion papers, along with courtesy copies, must be mailed or delivered to the Clerk's Office or mailed to Chambers. Originals and courtesy copies should be mailed or delivered in the same package.

D. *General Motion Rules:*

Pursuant to Rule 6 of the Federal Rules of Civil Procedure and Local Civil Rule 6.1, the following Individual Rules govern the service and filing of motion papers. Unless otherwise ordered by the Court, any motion, the notice of motion, supporting affidavits, and memoranda shall be served and filed as follows:

1. On all civil motions, petitions, applications and exceptions other than motions for summary judgment, admissions pro hac vice, motions in conjunction with Bankruptcy and Social Security Appeals, objections to orders and reports and recommendations of Magistrate Judges, and petitions for writs of habeas corpus, (i) the Notice of Motion, supporting affidavits and memoranda of law shall be served on all other parties that have appeared in the action and filed by the moving party with the Court and; (ii) any opposing affidavits and answering memoranda of law shall be served on all other parties that have appeared in the action and filed with the Court within ten (10) business days after service of the moving papers; and (iii) any reply affidavit and reply memoranda of law shall be served on all other parties that have appeared in the action and filed with the Court within five (5) business says after service of the opposing papers.

2. **Absent extraordinary circumstances, no extensions will be granted.**

3. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to twenty-five (25) pages, and reply memoranda are limited to ten (10) pages. Memoranda of ten (10) pages or more shall contain a table of contents.

4. Courtesy copies of all motion papers shall be provided to Chambers upon filing, including affidavits and memoranda of law.

5. Any party may request oral argument by letter at the time the moving

or opposing or reply papers are filed. The Court will determine whether argument will be heard, and if so, will notify counsel of the argument date.

6. Should the non-movant seek to make a cross-motion, the cross-motion must follow the same procedures as utilized for making the motion.

7. Motions not conforming to these Individual Rules will be returned.

8. Motions made pursuant to Rules 26 through 37 of the Federal Rules of Civil Procedure shall be made in accordance with the Local Civil Rules and the Individual Practices of the United State Magistrate Judge.

E. *Motions for Summary Judgment:*

1. Any party wishing to make a motion for summary judgment must first serve upon all parties a statement pursuant to Local Civil Rule 56.1 (“Rule 56.1 Statement”), setting forth those issues as to which there is no genuine issue of material fact. Each Rule 56.1 Statement must be followed by a citation to evidence which would be admissible, as set forth and required by Rule 56(e) of the Federal Rules of Civil Procedure. All parties receiving a Rule 56.1 Statement and wishing to oppose the motion must serve on the movant, within seven (7) days of receiving the movant's Rule 56.1 Statement, an original and two copies of a counter-statement pursuant to Rule 56.1 (“Rule 56.1 Counter-Statement”), setting forth those issues as to which there exists a genuine issue of material fact. Again, each statement of material fact must be followed by a citation to evidence which would be admissible, as set forth and required by Rule 56(e) of the Federal Rules of Civil Procedure. Should the non-movant require additional time, the parties may agree among themselves to a reasonable extension.

2. After receiving the opposing party’s Rule 56.1 Counter-Statement pursuant to Local Civil Rule 56.1, should the movant still wish to move for summary judgment, the movant shall write to Judge Seybert and request a pre-motion conference. In no more than three (3) pages, the letter should briefly state the basis for the anticipated motion. The letter shall also contain a copy of the movant’s Rule 56.1 Statement and the non-movant’s Rule 56.1 Counter-Statement. In no more than three (3) pages, all parties served with this letter must serve and file a letter in response within seven (7) days from service of the notification letter.

3. The arrangements for a pre-motion conference must be made with Judge Seybert prior to any deadline established by the Magistrate Judge for the making of dispositive motions.

4. Adherence to Local Civil Rule 56.1 is required. A pre-motion conference will not be held until such time that the parties are in compliance with Local Civil Rule 56.1.

5. At the pre-motion conference, if the movant decides to make a motion for summary judgment, a briefing schedule will be established by the Court at the conference in accordance with Rule III.D., above. **There will be no adjournments of this briefing schedule.**

F. *Motions for Admission Pro Hac Vice:*

A motion for admission pro hac vice, together with a proposed Order admitting the attorney pro hac vice, shall be served and filed at least seven (7) days prior to the return date designated in the Notice of Motion. The parties shall pay the requisite filing fee, if any, upon filing the motion with the Court. Although there is no need to file a memorandum of law, this motion must comply with the Rules of the Eastern District of New York for admission pro hac vice. These motions shall be on submission. If the motion is unopposed, the movant shall so inform the Court. Should any party object to the motion, opposition papers must be served and filed at least two (2) days prior to the return date. No reply papers are permitted.

G. *Bankruptcy Appeals:*

The Court directs the parties to Bankruptcy Rules 8001 - 8013 regarding the filing deadlines for Notices of Appeal and submission of briefs, as well as the form and length of briefs. **No extensions will be granted.**

H. *Social Security Appeals:*

Motions for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c) must be made within sixty days of the filing of the transcript with the Clerk of the Court. Failure to adhere to this rule will result in dismissal of the appeal, without prejudice and with leave to re-file. **No extensions will be granted.**

I. *Objections to Magistrate Judge Orders and Recommendations*

All objections to orders and reports and recommendations of Magistrate Judges must be served and filed with the Clerk of the Court, with a courtesy copy to Chambers, within ten (10) days from the date of service of the decision, unless otherwise directed by the Magistrate Judge. All papers responding to the objections shall be served and filed within ten (10) days from receiving the objections. Please consult Fed. R. Civ. P. 6(a) and 72.

IV. PRETRIAL PROCEDURES:

A. *Joint Pretrial Orders in Civil Cases.*

Unless otherwise ordered by the Court, within sixty (60) days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order, which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a Magistrate Judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.
- viii. A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.
- ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

x. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

1. A statement of stipulated facts, if any;

2. A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause shown; and

3. All exhibits must be premarked for the trial and exchanged with the other parties at least ten days before trial. Exhibits shall be submitted in binders with tabs, and shall include a table of contents.

B. Filings Prior to Trial in Civil Cases:

Unless otherwise ordered by the Court, each party represented by counsel shall comply with the following requirements and schedule. Parties appearing pro se are to seek the Court's guidance at the pretrial conference.

i. Proposed voir dire questions: Submit together an original and one copy of proposed voir dire questions five (5) business days prior to jury selection date. Include a final witness list. When feasible, proposed voir dire questions also should be submitted on a diskette in WordPerfect format.

ii. Claims for relief: Submit, by claim, a detailed statement regarding damages and other relief sought fifteen (15) days prior to trial date.

iii. Elements of claims and defenses: In non-jury cases, submit, by claim, an original and one copy of a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element.

iv. Motions in limine: Submit together an original and one copy of all motions addressing any evidentiary or other issues which should be resolved in limine,

seven (7) days prior to jury selection date.

v. Exhibits: Each party must provide two (2) sets of legible, unstapled exhibits in three-ring binder(s), tabbed sequentially, plaintiffs use numbers and defendants use letters, with an accurate, complete list of the exhibits and a brief description, at the front of each binder. The exhibits must be marked prior to trial and exhibit numbers or letters must conform with the joint pretrial order. Counsel also should include copies of any deposition testimony to be utilized at trial. Exhibits shall be submitted to the Court and exchanged with counsel three (3) business days prior to trial.

vi. Stipulations: Attorneys are to meet sufficiently before trial to discuss with each other the various relevant claims, defenses, issues and facts, and items of evidence, and to stipulate in an informal writing such items that are not in dispute. In addition, where there are no objections to authenticity or admissibility of exhibits, the parties are to so stipulate in an informal writing. This writing shall be submitted to the Court three (3) business days prior to trial.

vii. Requests to charge: Requests to charge should be limited to the elements of the claims, the damages sought and the defenses. Submit an original and one copy on the date of jury selection. Parties also shall submit an original and one copy of a proposed verdict sheet on the date of jury selection. When feasible, proposed charges and verdict sheets also should be submitted on a diskette in WordPerfect format.

viii. Bench trials: Pretrial memoranda of law, or trial briefs, may be submitted containing any legal argument that counsel wishes the Court to consider on any legal issue that counsel believes will arise at trial. Such memoranda shall not exceed ten (10) pages. Submit an original and one copy seven (7) business days prior to trial. Within fifteen (15) calendar days after the trial concludes, parties shall submit proposed findings of fact and conclusions of law, with citations to the trial record, together with supporting legal authority. Submit an original and one copy and a diskette in WordPerfect format.

ix. Pretrial Memoranda: In any case where a party believes it would be useful, the party may submit an original and one copy of their pretrial memorandum fifteen (15) days prior to trial date.

xi. All documents submitted to the Court also must be served upon, or provided to, opposing counsel.

C. Notification of Settlement:

Any time a settlement is reached, whether prior to jury selection or while on trial, the parties are required to immediately notify the Court. During business hours, counsel shall telephone Chambers at (631) 712-5610 or 5615, and shall follow up with a formally executed Stipulation of Settlement or Discontinuance. After business hours or on weekends, counsel shall leave a message at (631) 712-5615.

**INDIVIDUAL RULES OF
JUDGE CHARLES P. SIFTON
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
Telephone: (718) 260-2300
Fax: (718) 260-2299
Fax Page Limit: None Listed
Contact: Stanley Kessler
Telephone: (718) 260-2306
Hours: None Listed**

Motions Returnable: Any day at 4:30 p.m.

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*

A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* Except as provided in Paragraph 1(D) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at the number listed above.

C. *Faxes.* Faxes to chambers are not permitted unless prior authorization is obtained.

D. *Docketing Scheduling and Calendar Matters.* For docketing, scheduling and calendar matters, call the contact listed above during the hours specified.

E. *Request for Adjournments or Extension of Time.* All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. *Motions*

A. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. for motions other than discovery motions, pre-motion conferences are not required.

B. *Courtesy Copies.* Courtesy copies of all motion papers, marked as such, should be submitted for chambers.

C. *Memoranda of Law.* The court expects counsel to exercise their professional judgment as to the length of briefs and may impose limits if that expectation is not met.

D. *Filing of Motion Papers.* Motion papers shall be filed promptly after service.

E. *Oral Argument on Motions.* Where the parties are represented by counsel, oral argument will be held on all motions.

3. *Pretrial Procedures.* Pretrial orders are not required unless specifically directed by the court in a particular case.

**INDIVIDUAL MOTION PRACTICES OF
JUDGE ARTHUR D. SPATT**

United States District Court
1024 Federal Plaza
Central Islip, New York 11722
Telephone: (631) 712-5620
Contact: Mary Ellen Schaffner, Case Manager
Telephone: (631) 712-5625

**THESE INDIVIDUAL RULES WILL BE IN EFFECT AS OF FEBRUARY 1,
2004.**

I. COMMUNICATIONS WITH CHAMBERS

A. Delivery. All correspondence should be mailed to the Honorable Arthur D. Spatt, United States District Court, 1024 Federal Plaza, Central Islip, N.Y. 11722, or delivered to the Clerk's Office. No correspondence should be delivered to chambers.

B. Letters. Except as provided below, communications with chambers shall be by letter with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

C. Telephone Calls. Counsel are urged to communicate by letter whenever possible. For questions concerning procedure, please refer to the Federal Rules of Civil or Criminal Procedure, the Local Rules of the Eastern District of New York, and these Individual Rules. All calls concerning the scheduling of matters should be made to Mary Ellen Schaffner, Deputy Clerk, at (631) 712-5625.

D. Fax Transmissions. Faxes to chambers will not be accepted unless

the communication is of an urgent nature and prior permission to fax the document has been obtained from chambers staff.

E. Ex Parte Correspondence Prohibited. All correspondence with the Court must include a certificate of service, cc:, or other indication that a copy of the correspondence was served on all other parties in the case. The Court will not consider any correspondence or documents submitted ex parte.

II. FORM OF PAPERS

A. Full Caption Required. All papers filed with the Court, other than letter motions, shall set forth the full caption of the case and the docket number on the front page. The use of “et al.” or other shortened caption forms is not permitted.

B. Amended Caption Required on Partial Dismissal. Any stipulation or uncontested application which seeks to dismiss one or more parties from the case but which does not dispose of the entire case, shall include a provision setting forth an amended caption reflecting the parties remaining in the case following the dismissal.

C. Courtesy Copies of Motions Required. All parties filing formal motions with the Clerk of the Court shall also file a courtesy copy of all papers for use by chambers.

D. Self-Addressed Envelope Required. A party making any application to be “So Ordered” by the Court shall include a self-addressed envelope for the return of the signed order.

E. Non-conforming Papers. Papers submitted to the Court in violation of the above rules will not be docketed and will be returned to the sender or disregarded.

III. CONFERENCES

A. Time and Place. Conferences will usually be held in chambers, Room 1024, at 9:00 a.m., unless otherwise directed by the Court. All parties shall appear at the Central Islip Courthouse promptly at the scheduled hour and wait in Courtroom 1020 until called into chambers.

B. Preparation for Conferences. Counsel appearing at conferences should be fully familiar with the case, prepared to discuss all aspects of the case, and be authorized to consummate settlements. In this regard, counsel are expected to be fully familiar with Fed. R. Civ. R. 16 before attending any conferences.

C. Adjournments. Applications for adjournment of conferences or motions must be made in writing and should be directed to Ms. Schaffner. Adjournments shall be granted only upon a showing of good cause. Requests for adjournments of conferences shall be made at least two (2) business days prior to the scheduled conference.

IV. MOTION PRACTICES

A. General Motion Rules. Pursuant to Rule 6 of the Federal Rules of Civil Procedure and Local Rule 6.1, unless specifically discussed herein, the following rules shall govern the service and filing of motion papers on all civil motions, petitions,

applications and exceptions other than motions for (i) summary judgment, (ii) admission *pro hac vice*, (iii) motions in conjunction with bankruptcy and social security appeals, (iv) motions objecting from a Magistrate Judge's Report and Recommendation, and (v) petitions for writs of habeas corpus.

(i) ***Memoranda of law.*** Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. All memoranda of law shall be produced in a font of 12 (twelve) or higher and shall have one inch margins on all sides. Memoranda of 10 pages or more shall contain a table of contents. Memoranda of law shall not contain footnotes. All citations to cases and other authority shall be set forth in the body of the text.

(ii) ***Filing of Motion Papers.*** No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

(iii) ***Return date, oral argument.*** The notice of motion need not contain a return date. Parties may request oral argument by letter at the time their motion papers are filed. The Court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

(iv) ***Cross-motions.*** Should the non-movant seek to make a cross-motion, this cross-motion must follow the same procedures as utilized for making the motion.

(v) ***Pre-motion conference not required.*** Except as provided for below with respect to motions for summary judgment or unless required by law, leave of the Court or a pre-motion conference is not required prior to making a motion.

(vi) ***Non-complying motions rejected.*** Motions not in conformity with the rules set forth herein will be returned to the movant undocketed or disregarded.

B. Discovery Motions. Motions made pursuant to Rules 26 through 37 of the Federal Rules of Civil Procedure shall be made in accordance with the Local Civil Rules and the Individual Practices of the presiding United State Magistrate Judge.

C. Motions for Summary Judgment. No motion for summary judgment will be accepted for filing and docketing unless the movant has complied with the following procedures.

(i) ***Exchange of statements pursuant to Local Rule 56.1.*** Any party wishing to make a motion for summary judgment must first serve upon all parties a statement pursuant to Local Civil Rule 56.1 (“Rule 56.1”) setting forth those

items on which there is no material issue of fact. Each statement of material fact must be followed by a citation to evidence which would be admissible, as set forth and required by Rule 56(e) of the Federal Rules of Civil Procedure.

All parties receiving such a Rule 56 statement and wishing to oppose the motion must serve on the movant, within seven days of receiving the movant's Rule 56.1 statement, an original and two copies of a counter-statement pursuant to Rule 56 setting forth those items on which there exists a genuine issue of material fact. The counter-statement should specifically admit or dispute each individual allegation in the movant's Rule 56.1 statement before asserting any additional facts in dispute, and each statement of disputed material fact must be followed by a citation to supporting evidence which would be admissible. Exhibits shall not be attached to Rule 56.1 statements.

Should the non-movant require additional time to file a Rule 56.1 counter-statement, the parties may agree among themselves to a reasonable extension.

Until the movant requests a pre-motion conference as set forth in the following subsection, Rule 56.1 statements and counter-statements shall not be filed with the Court.

(ii) *Requesting a pre-motion conference.* After receiving the counter-statement of the non-movant, should the movant still wish to move for summary judgment, the movant must write to the Court and request a pre-motion conference. In no more than two pages, the letter should briefly state the basis for the anticipated motion. The letter shall also contain a copy of the Rule 56.1 statement and the non-

movant's counter-statement. Within seven days of the movant's letter, the non-movant may submit a response letter of no more than two pages, setting forth the nature of the opposition to the motion. The request for a pre-motion conference must be made with the Court prior to any deadline established by the Magistrate Judge for the making of dispositive motions. Exception: A pre-motion conference is not required where any party in the action is appearing *pro-se*.

(iii) **Making the motion.** Following the pre-motion conference, if the movant decides to make a motion for summary judgment, the Court will provide a briefing schedule for the parties.

D. Motions for Admission *Pro Hac Vice*. A motion for admission *pro hac vice* shall include a proposed Order. Although there is no need to file a memorandum of law, this motion must comply with the Rules of the Eastern District of New York for admission *pro hac vice*. No oral argument shall be permitted. Should any party object to the motion, opposition papers must be served and filed within two days of the filing of the motion. Reply papers will not be accepted.

E. Bankruptcy Appeals. The Court directs the parties to Bankruptcy Rules 8001 - 8013 regarding the filing deadlines for notices of appeal and submission of briefs, as well as the form and length of briefs. No extensions to the time limits set forth in the Bankruptcy Rules will be granted.

F. Social Security Appeals. Both sides shall file motions for judgment on the pleading pursuant to Rule 12(c) within four weeks of the filing of the transcript

with the Clerk of the Court. Opposition papers to each motion shall be filed within 20 days of the filing of the motions. Failure to adhere to this rule will result in dismissal of the appeal, without prejudice and with leave to re-file. No extensions will be granted. All briefs must comply with the page limits and content rules set forth in the General Motion Practices, Section A(i), above.

G. Objections from Magistrate Judge Decisions. All objections from Magistrate Judge decisions must be served and filed within ten days from the date of service of the decision, unless otherwise directed by the Magistrate Judge. All papers responding to the objections shall be served and filed within ten (10) days from receiving the objections. All briefs must comply with the page limits and content rules set forth in the General Motion Practices, Section A(i), above.

H. Habeas Corpus Petitions. Upon the filing of a habeas corpus petition, the Court shall issue an order setting forth a schedule for the filing of opposition papers by the Respondent and a traverse by the Petitioner. All briefs must comply with the page limits and content rules set forth in the General Motion Practices, Section A(i), above.

V. ___DEFAULT JUDGMENTS. Any plaintiff making a motion for a default judgment shall serve a copy of the motion on the Defendant in default in the manner provided for by Rules 5(b) and (d) of the Federal Rules of Civil Procedure. No default judgment will be granted in the absence of a certificate of service indicating that the application has been served on the Defendant in default. All motions for a default

judgment must include a proposed Certificate of the Clerk of the Court noting the default and a proposed default judgment.

VI. ELECTRONIC CASE FILING. Parties may not file motions on Electronic Case Filing (“ECF”). Parties, however, may file bankruptcy appeals and related documents on ECF.

**INDIVIDUAL MOTION PRACTICES OF
JUDGE DAVID G. TRAGER
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201
(718) 260-2510
Fax: (718) 260-2518
Contact: Gaby Batista, Case Manager
(718) 260-2515**

COMMUNICATIONS WITH CHAMBERS

Letters

Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Except for discovery matters, copies of correspondence between counsel shall be sent to the Court.

Telephone Calls

Telephone calls to chambers are permitted. For non-docketing, scheduling or calendar matters, call chambers at the number listed above.

Fax Page Limit

No limit is listed.

Faxes

Faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. Do not follow with hard copy. The fax number is listed above.

Docketing, Scheduling, and Calendar Matters

For docketing, scheduling and calendar matters, call the contact listed above. No hours are specified.

Request for Adjournments or Extension of Time

All requests for adjournments or extensions of time must state (1) the original

date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

MOTION RULES AT A GLANCE

Oral Argument	Yes
Courtesy Copies to Chambers	Yes
Special Filing Rules	Yes

MOTIONS

Pre-Motion Conferences

For discovery motions, follow Local Civil Rules 37.3 and 6.4. for motions other than discovery motions, in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the Court is required before making any dispositive motion, motion for a change of venue or to amend a pleading pursuant to Rule 15 of the Fed. R. Civ. P. where leave of court is required.

To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. All parties so served must serve and file a letter response, not to exceed three (3) pages within seven (7) days from service of the notification letter. Service of the letter by the moving party within the time requirements of Rule 12 of the Fed. R. Civ. P. shall constitute timely service of a motion made pursuant to Fed. R. Civ. P. 12(b).

Courtesy Copies

Courtesy copies of all motion papers, marked as such, should be submitted for chambers.

Memoranda of Law

Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10

pages. Memoranda of 10 pages or more shall contain a table of contents.

Filing of Motion Papers

No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

Subject to court approval, the parties are to set up their own briefing schedule. No changes in the approved schedule may be made without court approval. Approval may be given at the pre-motion conference or by subsequent letter. No party is to serve any motion papers prior to obtaining court approval for the schedule.

Approval may be given at the pre-motion conference or by subsequent letter. No party is to serve any motion papers prior to obtaining court approval for the schedule.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

Oral Argument on Motions

Where the parties are represented by counsel, oral argument will be held on all motions. The notice of motion shall state that oral argument will be “on a date and at a time to be designated by the court.” The Court will contact the parties to set the specific date and time for oral argument

PRETRIAL PROCEDURES

Joint Pretrial Orders

Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the Court for its approval a joint pretrial order, which shall include the following:

- i. The full caption of the action.

- ii. The names, addresses (including first names), and telephone and fax number of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.
- viii. A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.
- ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

- x.
- 1.) A statement of stipulated fact, if any;
- 2.) A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause shown; and
- 3.) All exhibits must be premarked for the trial and exchanged with the other parties at least ten days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

Filings Prior to Trial

Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

- i. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the Court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format;
- ii. By claim, a detailed statement regarding damages and other relief sought;

- iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;
- iv. In all cases, motions addressing any evidentiary or other issues which should be resolved *in limine*; and
- v. In any case where such party believes it would be useful, a pretrial memorandum.

**INDIVIDUAL MOTION PRACTICES OF
JUDGE JACK B. WEINSTEIN
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
Telephone: (718) 260-2520
Fax: (718) 260-2527
Fax Page Limit: No limit on pages
Contact: June Lowe
Telephone: (718) 260-2525
Hours: None listed**

Motions Returnable: Any day, 9-10 a.m.

Judge Weinstein has no individual practices.

**INDIVIDUAL MOTION PRACTICES OF
JUDGE LEONARD D. WEXLER
United States District Court
944 Federal Plaza
Central Islip, New York 11722
(631) 712-5640
Courtroom Deputy Clerk Josiah Kharjie
(631) 712-5645**

Chambers does not accept communications by fax without prior permission

AMENDED RULES -- EFFECTIVE 7/1/01

Unless otherwise ordered by the court in a specific case, matters before Judge Wexler shall be conducted in accordance with the following practices:

1. *Communications with Chambers*

A. *Letters*

Except as provided below communication with chambers shall be by letter, with copies simultaneously delivered to all counsel.

B. *Telephone Calls*

Telephone calls to chambers are permitted. For matters other than those listed in paragraph (D) below, call chambers at the number listed above.

C. *Faxes*

Faxes to chambers are not permitted without prior authorization of the court.

D. *Trial Scheduling and Calendar Matters*

All calls concerning these matters should be made to the Courtroom Deputy Clerk, Josiah Kharjie, at (631) 712-5645.

E. *Requests for Adjournments or Extensions of Time*

All requests for adjournments or extensions of time must state (1) the original date (2) the number of previous requests for adjournments or extensions (3) whether

these previous requests were granted or denied, and (4) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed revised scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency, it shall be made at least 48 hours prior to the scheduled appearance.

2. *Motions*

A. *Discovery Motions*

Discovery motions are to be directed to the Magistrate Judge assigned to the case.

B. *Pre-motion Conferences in Civil Cases*

A pre-motion conference with the court is required before making a motion for summary judgment or a motion to dismiss the complaint.

To arrange for a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. All parties served with such a letter shall serve and file a letter response, not to exceed three (3) pages within seven (7) days from service of the notification letter. Service of the letter by the moving party within the time requirements of Rule 12 of the Federal Rules of Civil Procedure shall constitute timely service of a motion made pursuant to Federal Rule of Civil Procedure Rule 12(b).

C. *Courtesy Copies*

In addition to motion papers, courtesy copies of pleadings, marked as such, shall be submitted to chambers, as soon as practicable after filing.

D. *Memorandum of Law*

Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to twenty-five (25) pages, and reply memoranda are limited to ten(10) pages. Memoranda or ten pages or more shall contain a table of contents and a table of authorities.

E. *Filing of Motion Papers*

No motion papers shall be filed until the motion is fully briefed. The notion of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to Chambers and to the Magistrate Judge assigned to the case.

A briefing schedule will be established by the court at the pre-motion conference. The parties may revise the schedule on consent and notice and approval by the court.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned Magistrate Judge and to opposing counsel.

F. *Oral Argument on Motions*

In the ordinary course, motions are taken on submission. Parties may request oral argument by letter upon the filing of the motion. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

G. *Stay of Discovery*

Discovery is not stayed during the time period when a motion is pending before the court.

3. *Completion of Discovery*

Discovery in cases before Judge Wexler is expected to be completed within nine months of the conference held pursuant to Rule 16 of the Federal Rules of Civil Procedure.

4. *Pretrial Procedures*

A. *Joint Pretrial Orders In Civil Cases*

Unless otherwise ordered by the court or the Magistrate Judge assigned to the case, the parties shall submit, within sixty days from the date for the completion of discovery in a civil case, to the Magistrate Judge assigned to the case, for approval a joint pretrial order, which shall include the following:

- i. the full caption of the action;
- A. the names, addresses (including firm names), and telephone and fax numbers of trial counsel;
- iii. a statement by each party that indicates whether the case is to be tried with or without a jury, and the number of trial days estimated to be needed;
- iv. a list by each party of the fact and expert witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. Only listed witnesses will be permitted to testify except when prompt notice is given and good cause shown;
- v. a designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party;
- vi. a list by each party of exhibits to be offered in its case in chief. All exhibits listed are to be exchanged among the parties. Only listed and exchanged exhibits may be offered at trial. The list of exhibits shall indicate clearly whether there are objections to any exhibit, whether on the ground of authenticity or other ground. Any objections regarding any listed exhibit shall be brought to the attention of the court prior to trial.

5. *Proposed Voir Dire*

Proposed voir dire is not required. Such voir dire may, however, be submitted to the court two days prior to the date schedule for jury selection.

6. *Requests to Charge*

Requests to charge, if any, are to be submitted to the court on the first day of trial.

**INDIVIDUAL RULES OF
MAGISTRATE JUDGE JOAN M. AZRACK
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
Telephone: (718) 260-2530
Fax: (718) 260-2536
Fax Page Limit: 5 pages
Contact: Louise Falcone
Telephone: (718) 260-2530**

Unless otherwise ordered by Judge Azrack in a specific case, matters before Judge Azrack shall be conducted in accordance with the following practices:

1. COMMUNICATIONS WITH CHAMBERS

A. Telephone Calls

In addition to Paragraph 1(D) below, telephone calls to chambers are permitted. For non-docketing, scheduling or calendar matters, call chambers at 718-260-2530.

B. Faxes

Faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than 5 pages may be faxed without prior authorization. **DO NOT FOLLOW WITH HARD COPY.** The fax number to chambers is 718-260-2536.

C. Docketing, Scheduling, and Calendar Matters

For docketing, scheduling and calendar matters, contact Louise Falcone at (718) 260-2530.

D. Request for Adjournments or Extension of Time

Requests for adjournments of conferences or extensions of time **may be made by telephone.**

2. MOTIONS

A. *Pre-Motion Conferences in Civil Cases*

For discovery motions, follow Local Civil Rules 37.2 For motions other than discovery motions, in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue or to amend a pleading pursuant to Rule 15 of the Fed. R. Civ. P. where leave of court is required. The pre-motion conference may be by telephone.

B. *Courtesy Copies*

Two courtesy copies of all motion papers, marked as such, should be submitted for chambers.

C. *Memoranda of Law*

Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

D. *Filing of Motion Papers*

No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served.

Subject to court approval, the parties are to set up their own briefing schedule. No changes in the approved schedule may be made without court approval. Approval may be given at the pre-motion conference or by subsequent notification.. No party is to serve any motion papers prior to obtaining court approval for the schedule.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers two sets of courtesy copies of the motion papers together with a cover letter specifying each document in the package.

E. *Oral Argument on Motions*

Parties may request oral argument at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

3. *PRETRIAL PROCEDURES*

A. *Joint Pretrial Orders in Civil Cases*

As directed by the Court, upon completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order, which shall include the following:

1. A statement of stipulated facts (if any).
2. The parties claims and defenses on liability and the damages and other relief sought.
3. Schedules of exhibits to be offered in evidence. Only exhibits listed shall be offered in evidence except for good cause shown.
4. Names and addresses of all witnesses, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except for good cause shown.
5. Lists of depositions to be offered.
6. Proposed voir dire questions, proposed jury instructions, and proposed verdict forms. These materials shall be provided on 3 ½ " diskette, if possible, in addition to a written version.

B. *Filings Prior to Trial in Civil Cases*

Unless otherwise ordered by the Court, each party shall file:

- i. On the Thursday before trial in jury cases, requests to charge and proposed

voir- dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM WordPerfect format;

ii. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

iii. In any case where such party believes it would be useful, a pretrial memorandum.

**INDIVIDUAL MOTION PRACTICES OF
MAGISTRATE JUDGE LOIS BLOOM
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201
(718) 260-4590**

Unless otherwise ordered by Judge Bloom in a specific case, matters before Judge Bloom shall be conducted in accordance with the following practices:

1. *Communications with Chambers*

A. *Letters*

Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all parties. Copies of correspondence between parties shall not be sent to the Court. The Court will not consider any *ex parte* correspondence or documents.

B. *Telephone Calls*

Except as provided in Paragraph 1(D) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at (718) 260-4590. There shall be no *ex parte* telephone calls to chambers, unless concerning the scheduling of matters or as otherwise permitted by these rules.

C. *Faxes*

Faxes to chambers are not permitted unless prior authorization is obtained.

D. *Docketing, Scheduling, and Calendar Matters*

For docketing, scheduling and calendar matters, call Motria Kuzycz at (718) 260-2544 between 9:00 - 5:00.

E. *Interpreter Services*

Litigants are advised that interpreter services are not provided by the Court in civil cases. If a party speaks a language other than English, the party must make their own arrangements to conduct their case in English. A party may bring an English-speaking friend or family member to court conferences.

F. *Request for Adjournments or Extensions of Time*

All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether

these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent.

If the requested adjournment or extension affects any other scheduled dates,
a
proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency, it shall be made at least 48 hours prior to the scheduled appearance. Extension requests must generally be made reasonably in advance of the deadline or date sought to be extended.

2. *Motions*

A. *Pre-Motion Conferences in Civil Cases*

For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, pre-motion conferences are not required.

B. *Courtesy Copies*

Courtesy copies of all motion papers, marked as such, should be submitted for chambers.

C. *Memoranda of Law*

Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages.

D. *Filing Motion Papers*

Motion papers shall be filed promptly after service.

E. *Oral Argument on Motions*

Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise the parties of the argument date.

F. *Briefing Schedule*

Papers in opposition to a motion are to be served two weeks after service of the motion and reply papers (if any) one week thereafter, unless a different schedule has been ordered by the Court. *See* Fed. R. Civ. P. 6(a).

3. *Pretrial Procedures*

A. *Pretrial Orders in Civil Cases*

When directed by the Court, the parties shall separately submit a proposed pretrial order, which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), telephone and fax numbers of trial counsel and the pro se party.
- iii. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on.
- iv. A statement by each party as to whether the case is to be tried with or without a jury, and the number of days needed.
- v. Any stipulations or statements of fact or law which have been agreed to by all parties.
- vi. A list of the names and addresses of all witnesses, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.
- vii. A list of exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties who will be offering them.

**INDIVIDUAL MOTION PRACTICES OF
MAGISTRATE JUDGE E. THOMAS BOYLE
United States District Court
100 Federal Plaza
Central Islip, New York 11722
Telephone: (631) 712-5710
Dolores Joy, Secretary
Lisa Lundy, Magistrate Clerical
Telephone: (631) 712-5714
Hours: None Listed**

Motions Returnable: Any day.

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications with Chambers*

A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* Except as provided in Paragraph 1(D) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at the number listed above.

C. *Faxes.* Not permitted except with permission, based on a written application and a showing of good cause.

D. *Docketing, Scheduling and Calendar Matters.* For docketing, scheduling and calendar matters, call the contact listed above during the hours specified.

E. *Request for Adjournments or Extension of Time.* All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. *Motions*

A. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue or to amend a pleading pursuant to Rule 15 of the Fed. R. Civ. P. where leave of court is required.

To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. All parties so served must serve and file a letter response, not to exceed three (3) pages within seven (7) days from service of the notification letter. Service of the letter by the moving party within the time requirements of Rule 12 of the Fed. R. Civ. P. shall constitute timely service of a motion made pursuant to ap 12(b).

B. *Courtesy Copies.* In addition to motion papers, courtesy copies of pleadings, marked as such, shall be submitted to chambers, as soon as practical after filing.

C. *Memoranda of Law.* Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

D. *Filing of Motion Papers.* No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

The parties are to set up their own briefing schedule. The parties may revise the schedule on consent, informing chambers by letter.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

E. *Oral Argument on Motions.* Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine

whether argument will be heard and, if so, will advise counsel of the argument date.

F. Paragraphs A and D above do NOT apply to any of the motions described in Federal Rule of Appellate Procedure 4(a)(4)(A). A pre-motion conference is not required before making such motions, which should be filed when served.

3. *Pretrial Procedures*

Pretrial orders are not required unless specifically directed by the court in a particular case.

A. Parties are required to provide:

i. A list by each party as to the fact and expert witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.

ii. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

B. *Filings Prior to Trial in Civil Cases.* Unless otherwise ordered by the court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed.

i. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format;

ii. By claim, a detailed statement regarding damages and other relief sought;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

- v. In any case where each party believes it would be useful, a pretrial memorandum.

**INDIVIDUAL MOTION PRACTICES OF
MAGISTRATE JUDGE A. SIMON CHREIN**

United States District Court

225 Cadman Plaza East

Brooklyn, New York 11201

Telephone: (718) 260-2500

Fax: None listed

Contact: F. Alan Pastore, Secretary

Telephone: (718) 260-2500

Hours: None listed

Individual Practice Rules

Motions Returnable: Check with chambers.

Communications with Chambers

Letters – Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

Faxes – Faxes to chambers are not permitted unless prior authorization is obtained.

Requests for Adjournments or Extensions of Time – All requests for adjournments or extensions of time must state (a) the original date, (b) the number of previous requests for adjournment or extension, (c) whether these previous requests were granted or denied, and (d) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

**INDIVIDUAL MOTION PRACTICES OF
MAGISTRATE JUDGE MARILYN D. GO**

**United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
Telephone: (718) 260-2550
Fax: (718) 260-2556
Fax Page Limit: 15 pages
Contact: CV: Yvonne DeVeaux
Telephone: (718) 260-2550
Contact: CR: Michelle Slack
Telephone: (718) 260-2554
Hours: None listed**

Unless otherwise ordered by Judge Go in a specific case, matters before Judge Go shall be conducted in accordance with the following practices:

1. *Communications With Chambers*

A. *Letters*. No rule.

B. *Telephone Calls*. No rule.

C. *Faxes*. Faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. **Do not follow with hard copy**. No document longer than 15 pages may be faxed without prior authorization. The fax number is (718) 260-2556. **Applications and Motions to which a response is anticipated should not be faxed.**

D. *Docketing, Scheduling, and Calendar Matters*. For scheduling civil matters and guilty pleas call Yvonne DeVeaux at (718) 260-2550 for. Call the arraignment Magistrate Clericals at (718) 260-2620 for all other criminal arraignment week matters.

E. *Requests for Adjournments or Extensions of Time*. All requests for adjournments or extensions of time must be made 72 hours in advance and must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed revised schedule for the affected date must be included.

2. ELECTRONIC CASE FILING (ECF)

A. In civil actions that are **referred to me for pretrial supervision, all documents, (including letters, motions to compel or other applications) which concern discovery and other pretrial matters, MUST be filed electronically, regardless of the assigned district judge. All documents in civil actions assigned to a district judge participating in ECF or assigned to me for all purposes MUST be filed electronically.** Questions regarding ECF filing or training should be directed to Terry Vaughn or Marilyn Glenn at (718) 260-2330/2610. **Hard copies of all papers filed electronically, including motions, letters and stipulations, in cases which are assigned to district judges not participating in ECF must also be filed with the Clerk of the Court.**

B. **No courtesy copy of a document filed by ECF need be provided to my Chambers unless the document contains more than two exhibits. Hard copies of documents of documents provided to Chambers must be clearly marked “Courtesy Copy,” and indicate that the original was filed by ECF.**

C. Parties filing voluminous or non-text exhibits **may** file hard copies, rather than by ECF. **A courtesy copy must be sent to the chambers of the judge determining the motion or application to which the exhibits refer.**

D. Requests to be exempt from ECF requirements should be **promptly** submitted to my chambers with an explanation of the **specific** reasons prompting the request.

3. *Motions*

A. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, follow the rules of the district court judge.

B. *Courtesy Copies.* Courtesy copies of all motion papers, marked as such, should be submitted for chambers.

C. *Memoranda of Law.* The court expects counsel to exercise their professional judgment as to the length of briefs and may impose limits if that expectation is not met.

D. *Filing of Motion Papers.* Motion papers shall be filed promptly after service.

E. *Oral Argument on Motions.* Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

4. *Pretrial Procedures*

A. *Joint Pretrial Orders in Civil Cases.* Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order, which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that each party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.
- viii. A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.

ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

x. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

B. *Filings Prior to Trial in Civil Cases.* Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format;

ii. By claim, a detailed statement regarding damages and other relief sought;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

v. In any case where such party believes it would be useful, a pretrial memorandum.

**INDIVIDUAL MOTION PRACTICES OF
MAGISTRATE JUDGE STEVEN M. GOLD**

**United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
Telephone: (718) 260-2560
Fax: (718) 260-2566
Fax Page Limit: 5 pages
Contact: Lea Vasquez, Secretary
Sondra Mendelson, Law Clerk/Clerical Assistant
Telephone: (718) 260-2564
Hours: 9:30 a.m. to 5:00 p.m.**

Unless otherwise ordered by Judge Gold in a specific case, matters before Judge Gold shall be conducted in accordance with the following practices:

1. COMMUNICATIONS WITH CHAMBERS

A. *Letters*

Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel.

Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls*

In addition to Paragraph 1(D) below, telephone calls to chambers are permitted. For non-docketing, scheduling or calendar matters, call chambers at 718-260-2560.

C. *Faxes*

Faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than 5 pages may be faxed without prior authorization. **DO NOT FOLLOW WITH HARD COPY.** The fax number to chambers is 718-260-2566.

D. *Docketing, Scheduling, and Calendar Matters*

For docketing, scheduling and calendar matters, contact Lea Vasquez at (718) 260-2560 between 9:30 - 5:00.

E. *Request for Adjournments or Extension of Time*

All requests for adjournments of conferences or extensions of time **must be made in writing** and must state (1) the original date (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. *MOTIONS*

A. *Pre-Motion Conferences in Civil Cases*

For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue or to amend a pleading pursuant to Rule 15 of the Fed. R. Civ. P. where leave of court is required.

B. *Courtesy Copies*

Courtesy copies of all motion papers, marked as such, should be submitted for chambers.

C. *Memoranda of Law*

Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

D. *Filing of Motion Papers*

No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

Subject to court approval, the parties are to set up their own briefing schedule. No changes in the approved schedule may be made without court approval. Approval may be given at the pre-motion conference or by subsequent letter. No party is to serve any motion papers prior to obtaining court approval for the schedule.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

E. *Oral Argument on Motions*

Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

3. *PRETRIAL PROCEDURES*

A. *Joint Pretrial Orders in Civil Cases*

Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order, which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and

a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.

iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.

v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.

vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).

vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.

viii. A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.

ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

x. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

B. *Filings Prior to Trial in Civil Cases*

Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. On the Thursday before trial in jury cases, requests to charge and proposed voir-dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM WordPerfect format;

- ii. By claim, a detailed statement regarding damages and other relief sought;
- iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;
- iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and
- v. In any case where such party believes it would be useful, a pretrial memorandum.

**INDIVIDUAL MOTION PRACTICES OF
MAGISTRATE JUDGE ROBERT M. LEVY**

United States District Court

225 Cadman Plaza East

Telephone: 718-260-2340

Fax: 718-260-2647

Fax Page Limit: None listed

Contact: Janine Marino, Secretary

Hours: None listed

Motions Returnable: Set by the court.

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*
 - A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court. All correspondence must have case name, docket number and initial of judges assigned to the case.
 - B. *Telephone Calls.* In addition to Paragraph 1(D) below, telephone calls to chambers are permitted. For scheduling or calendar matters, call chambers at the number listed above.
 - C. *Faxes.* Faxes to chambers are not permitted unless prior authorization is obtained. Hard copies of faxes to chambers shall not be sent without permission from chambers.
 - D. *Scheduling and Calendar Matters.* For scheduling and calendar matters, call Janine Marino at (718) 260-2340.
 - E. *Request for Adjournments or Extension of Time.* All requests for adjournments or extensions of time must be in writing and must state (1) the original date, (2) the reason for the request, (3) how much additional time is needed, (4) the number of previous requests for adjournment or extension, (5) whether these previous requests were granted or denied, and (6) whether the adversary consents, and if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be included. If

the request is for an adjournment of a court appearance, absent emergency it shall be made at least 48 hours prior to the scheduled appearance. **Please do not call chambers to request an adjournment of a court date except in case of an emergency.** If you have made a request via ECF (Electronic Case Filing), you must send a hard copy to chambers.

2 *Motions*

A. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, in all cases where the parties are represented by counsel, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue, or to amend a pleading pursuant to Rule 15 of the Federal Rules of Civil Procedure where leave of court is required.

To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis of the anticipated motion. All parties so served must serve and file a letter response, not to exceed three (3) pages within seven (7) days from the service of the notification letter. Service of the letter by the moving party within the time requirements of Rule 12 of the Federal Rules of Civil Procedure shall constitute timely service of a motion made pursuant to Federal Rules of Civil Procedure 12(b).

B. *Courtesy Copies.* Courtesy copies of all motion papers, marked as such, should be submitted to chambers.

C. *Memoranda of Law.* The court expects counsel to exercise their professional judgment as to the length of briefs and may impose limits if that expectation is not met.

D. *Filing of Motion Papers.* Motion papers shall be filed promptly after service.

E. *Oral Argument on Motions.* Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

F. Paragraphs A and D above **do not** apply to any of the motions described in Federal Rules of Appellate Procedure 4(a)(4)(A). A pre-motion conference is not required before making such motions, which should be filed when served.

3. *Pretrial Procedures in Consent Cases*

A. *Joint Pretrial Orders in Civil Cases where Parties Consent to Trial before a Magistrate Judge.* Unless otherwise ordered by the Court, within 60 days after the

date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order. All joint pretrial orders shall include the following:

i. The full caption of the action.

The names, addresses (including firm names) and telephone and fax numbers of trial counsel.

iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.

iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.

v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.

vi. Any stipulation or agreed statements of fact or law which have been agreed to by all parties.

vii. A list by each party as to the fact and expert witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.

viii. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

ix. A statement of stipulated facts, if any;

x. Exhibit

1) A schedule listing exhibits to be offered in evidence and if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Failure to object in the pretrial order waives all objections at trial, except

objections as to relevance. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause; and

2. All exhibits must be premarked for the trial and exchanged with the other parties at least ten days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

B. *Filings Prior to Trial in Civil Cases.* Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. Requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought, and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" IBM formatted diskette in Word Perfect format.

ii. By claim, a detailed statement regarding damages and other relief sought;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element.

iv. In all cases, motions addressing any evidentiary or other issues which should not be resolved in limine; and

v. In any case where such party believes it would be useful, a pretrial memorandum.

Individual Practices of
Magistrate Judge Arlene R. Lindsay
Long Island Federal Courthouse
814 Federal Plaza
Central Islip, New York 11722-4451
Telephone: (631) 712-5730
Fax: By Permission Only
Fax Page Limit: None Listed

Contact: CR: Maria Garcia CV: Law Clerk
Telephone: Maria Garcia: (631) 712-5734 Law Clerk: (631) 712-5730
Hours: 9:30 a.m. to 5:00 p.m.

Motions Returnable: To be set by the Court

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications with Chambers*

A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court. Letters are not to exceed three (3) pages in length.

B. *Telephone Calls.* In addition to Paragraph 1(D) below, telephone calls to chambers are permitted.

C. *Faxes.* Faxes to chambers are not permitted unless prior authorization is obtained. When an authorized fax has been sent, do not send a hard copy.

D. *Docketing, Scheduling, and Calendar Matters.* For docketing, scheduling, and calendar matters, call Maria Garcia for criminal matters and the law clerk for civil matters.

E. *Requests for Adjournments or Extensions of Time.* All requests for adjournments or extensions of time shall be made at least 48 hours prior to the scheduled appearance, absent an emergency. Such letter applications must state whether all parties consent and include, where appropriate, a proposed amended pre-trial scheduling order or an indication of when the parties are available.

2. *Motions*

A. *Discovery Motions.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. A letter not exceeding three (3) pages in length may be

submitted and should succinctly describe the discovery problem and the efforts made to resolve it. The parties are advised that they should attempt to resolve disputes by conferring in good faith with their adversary. The Court interprets good faith to include in-person contact either by telephone or in person. A response, which may not exceed three (3) pages in length, must be filed within seven (7) days. Replies are not permitted without the permission of the Court.

B. Pre-Motion Conferences in Civil Cases. For motions other than discovery motions, a pre-motion conference with the Court is required before the filing of any motion. To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. A response, which may not exceed three (3) pages in length, must be filed within seven (7) days. Replies are not permitted without the permission of the Court. This paragraph does not apply to any of the motions described in Federal Rule of Appellate Procedure 4(a)(4)(A). A pre-motion conference is not required before making such motions, which should be filed when served.

C. Filing of Papers. All original motion papers, opposition papers, and reply papers must be filed with the Clerk of the Court. All courtesy copies should either be mailed directly to chambers or delivered to the Clerk's Office.

D. General Motion Individual Practices. Pursuant to Rule 6 of the Federal Rules of Civil Procedure and Local Civil Rule 6.1, as of January 1, 2000, the following Individual Rules will govern the service and filing of motion papers. These Rules are being adopted in response to the Civil Justice Reform Act reporting requirements which have recently been amended. The amendment to the reporting requirements states: "the pending date for a motion to be reported is 30 days after the motion is filed or, if the motion papers are not filed until the motion is fully briefed, then the date the motion is first served. If no decision on the motion has been entered on the docket six months after the pending date, the motion should be reported as pending before the district or magistrate judge." In order to ensure that the Court has a full six month period to either render a decision on a fully-briefed motion, or report that no decision has been made, the following Rules have been promulgated:

1. Unless otherwise ordered by the Court, any motion, the notice of motion, supporting affidavits, and memoranda shall be served and filed as follows:

(a) On all civil motions, petitions, and applications except for motions for summary judgment, admission pro hac vice, motions in conjunction with bankruptcy and social security appeals, motions objecting to a Magistrate Judge's Report and Recommendation, and petitions for writs of habeas corpus, (i) the notice of motion,

supporting affidavits, and memoranda of law shall be served on all other parties that have appeared in the action and filed by the moving party with the Court and; (ii) any opposing affidavits and answering memoranda of law shall be served on all other parties that have appeared in the action and filed with the Court within ten (10) business days after service of the moving papers; and (iii) any reply affidavit and reply memoranda of law shall be served on all other parties that have appeared in the action and filed with the Court within five (5) business days after service of the opposing papers.

(b) Absent extraordinary circumstances no extensions will be granted.

(c) Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

(d) Courtesy copies of all motion papers shall be provided to the Court upon filing of the motion, opposition, and reply briefs.

(e) A statement must be included on the cover of the moving, opposition, or reply papers as to whether oral argument is requested. If any party requests oral argument, the Court will notify the parties as to the date and time of such argument.

(f) Should the non-movant seek to make a cross-motion, this cross-motion must follow the same procedures as utilized for making the motion.

(g) Motions not in conformity with these individual practices will be returned.

E. Motions for Summary Judgment.

1. Any party wishing to make a motion for summary judgment must first serve upon all parties a statement pursuant to Local Civil Rule 56.1 ("Rule 56.1") setting forth those items about which there is no material issue of fact. Each statement of material fact must be followed by a citation to evidence which would be admissible, as set forth and required by Rule 56(e) of the Federal Rules of Civil Procedure. All parties receiving such a Rule 56.1 statement and wishing to oppose the motion, must serve on the movant, within seven (7) days of receiving the movant's Rule 56.1 statement, an original and two copies of a counter-statement pursuant to Rule 56.1 setting forth those items about which there exists a genuine issue of material fact. Again, a statement of material fact must be followed by a citation to evidence which would be admissible, as set forth and required by Rule 56(e) of the Federal Rules of Civil Procedure. Should the non-movant require additional time, the parties may agree among themselves to a reasonable extension.

2. After receiving the counter-statement pursuant to Rule 56, should the movant still wish to move for summary judgment, the movant is directed to write to the Court and request a pre-motion conference. In no more than two (2) pages, the letter should briefly state the basis for the anticipated motion. The letter shall also contain a copy of the Rule 56.1 statement and the non-movant's counter-statement. In no more than two (2) pages, all parties served with this letter must serve and file a letter in response within seven (7) days from service of the notification letter.
3. The arrangements for a pre-motion conference must be made with the Court prior to any deadline established by the pretrial scheduling order.
4. Adherence to Rule 56.1 is required. A pre-motion conference will not be held until such time that the parties are in compliance with Rule 56.1.
5. At the pre-motion conference, if the movant decides to make a motion for summary judgment, a briefing schedule will be established by the Court at the conference in accordance with the General Motion Individual Practices stated above. There will be no adjournments of this briefing schedule.

F. Motions for Admission Pro Hac Vice.

A motion for admission pro hac vice, together with a proposed Order admitting the attorney pro hac vice, shall be served and filed at least seven (7) days prior to the return date designated in the notice of motion. Although there is no need to file a memorandum of law, this motion must comply with the Rules of the Eastern District of New York for admission pro hac vice. These motions shall be on submission. Should any party object to the motion, opposition papers must be served and filed at least two (2) days prior to the return date. There will be no reply papers permitted.

3. Pretrial Procedures.

A. Joint Pretrial Orders in Civil Cases. Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the Court for its approval a joint pretrial order, which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.

iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.

iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.

v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.

vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).

vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.

viii. A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.

ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

x. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

B. *Filings Prior to Trial in Civil Cases.* Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. On the Wednesday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format;

- ii. By claim, a detailed statement regarding damages and other relief sought;
- iii. In non-jury cases, a statement of the elements of each claim of defense involving such party, together with a summary of the facts relied upon to establish each element;
- iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and
- v. In any case where such party believes it would be useful, a pretrial memorandum.

**INDIVIDUAL MOTION PRACTICES OF
MAGISTRATE JUDGE ROANNE L. MANN
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
Telephone: (718) 260-2350
Fax: (718) 260-2356
Fax Page Limit: 5 pages, including attachment
Contact: Pat Maynard, Secretary
or John Marco, Law Clerk/Clerical Assistant
Hours: Maynard: 9:00 a.m. to 5:00 p.m.
Reay: 9:00 a.m. to 6:30 p.m.**

Motions Returnable: No instructions provided.

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*

A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* Except as provided in Paragraph 1(D) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at the number listed above.

C. *Faxes.* Faxes to chambers are not permitted unless prior authorization is obtained.

D. *Docketing, Scheduling and Calendar Matters.* For docketing, scheduling and calendar matters, call the contact listed above during the hours specified.

E. *Request for Adjournments or Extension of Time.* All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. *Motions*

A. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, in all cases where the parties are represented by counsel a pre-motion conference with the court is required before making a motion for summary judgment.

To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. All parties so served must serve and file a letter response, not to exceed three (3) pages within seven (7) days from service of the notification letter. Service of the letter by the moving party within the time requirements of Rule 12 of the Fed. R. Civ. P. shall constitute timely service of a motion made pursuant to Fed. R. Civ. P. 12(b).

B. *Courtesy Copies.* Courtesy copies of all motion papers, marked as such, should be submitted for chambers.

C. *Memoranda of Law.* The court expects counsel to exercise their professional judgment as to the length of briefs and may impose limits if that expectation is not met.

D. *Filing of Motion Papers.* No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

The parties are to set up their own briefing schedule. The parties may revise the schedule on consent informing chambers by letter.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

E. *Oral Argument on Motions.* Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. the court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

F. Paragraphs A and D above do NOT apply to any of the motions described in Federal Rule of Appellate Procedure 4(a)(4)(A). A pre-motion conference is not required before making such motions, which should be filed when served.

3. *Pretrial Procedures*

A. *Joint Pretrial Orders in Civil Cases.* Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary to each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.
- viii. A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.
- ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.
- x.
 - 1) A statement of stipulated facts, if any;
 - 2) A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered

only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause shown; and

3) All exhibits must be premarked for the trial and exchanged with the other parties at least ten days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

B. *Filings Prior to Trial in Civil Cases.* Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format;

ii. By claim, a detailed statement regarding damages and other relief sought;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

v. In any case where such party believes it would be useful, a pretrial memorandum.

**INDIVIDUAL MOTION PRACTICES OF
MAGISTRATE JUDGE MICHAEL L. ORENSTEIN
United States District Court
100 Federal Plaza
Central Islip, New York 11722
Telephone: (631) 712-5700
Fax: (631) 712-5705
Fax Page Limit: 3 including Attachments
Contact: Robert Imrie, Clerical Assistant
Telephone: (631) 712-5704**

Motions Returnable: Set by the court. Formal motions are returned on any day. If oral argument is requested, the court will schedule a date and time.

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*

A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* Telephone calls to chambers are permitted. For non-docketing, scheduling or calendar matters, call chambers at the number listed above.

C. *Faxes.* Faxes to chambers are not permitted unless prior authorization is obtained.

D. *Request for Adjournments or Extension of Time.* All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. *Motions*

A. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, in all cases where the parties are represented by counsel a pre-motion conference with the court is

required before making a motion for summary judgment.

To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. All parties so served must serve and file a letter response, not to exceed three (3) pages within seven (7) days from service of the notification letter. Service of the letter by the moving party within the time requirements of Rule 12 of the Fed. R. Civ. P. shall constitute timely service of a motion made pursuant to Fed. R. Civ. P. 12(b).

B. *Courtesy Copies.* Courtesy copies of all motion papers should not be submitted.

C. *Memoranda of Law.* Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

D. *Filing of Motion Papers.* No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

The parties are to set up their own briefing schedule. The parties may revise the schedule on consent informing chambers by letter.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

E. *Oral Argument on Motions.* Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. the court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

3. *Pretrial Procedures.* Pretrial orders are not required unless specifically directed by the court in a particular case.

**INDIVIDUAL MOTION PRACTICES OF
MAGISTRATE JUDGE VIKTOR V. POHORELSKY**

United States District Court

225 Cadman Plaza East

Brooklyn, New York 11201

Telephone: 718-260-2400

Fax: Permitted by Express Authorization Only

Contact: Joan Newton at above number, or

James Toritto, Clerical Assistant

Telephone: (718) 260-2324

Motions Returnable: On any day.

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*

A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* In addition to Paragraph 1(D) below, telephone calls to chambers are permitted. For non-docketing, scheduling or calendar matters, call chambers at the number listed above.

C. *Faxes.* Faxes to chambers are not permitted unless prior authorization is obtained.

D. *Docketing, Scheduling and Calendar Matters.* For docketing, scheduling and calendar matters, call the contact listed above between the hours of 9:30 a.m. and 4:30 p.m.

E. *Requests for Adjournments or Extensions of Time.* All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. *Motions*

A. *Judge to Whom Motions Are to Be Made.* Unless otherwise specifically ordered, all non-dispositive pretrial motions, including discovery motions, are to be made to the magistrate judge. All dispositive motions, including summary judgment motions and motions to amend pleadings, are to be made to the district judge unless the parties have consented in writing to determination by the magistrate judge in accordance with 28 U.S.C. § 636 (c)(1).

B. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, no pre-motion conference is required.

C. *Courtesy Copies.* Courtesy copies of all motion papers, marked as such, shall be submitted to the clerk of court for delivery to chambers, or shall be mailed directly to chambers.

D. *Memoranda of Law.* Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

E. *Filing of Motion Papers.* For motions other than discovery motions, motion papers shall be filed promptly after service.

F. *Oral Argument on Motions.* Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

3. *Pretrial Procedures*

Pretrial orders are not required unless specifically directed by the court in a particular case.

**INDIVIDUAL MOTION PRACTICES OF
MAGISTRATE JUDGE CHERYL L. POLLAK**

**United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
Telephone: (718) 260-2360
Fax: (718) 260-2358
Fax Page Limit: 3 pages
Contact: CV: Nan E. Strauss
Telephone: (718) 260-2360
CR: Jessica Ronco
Telephone: (718) 260-2360**

Contacts: Secretary: Diana Caggiano 718-260-2360

Law Clerk (Odd Docket Numbers (i.e.: 1111): Sarah R. Bodack 718-260-2360

Law Clerk (Even Docket Numbers (i.e: 2222): Matthew E. Scherneck 718-260-2360

Fax Page Limit: 10 pages

Please **Add** the following section:

CALENDAR MATTERS, STATUS, ADJOURNMENTS:

All telephone calls concerning calendar matters, case status, or adjournments, in criminal or civil cases should be made to Ms. Diana Caggiano at (718) 260-2360 before 4:00 pm.

Counsel shall confer with the other parties and, whenever possible, obtain consent before calling chambers with requests for extensions, adjournments and the scheduling of conferences. If consent is granted, the party making the request must notify all other parties of the date and time set by the Court and confirm it in writing. Do not call regarding the status of any case or submission without first referring to the docket sheet.

For questions on procedure, please refer to the Federal Rules of Criminal or Civil Procedure, the Local Rules of the Eastern District, and the Standing Orders of the Court on Effective Discovery in Civil Cases. The Court cannot and will not give you procedural advice.

Motions Returnable: Leave date blank.

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*

A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Except for discovery matters, copies of all correspondence between counsel shall be sent to the Court.

B. *Telephone Calls.* In addition to Paragraph 1(D) below, telephone calls to chambers are permitted. For non-docketing, scheduling or calendar matters, call chambers at the number listed above.

C. *Faxes.* Faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than the number of pages listed above may be faxed without prior authorization. Do not follow with hard copy. The fax number is listed above.

D. *Docketing, Scheduling and Calendar Matters.* For docketing, scheduling and calendar matters, call the contact listed above during the hours specified.

E. *Request for Adjournments or Extension of Time.* All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. *Motions*

A. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, pre-motion conferences are not required.

B. *Courtesy Copies.* Courtesy copies of motion papers should not be submitted.

C. *Memoranda of Law.* The court expects counsel to exercise their professional judgment as to the length of brief and may impose limits if that expectation is not met.

D. *Filing of Motion Papers.* Motion papers shall be filed promptly after service.

E. *Oral Argument on Motions.* Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and if so, will advise counsel of the argument date.

3. *Pretrial Procedures.*

A. *Joint Pretrial Orders in Civil Cases.* Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary to each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.
- viii. A list by each party as to the fact and expert witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.

ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

x. 1) A statement of stipulated facts, if any;

2) A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause shown; and

3) All exhibits must be premarked for the trial and exchanged with the other parties at least ten days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

B. *Filings Prior to Trial in Civil Cases.* Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. On the Thursday before trial in jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format;

ii. By claim, a detailed statement regarding damages and other relief sought;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

iv. In all cases, motions addressing any evidentiary or other issues which should be resolved *in limine*; and

v. In any case where such party believes it would be useful, a pretrial memorandum.

Magistrate Judge William D. Wall
Long Island Federal Courthouse
824 Federal Plaza
Central Islip, NY 11722-4450
Telephone: (631) 712-5720
Fax: (631) 712-5725

Fax page limit: Four pages, including cover sheet and attachments

MAIL OR FAX

DO NOT MAIL HARD COPIES OF FAXED PAPERS

**THESE INDIVIDUAL RULES WILL BE IN EFFECT AS OF NOVEMBER
15, 2002**

1. Communications with Chambers

A. *Letters.* Communications with chambers shall be by letter, with copies simultaneously delivered to all parties, and with service on all parties indicated on the face of the letter. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* Telephone calls to chambers are permitted, subject to the rules set forth in paragraph 1(D).

C. *Faxes.* Faxes not exceeding four pages, including cover sheet and attachments, are permitted without prior authorization. Longer faxes require permission. Papers faxed to chambers must also be faxed to all other parties. **Do not also mail copies of papers that are faxed to chambers; the faxed copy is sufficient.**

D. *Requests for Adjournments or Extensions of Time.* **All requests for adjournments must be made in writing at least 48 hours prior to the scheduled appearance, absent an emergency.** Requests for adjournments must state the reason

an adjournment is needed and whether all parties consent, and should list alternative dates when all parties are available. Requests for extensions of time must be made in writing, and should, where appropriate, include a proposed amended scheduling order.

2. Motions

A. Dispositive Motions: Dispositive motions, such as motions to dismiss and motions for summary judgment, must be made to the presiding district court judge, in conformance with his or her individual rules, unless the parties have consented to Magistrate Judge Wall's jurisdiction for all purposes.

B. Discovery Motions: Discovery motions shall be made to Magistrate Judge Wall by letter, pursuant to Local Rules 37.1 and 37.3. No pre-motion conference is required. Such letter motions may not exceed three pages in length, exclusive of attachments. A response not exceeding three pages in length, exclusive of attachments, must be served and filed within 3 days of receipt of the letter motion. Replies are not permitted on letter motions.

C. Other Motions made to Magistrate Judge Wall:

i.) *Premotion conferences:* With the exception of motions for summary judgment in cases on consent to Judge Wall for all purposes, motions made to Judge Wall do not require a pre-motion conference, and the parties shall agree to a briefing schedule in conformance with sections 2(C) (ii) to (vi) below. Motions for summary judgment in cases on consent to Judge Wall do require a pre-motion conference, and

must also adhere to the requirements of sections

2(C) (ii) to (vi).

ii.) *Service and filing.* The notice of motion, supporting affidavit(s), and memorandum of law shall be served on all other parties that have appeared in the action and filed with the Court by the moving party on the date agreed to in the briefing schedule; the opposing affidavit(s) and memorandum of law shall be served on all other parties that have appeared in the action and filed with the Court within 10 business days after service of the moving papers; any reply affidavit(s) and memorandum of law shall be served and filed within 5 business days of service of the opposing papers. Absent extraordinary circumstances, no extensions will be granted.

iii.) *Memoranda of Law.* Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents. Case citations should contain pinpoint cites. **All memoranda of law must use one inch margins, double spacing, and 12 point font or they will be rejected.** See Local Rule 7.1 for additional requirements.

iv.) *Courtesy Copies.* One set of courtesy copies of the motion papers, marked as such, should be submitted.

v.) *Oral Argument on Motions.* Parties may request oral argument. The Court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

vi.) *Cross-Motions.* All cross-motions must adhere to the requirements for

motions.

D.) *Motions for Admission Pro Hac Vice.* A motion for admission pro hac vice, together with a proposed order admitting the attorney pro hac vice, shall be served and filed at least 7 days prior to the return date designated in the notice of motion. Although there is no need to file a memorandum of law, this motion must comply with the Rules of the Eastern District of New York for admission pro hac vice. These motions shall be on submission. If any party objects to the motion, opposition papers must be served and filed at least 2 days prior to the return date. No reply papers are permitted.

E.) *Motions Pursuant to Fed. R. App. P. 4 (a)(4)(A).* Nothing in these individual rules should be construed to require a pre-motion conference for motions pursuant to Federal Rule of Appellate Procedure 4(a)(4)(A), and such motions should be filed when made.

3. Pretrial Procedures

A. *Joint Pretrial Orders and Other Pretrial Filings in Civil Cases to be Tried by a District Court Judge:* If the individual rules of the district court judge require a joint pretrial order, the parties shall, on the date specified in the scheduling order, submit a joint pretrial order prepared in accordance with the district court judge's rules to Judge Wall for his review. Other pretrial filings, such as proposed voir dire questions, requests to charge, etc., shall be filed in accordance with the individual

rules of the district court judge.

B. Joint Pretrial Orders in Civil Cases to be Tried by Judge Wall: On the date specified in the scheduling order, the parties shall submit a joint pretrial order that includes the following:

i.) the full caption of the action.

ii.) the names, addresses (including firm names), and telephone and fax numbers of trial counsel.

iii.) a brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.

iv.) a brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted that are not to be tried.

v.) a statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed. vi.) any stipulations or agreed statements of fact or law that have been agreed to by all parties.

vii.) a list by each party as to the fact and expert witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.

viii.) a designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

ix.) a schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party.

Parties are expected to resolve before trial all issues of authenticity, chain of custody, and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause shown. All exhibits must be pre-marked for the trial and exchanged with the other parties at least 10 days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

C. Filings Prior to Trial in Civil Cases to be Tried by Judge Wall: Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i.) requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses.

General instructions will be prepared by the Court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in Word Perfect format.

ii.) by claim, a detailed statement regarding damages and other relief sought.

iii.) in non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element.

iv.) in all cases, motions addressing any evidentiary or other issues that should be resolved in limine.

v.) in any case where such party believes it would be useful, a pretrial memorandum.