

**INDIVIDUAL MOTION PRACTICES OF  
SENIOR JUDGE EDWARD R. KORMAN**

**United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201  
Telephone: (718) 613-2470  
Courtroom 8A South  
Fax: By permission only  
Fax Page Limit: 5 pages  
Contact: Matthew O'Brien, Case  
Manager  
Telephone: (718) 613-2476  
Hours: 9:30AM – 5:30PM**

Unless otherwise ordered, matters before Judge Korman shall be conducted in accordance with the following Individual Rules:

**I. General Rules**

- a. Other Rules Apply. Parties should consult the Federal Rules of Civil or Criminal Procedure and the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York for all procedural matters not covered in these Rules.
- b. Pre-trial Conferences. Counsel shall appear promptly for all pre-trial conferences. Counsel shall appear prepared and authorized to discuss progress in the case, scheduling of further proceedings, and the possibility of settlement.
- c. Proposed Orders, Stipulations, and Judgments. All proposed orders, stipulations, and judgments must be submitted as attachments or exhibits to a letter to the Court explaining the purpose of the document. Parties must file the letter electronically and submit a Microsoft Word version of the proposed document to chambers by email to [matthew\\_o'brien@nyed.uscourts.gov](mailto:matthew_o'brien@nyed.uscourts.gov) with a copy to

[korman\\_chambers@nyed.uscourts.gov](mailto:korman_chambers@nyed.uscourts.gov)

- d. *Papers*. To facilitate the work of the Clerk's office, and to avoid confusion, all papers should bear the docket number for the case followed by the judge's initials (ERK), as well as the initials of the assigned Magistrate Judge, *e.g.* 21-cv-1234-ERK-ABC.
- e. *Inquiries*. All inquiries regarding these Rules should be directed to Case Manager Matthew O'Brien in accordance with Rule III.

## II. **Electronic Case Filing (ECF)**

- a. *Electronic Filing*. Counsel must file all documents electronically. When orders are posted electronically, parties not registered on ECF (with the exception of pro se parties) will not receive them.
- b. *Exemptions*. Written requests by attorneys for an exemption from electronic filing will be considered for good cause by the assigned Magistrate Judge.
- c. *Pro se Parties*. Pro se parties are automatically exempt from mandatory electronic filing. However, parties represented by counsel in cases involving a pro se party must still use electronic filing, and they must also mail a hard copy of all documents to the pro se party.
- d. *Hard Copies*. Hard copies of motions, as well as voluminous submissions of any kind, must be provided to chambers. All such papers must be clearly marked "COURTESY COPY – ORIGINAL FILED BY ECF." All courtesy copies (both hard copies and those emailed to Matthew O'Brien and to [korman\\_chambers@nyed.uscourts.gov](mailto:korman_chambers@nyed.uscourts.gov)) must be of the docketed version and with metadata from the docket printed on top of every page (i.e. Case x:xx-cr-xxxxx-ERK Document xxx Filed xx/xx/xx Page x of x PageID #:xx).

- e. Non-Text Submissions. Parties filing non-text exhibits may, with prior permission, file only hard copies of those exhibits. If exhibits are not electronically filed, one copy of each exhibit must be clearly marked “ORIGINAL,” and another marked “COURTESY COPY.” Related papers that are electronically filed must clearly indicate that exhibits have been filed by hard copy only.
- f. Sealed Submissions. Sealed documents, or documents containing sealed/sensitive information, must be filed electronically under seal, with a hard copy labeled “SEALED” or “SENSITIVE” provided to chambers. Parties must set forth the reasons why sealing is appropriate under the circumstances.
- g. Additional Questions and Technical Support. Attorneys with questions regarding the technical aspects of electronic filing, including registration, filing, and training, should refer to the court website or contact the appropriate help desk: <https://www.nyed.uscourts.gov/help-desk>.

### **III. Communications with Chambers**

- a. Letters. Except as provided below, communications with chambers shall be by letter, and copies of letters sent to the court shall also be sent to all counsel assigned to a case.
- b. Calls. All calls concerning any calendar matters or adjournments should be made to Case Manager Matthew O’Brien at (718) 613-2476. Alternatively, parties may call chambers at (718) 613-2470. Pro se parties may call the pro se office at (718) 613-2665. **NOTE:** Please do not call regarding the status of any case or submission without first referring to the docket sheet.
- c. Faxes. Faxes to chambers are permitted only if copies are concurrently faxed or delivered to all counsel assigned to a case. No document longer than five pages may

be faxed without prior permission. Documents faxed must also be electronically filed pursuant to Rule II(a).

- d. Requests for Adjournments or Extensions of Time. All requests for adjournments or extensions of time must state (1) the original date due, (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. 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, it must be made earlier than 1 week prior to the scheduled date. After consulting with Matthew O'Brien (or chambers staff) concerning available Court dates, motions to continue on consent must be filed by 5pm one week prior to the scheduled date.

#### IV. **Motion Practice**

- a. Applicability. The following rules apply to both motions and cross motions.
- b. Motions Referred. All non-dispositive motions, e.g. discovery, amendments to the pleadings, etc., are referred automatically to the assigned Magistrate Judge. If a motion is referred, the parties should consult the individual rules for the assigned Magistrate Judge.
- c. **Bundling Rule.** No motion papers may be filed, either electronically or as courtesy copies, until the motion has been fully briefed.
  - i. Exception. If any party concludes in good faith that delaying the filing of a motion in order to comply with any aspect of these Rules will deprive the party of a substantive right, the motion may be filed within the time required by the Federal Rules of Civil and/or Appellate Procedure notwithstanding

the bundling rule.

- ii. Explanation Required. If a party avails itself of the exception set forth in IV(c)(i), the motion shall be filed together with an explanation of the basis for its conclusion that delay would deprive it of a substantive right.

d. Filing of Motion Papers.

- i. Notice of Motion. A notice of motion and all supporting papers must be served on other parties along with a cover letter setting forth the identity of the movant and the nature of the papers being served. A copy of the cover letter must also be filed electronically.
  - ii. Briefing Schedule. Parties are to arrange their own briefing schedule, which does not require approval from the court. Parties may revise the briefing schedule on consent, and revisions do not require court approval. Counsel must inform the court of the briefing schedule and any revisions by letter.
  - iii. Motion Bundle. The original movant shall be responsible for electronically filing papers when the motion is fully briefed. The original movant must also provide chambers with hard copies in accordance with Rule II(d). Hard copies provided to chambers must include a cover letter specifying the nature of each document included in the bundle. A copy of the cover letter shall be sent to the assigned Magistrate Judge and to opposing counsel.
- e. Oral Argument on Motions. The court will determine whether argument will be heard. If argument is to be heard, the court will advise counsel of the date.
- f. Records in Habeas Corpus Proceedings. State court records filed in proceedings on Habeas Corpus petitions brought pursuant to 28 U.S.C. § 2254 must have each

portion or document plainly labeled on ECF, rather than simply listed as an “Exhibit,” in a manner substantially similar to the following:

- i. ANSWER to Complaint by John Lempke. (Attachments: # 1 Exhibit Hearing Minutes I, # 2 Exhibit Hearing Minutes II, # 3 Exhibit Plea Minutes, # 4 Exhibit Sentence Minutes, #5 Exhibit Brief on Appeal, # 6 Exhibit Respondent Brief on Appeal, # 7 Exhibit Pro Se Supplemental Brief, # 8 Exhibit Respondent Pro Se Supplemental Brief, # 9 Exhibit Leave Letter, # 10 Exhibit Opposition to Leave Letter, #11 Exhibit Appellate Division Decision, # 12 Exhibit Court of Appeals Decision);

or

- ii. STATE COURT RECORD (Attachments: #1 Exhibit A Suppression Hearing, # 2 Exhibit B1 Trial Jury Selection, # 3 Exhibit B2 Trial 1-207, # 4 Exhibit B3 Trial 208-390, # 5 Exhibit B4 Trial 391-518, # 6 Exhibit C Sentencing, # 7 Exhibit D1 Direct Appeal Defendant's Brief, # 8 Exhibit D2 Direct Appeal People's Brief, # 9 Exhibit D3 Direct Appeal AD Decision, # 10 Exhibit D4 Direct Appeal Leave Appl, # 11 Exhibit D5 Direct Appeal Leave Opp, # 12 Exhibit D6 Direct Appeal Leave Denial, # 13 Exhibit E1 NY CPL 440 Motion, # 14 Exhibit E2 NY CPL 440 Opp, # 15 Exhibit E3 NY CPL 440 Reply, # 16 Exhibit E4 NY CPL 440 Decision, # 17 Exhibit E5 NY CPL 440 AD Leave Appl, # 18 Exhibit E6 NY CPL 440 AD Leave Opp, # 19 Exhibit E7 NY CPL 440 AD Leave Denial, # 20 Exhibit E8 NY CPL 440 NY CoA Leave Appl, # 21 Exhibit E9 NY CPL 440 NY CoA Leave Opp, # 22 Exhibit E10 NY CPL 440 NY CoA Leave Dismissal).

The following format will be rejected and refiling required:

- iii. STATE COURT RECORD (Attachments: # 1 Exhibit State Court Record, # 2 Exhibit State Court Record, # 3 Exhibit State Court Record, # 4 Exhibit State Court Record, #5 Exhibit State Court Record, # 6 Exhibit State Court Record, #7 Exhibit State Court Record, # 8 Exhibit State Court Record, # 9 Exhibit State Court Record, # 10 Exhibit State Court Record, # 11 Exhibit State Court Record)