

**INDIVIDUAL RULES OF
MAGISTRATE JUDGE JOAN M. AZRACK
United States District Court
Eastern District of New York
225 Cadman Plaza East, Room 605N
Brooklyn, New York 11201**

**Telephone: (718) 613-2530
Fax: (718) 613-2535**

****REVISED NOVEMBER 2010****

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

I. ELECTRONIC CASE FILING (ECF)

- A. All documents must be filed electronically. Pursuant to Administrative Order 2004-08, dated June 22, 2004, Electronic Case Filing (“ECF”) is mandatory in all cases other than *pro se* civil cases. ECF procedures are available from the district court’s website at <http://www.nyed.uscourts.gov>. Questions regarding ECF filing or training should be directed to the Court’s Docket Section at (718) 613-2610.
- B. **Notifications and Orders by the Court:** Attorneys will receive notifications and orders from the court electronically. Hard copies will not be mailed to attorneys registered for ECF. Accordingly, attorneys are responsible for maintaining accurate, current email information with the Clerk’s Office to ensure receipt of all ECF notifications.
- C. **Exemptions:** Litigants proceeding *pro se* are exempt from ECF requirements. Requests by attorneys for an exemption to the mandatory ECF policy must be submitted to Magistrate Judge Azrack and must set forth good cause hardship reasons which state the specific technological or other reason why counsel is not able to utilize ECF. Such requests will be granted only in limited circumstances.

II. COURTESY COPIES

- A. **Hard copies of documents filed by ECF should not be provided to Chambers unless the submission exceeds 20 pages, including exhibits.** Any courtesy copies submitted to Chambers must be clearly marked “Courtesy Copy,” “Original Filed by ECF” and “Assigned Document Number [indicate document number from docket sheet].” Any exhibits or appendices should be clearly labeled and tabbed in the courtesy copy.

- B. Courtesy copies of dispositive motions made to the presiding District Judge should not be provided to Magistrate Judge Azrack, **unless** the motion is referred to her. The parties must follow the individual rules of the District Judge regarding the filing of submissions and providing of courtesy copies.

III. COMMUNICATIONS WITH CHAMBERS

- A. **Identification of Matters:** All submissions filed with the Court must indicate the name and docket number of the case followed by the initials of the District Judge assigned to the case, followed by Magistrate Judge Azrack's initials ("JMA").
- B. **Telephone Calls:** Telephone calls to Chambers regarding scheduling, calendar or discovery matters are permitted between 9:00 a.m. and 5:00 p.m. at (718) 613-2530. Attorneys should review the ECF docket prior to contacting Chambers. Calls regarding new arrests, bail issues, arraignments and other matters handled by the magistrate judge on criminal duty should generally be directed to the Magistrate Clericals at (718) 613-2620.
- C. **Requests for Adjournments or Extensions of Time:** All requests for adjournments of conferences or extensions of time must be made in the form of a letter motion filed by ECF at least **48 hours** before the deadline or conference. Attorneys should confer with the adversary and contact Chambers to identify a suitable alternative date **prior** to filing the letter. The request must indicate: (1) the original date and time; (2) the reason for the request; (3) how much additional time is requested; (4) the number of previous requests; (5) whether the adversary consents, and, if not, the reasons given by the adversary for refusing consent; (6) a proposed alternative date; and (7) whether the request affects any other scheduled deadline (in which case alternative dates must be proposed). See § IV(A), *infra*, for further details.
- D. **Discovery Disputes:** Where the attorneys for the affected party or non-party witness cannot agree on a resolution of a discovery dispute, they shall initiate a telephone conference with Judge Azrack by contacting Chambers at (718) 613-2530. Attorneys are **not** permitted to submit letters or formal motions regarding the substance of discovery disputes unless specifically authorized to do so.

IV. MOTIONS

- A. **Judge to Whom Motions Are to Be Made:** Unless otherwise specifically ordered, all **non-dispositive** pretrial motions are to be made to Magistrate Judge Azrack. All **dispositive** motions (e.g., motions to dismiss, change venue, amend pleadings, and for summary judgment) are to be made to the presiding District

Judge in accordance with his or her individual rules.

Any requests for extensions of time for the filing of joint pretrial orders should be made to the presiding District Judge unless the case has been referred to Magistrate Judge Azrack for all purposes, including the entry of judgment.

- B. **Cases In Which Parties Have Consented to Magistrate Judge Azrack:** The parties may consent, in writing, to refer a civil case to Magistrate Judge Azrack for all purposes, including the entry of judgment, or for the limited purpose of a dispositive motion. See 28 U.S.C. § 636(c)(1). In such cases, a pre-motion conference with Magistrate Judge Azrack is required before making any dispositive motion, unless the moving party is not represented by counsel, or the case stems from a habeas corpus/prisoner petition or a Social Security or Bankruptcy appeal. The pre-motion conference may be conducted by telephone with the permission of the Court.
- 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. Case citations must contain pinpoint cites. All memoranda must use one-inch margins, double spacing and 12-point font. See also Local Civil Rule 7.1 and § II(A), *supra*. Parties are not to submit memoranda of any sort in advance of an initial conference, status conference, discovery conference, or settlement conference, unless previously authorized to do so. Should a time-sensitive issue arise, parties are directed to jointly contact Chambers at (718) 613-2530. **Any memoranda of law not complying with the requirements set forth herein will be rejected.**
- D. **Filing of Motion Papers**
- (1) No motion papers shall be filed until the motion has been fully briefed.
 - (2) Subject to Court approval, the parties are to set up their own briefing schedule. No changes to 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.
 - (3) The original moving party shall be responsible for filing all motion papers (via ECF) once fully briefed, along with a letter specifying each document filed in the motion package. The adversary is responsible for providing movant with both a hard copy and a PDF version of opposition papers. The movant must furnish Chambers with **one** courtesy copy of the motion papers, together with a cover letter specifying each document in the package. See § II(A), *supra*, for details regarding courtesy copies.

- 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.
- F. **Motion 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. This motion must comply with Local Rule 1.3(c) and Administrative Order 97-13, available on the Court's website along with sample forms.

V. PRETRIAL PROCEDURES

- A. **Joint Pretrial Orders in Civil Cases where Parties Consent to Trial before Magistrate Judge Azrack** – 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.
 - 2. The parties' claims and defenses on liability, including citations to relevant statutes, and a statement regarding damages and other relief sought.
 - 3. Names 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.
 - 4. Schedule of exhibits to be offered in evidence by each party. To the extent practicable, counsel should identify any anticipated objections to an opposing party's exhibits. Exhibits admitted by stipulation are to be designated as such. Only exhibits listed shall be offered in evidence except when prompt notice has been given and good cause shown.
 - 5. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations.
- B. **Filings Prior to Trial in Civil Cases where Parties Consent to Trial before Magistrate Judge Azrack** – Unless otherwise ordered by the Court, each party shall file **15 days** before the commencement of trial:
 - 1. Proposed jury charges, *voir dire* questions, and verdict forms. Proposed

jury charges should be limited to the elements of the claims, the damages sought, and defenses. General instructions will be prepared by the Court. In addition to written versions, these materials should also be submitted on diskette or CD-ROM in WordPerfect format.

2. **Two** courtesy copies of all exhibits, which shall be appropriately labeled and indexed, including a table of contents. All exhibits must be pre-marked for trial and exchanged with the other parties at least ten (10) days before trial. Where exhibits are voluminous, they should be paginated and placed in binders with tabs.
3. In all cases, motions addressing any evidentiary or other issues, which should be resolved *in limine*.
4. In any case where such party believes it would be useful, a pretrial memorandum.