

Individual Rules of Hon. Sandra J. Feuerstein, U.S.D.J.
United States District Court
Eastern District of New York
Central Islip Chambers- Phone: 631-712-5630; Fax: 631-712-5636
Brooklyn Chambers- Phone: 718-613-2140; Fax: 718-613-2146

1. General:

- A. All papers must indicate the docket number followed by the initials of the Judge (SJF) and initials of the Magistrate Judge assigned.
- B. The Court will not schedule pre-motion conferences.
- C. No motions will be argued orally unless the Court so orders.
- D. Requests for adjournments must be made in writing and submitted via ECF two (2) days prior to the scheduled proceeding. A courtesy copy should be faxed to Central Islip Chambers.

2. Telephone Calls:

- A. All telephone calls concerning calendar matters or docketing should be made to Bryan Morabito, Case Manager, at 631-712-5635 (Central Islip) or 718-613-2145 (Brooklyn). Have the docket number available whenever contacting Chambers. 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 online at www.nyed.uscourts.gov).
- B. For procedural questions refer to the Federal Rules of Civil or Criminal Procedure, and the Local Rules of the Eastern District.

3. Electronic Case Filing:

- A. All documents in civil actions MUST be filed electronically unless excused upon written application. Questions regarding ECF filing or training should be directed to Terry Vaughn at 718-613-2330.
- B. Hard copies of all papers filed electronically, including motions, letters and stipulations, must be provided to Chambers, clearly marked "Courtesy Copy", and indicating that the original was filed by ECF.
- C. Parties filing voluminous or non-text exhibits shall only file hard copies.

4. Motion Practice:

- A. The following procedures apply to all dispositive motions *except* habeas corpus/prisoner petitions, Social Security appeals, and motions for default (which should be submitted to the judgment clerk for the Clerk's certification prior to filing with Chambers).
- B. The moving party will prepare its notice of motion, memorandum of law, affidavits and other supporting documentation. The notice of motion *shall not contain a return date*. These papers shall be served on all parties, but *only a copy of the movant's cover letter shall be filed* in the Clerk's office. The cover letter will be sufficient to evidence the extension of the time for filing a responsive pleading (*e.g.*, an answer) pursuant to Federal Rules of Civil Procedure 12(a) and (b).
- C. Opposition papers are due within ten (10) days of service of the moving papers. If

opposition papers cannot be prepared within this 10-day period, the parties may agree to a later due date, informing the Court in writing of the consensual briefing schedule. Opposition papers shall be served on all parties, ***but only a copy of the opponent's cover letter shall be filed*** with the Clerk's Office.

- D. The movant has the opportunity to serve reply papers, which shall be served on all parties.
- E. After the motion has been fully briefed (*i.e.*, the moving papers, opposition papers, and reply papers, if any, have been served), it is ready for filing with the Court. The moving party will file all the papers on ECF. (This is known as the "Bundle Rule".) Each paper shall be clearly denominated when docketing on ECF. Failure to abide by the Bundle Rule shall result in the motion being terminated without prejudice for refile in compliance with the Rule.
- F. Briefs are to comply with the Court's Local Rules and are limited to twenty-five (25) pages. No rebuttal, sur-reply, etc., shall be accepted. The moving party shall cause one hard courtesy copy to be delivered to Chambers. A cover letter shall accompany the fully bundled papers, listing each document (memorandum, affidavit, etc.) submitted. Any questions concerning these procedures should be directed to Mr. Morabito.

Note: All non-dispositive motions are to be considered referred to the Magistrate Judge assigned to the case. Please contact the appropriate Magistrate Judge's Chambers for that Judge's individual rules and procedures.

5. Proceedings before the Court, Initial Conferences and Magistrate Judge Discovery Conferences:

- A. Counsel shall appear promptly for all conferences with the Court, prepared and authorized to discuss progress in the case, scheduling of further proceedings and settlement.
- B. Judge Feuerstein conducts initial conferences (with the exception of cases involving pro se litigants). The purpose of the initial conference is to explore the possibility of a settlement and obviate the need for expensive, time-consuming and burdensome discovery practice before the assigned Magistrate Judge. Therefore it is paramount that counsel appearing at the initial conference before Judge Feuerstein be familiar with the pleadings, the procedural posture of the case and possess authority to discuss settlement.
- C. Subject to limited exceptions for specific types of cases (*e.g.*, habeas corpus petitions), a Magistrate Judge shall be assigned to all cases to which Judge Feuerstein is assigned. All discovery scheduling and disputes concerning discovery matters are automatically referred to the assigned Magistrate Judge unless otherwise ordered.
- D. Cases involving pro se litigants are automatically referred to the assigned Magistrate Judge for initial conference and discovery.

6. Pretrial Procedures:

- A. 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 a joint pretrial order, which shall conform to Judge Feuerstein's proposed pretrial order found on the Court's website.

- B. Unless otherwise ordered by the Court, 15 days before the commencement date of a trial or 30 days after the filing of the final pretrial order if no trial date has been set, each party shall file :
- i. In jury cases, proposed voir dire questions and requests to charge. Requests to charge should be limited to the elements of the claims, the damages and defenses. General instructions will be prepared by the Court. When feasible, proposed jury charges should be submitted in IBM WordPerfect format (on a diskette, CD or flash drive), as well as in hard copy;
 - ii. A detailed statement regarding damages and other relief sought as to each claim;
 - iii. In non-jury cases, a statement of the elements of each claim or defense 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 a party believes it would be useful, a pretrial memorandum.

Amended 6/10/08.