

INDIVIDUAL MOTION PRACTICES & RULES

JUDGE SANDRA L. TOWNES
United States District Court Eastern
District of New York
225 Cadman Plaza East Brooklyn, NY
11201
(718) 613-2160
Courtroom Deputy: Michelle Brucella
(718) 613-2165

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

I. COMMUNICATIONS WITH CHAMBERS

A. Scheduling or Calendar Matters

For scheduling or calendar matters, call (718) 613-2165.

B. All Requests Must be Made in Writing

Except in urgent situations requiring immediate attention, all requests must be made in writing and filed via the Electronic Case Filing (“ECF”) system before they can be considered.

Ex parte communications and in-person requests will not be considered.

Documents submitted under seal must be hand-delivered to Chambers, not faxed.

C. Telephone Calls and Faxes to Chambers

Faxes to Chambers are not permitted, unless prior authorization is obtained. When materials are faxed, they must also be filed on ECF.

Telephone calls to Chambers at (718) 613-2160 are not permitted, except in emergency situations requiring urgent attention.

D. Requests for Adjournments or Extensions of Time

If the request is for an adjournment of a court appearance, absent an emergency, it shall be made at least forty-eight (48) business hours prior to the scheduled appearance.

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 an adjournment or an extension;
- (3) whether those previous requests were granted or denied;
- (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent;
- (5) Requests for adjournments of court dates must also include three (3) proposed alternative dates on which counsel for all parties are available.

Requests for extensions of time to file pleadings that are made after the pleadings have already become due will be denied.

Urgent inquiries not addressed by these rules can be made to Judge Townes' courtroom deputy, Michelle Brucella, at (718) 613-2165.

II. ELECTRONIC CASE FILING (“ECF”)

All documents in both civil and criminal cases submitted to the Court must be filed electronically, via the Electronic Case Filing System (“ECF”), with the exception of documents filed under seal.

Attorneys will not be excepted from this requirement. Orders will be posted electronically and represented parties not registered on ECF will not receive them. Attorneys having questions regarding ECF registration, filing, or training should refer to the Court's website: http://www.nyed.uscourts.gov/CM_ECF

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

III. MOTIONS

A. Pre-motion Conferences in Civil Cases

Any party, other than a *pro se* litigant, must request a pre-motion conference with the Court before making a motion for summary judgment pursuant to Federal Rule of Civil Procedure (“FRCP”) 56, a motion pursuant to FRCP 12, a motion for a change of venue, or a motion to amend a pleading pursuant to FRCP 15. This requirement does not apply to habeas corpus petitions, prisoner petitions, social security appeals, and bankruptcy appeals.

To request a pre-motion conference, a party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. A statement

pursuant to Local Civil Rule 56.1 must be attached to the letter if a party is requesting a pre-motion conference for a motion for summary judgment under FRCP 56.

All parties served with a letter requesting a pre-motion conference must serve and file a letter response, not to exceed three (3) pages in length, within seven (7) days from service of the letter requesting a pre-motion conference. A party responding to a letter requesting a pre-motion conference for a summary judgment motion pursuant to FRCP 56 must attach a counter-statement pursuant to Local Civil Rule 56.1.

Service of a letter requesting a pre-motion conference for a motion within the time requirements for bringing such a motion shall constitute timely service of the motion.

A pre-motion conference request need not be made if a party seeks to move to amend a pleading under FRCP 15 in response to a motion to dismiss under FRCP 12.

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

B. *Memoranda of Law*

Unless prior permission has been granted, memoranda of law in support of and in opposition to all 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. All memoranda of law shall be produced in a font of eleven (11) or higher and shall have one-inch margins on all sides. All memoranda shall include a table of authorities.

C. *Filing of Motion Papers*

No motion papers shall be filed until the motion has been fully briefed. Motion papers shall be served on the other parties on or before the dates provided in the briefing schedule, along with a cover letter setting forth: (1) the name of the party on whose behalf the papers are being served; and (2) a list of the papers being served. A courtesy copy of this cover letter shall be submitted to the Court.

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

Except where the movant is *pro se*, the moving party shall be responsible for the filing of all motion papers once the motion is fully briefed. The moving party is

further obligated to furnish to chambers a full set of courtesy copies of the motion papers and a cover letter listing each document in the package.

D. Oral Argument on Motions

Oral argument may be requested in writing at the time the fully-briefed motion is filed with the Court. If the Court wishes to hold oral argument, the Court will contact the parties to set the date and time.

E. Motions Implicating Fed. R. App. P. 4(a)(4)(A) or Similar Time-Limiting Rules

If any party concludes in good faith that delaying the filing of a motion, in order to comply with any aspect of these individual practices, will deprive the party of a substantive right, the party may file the motion within the time required by the Federal Rules of Civil and/or Appellate Procedure, together with an explanation of the basis for the conclusion.

IV. PRETRIAL PROCEDURES IN CIVIL CASES

In a civil case, within thirty (30) days from either the date of completion of discovery or the denial of a motion for summary judgment, the parties shall contact the Court to set a date for a pre-trial *scheduling* conference. At the conference, a trial scheduling order will be issued setting, among other things, a date for a pre-trial conference, a briefing schedule for motions *in limine*, and a deadline for the filing of a joint pre-trial order.

V. DEFAULT JUDGMENTS

Before moving for a default judgment pursuant to FRCP 55(b)(2), litigants must separately move for entry of default pursuant to FRCP 55(a). A motion pursuant to FRCP 55(a) must be filed as a separate motion and not as an exhibit or attachment to a motion pursuant to FRCP 55(b)(2).

Motions for “Entry of Default” and Motions for “Default Judgment” should be electronically filed (under the “Motions” category).

VI. PRETRIAL PROCEDURES IN CRIMINAL CASES

A. Proposed Jury Charges and Voir Dire

Unless otherwise specified, proposed jury charges are due two (2) weeks prior to the start of trial. Voir dire questions, if any, are due one (1) week prior to the first day of jury selection.

B. Motions in Limine

Motions *in limine* must be fully briefed and filed no later than two (2) weeks prior to trial. Motions filed after this date, without the Court's permission, will not be considered.

VII. SENTENCING SUBMISSIONS IN CRIMINAL CASES

Objections to the pre-sentence report must be submitted to the Court and the probation officer who authored the report at least two weeks before the sentencing date.

Sentencing submissions, including memoranda and 5K1.1 letters, must be filed at least forty-eight (48) hours prior to the sentencing date.

*** For procedural questions not otherwise covered by these individual rules, please refer to the Federal Rules of Civil/Criminal Procedure and the Local Rules for the Eastern District of New York.
