

**INDIVIDUAL MOTION PRACTICES OF  
MAGISTRATE JUDGE CHERYL L. POLLAK**

**United States District Court  
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Brooklyn, New York 11201  
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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.