

**INDIVIDUAL MOTION PRACTICES OF
JUDGE EDWARD R. KORMAN
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
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Fax Page Limit: 10 pages
Contact: PaulaMarie Susi, Case Manager
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Hours: None listed**

Motions Returnable: Set by the Court

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. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* Except as provided in Paragraph 1(D) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, 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 ten pages 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. *Electronic Case Filing (ECF)*

A. All documents in civil actions MUST be filed electronically. Questions regarding ECF filing or training should be directed to Terry Vaughn or Marilyn Glenn at (718) 260-2330/2610.

B. Hard copies of all papers filed electronically, including motions, letters and stipulations, must be provided to Chambers. All such papers must be clearly marked "Courtesy Copy," and indicate that the original was filed by ECF.

C. Parties filing voluminous or non-text exhibits shall only file hard copies.

D. Requests to be exempt from ECF requirements may be made before the Magistrate Judge.

3. *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 all motion papers, marked as such, should be submitted for chambers.

C. The court expects counsel to exercise their professional judgment as to the length of briefs and may impose limits if that expectation is not met.

D. *Filing of Motion Papers.* No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be mailed to the assigned district judge and the magistrate judge at this time.

Subject to court approval, the parties are to set up their own briefing schedule. No changes in the approved schedule may be made without court approval. Approval may be given at the pre-motion conference or by subsequent letter. No party is to serve any motion papers prior to obtaining court approval for the schedule.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish to chambers a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

E. *Oral Argument on Motions.* Where the parties are represented by counsel, oral argument will be held on all motions. The notice of motion shall state that oral argument will be "on a date and at a time to be designated by the court." The court will contact the parties to set the specific date and

time for oral argument.

F. Paragraphs A and D above do NOT apply to any of the motions described in Federal Rule of Appellate Procedure 4(a)(4)(A). A pre-motion conference is not required before making such motions, which should be filed when served.

4. *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 of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designate, 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.
- 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.