

**INDIVIDUAL MOTION PRACTICES OF  
JUDGE STERLING JOHNSON, JR.**

**United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201  
Telephone - (718) 260-2460  
Courtroom Deputy: August Marziliano - (718) 260-2465**

**DOCKETING PROCEDURE**

To facilitate the work of the Clerk's Office and avoid confusion, all papers should bear the Judge's name (Hon. Sterling Johnson, Jr.) and the docket number of the matter followed by the initials "SJ" and the initials of the assigned magistrate judge. Unless otherwise ordered by Judge Johnson in a specific case, matters before the Judge shall be conducted in accordance with the following practices:

**COMMUNICATIONS WITH CHAMBERS**

All phone calls concerning Docketing, Scheduling, and Calendar matters or adjournments shall be made to **August Marziliano** at **(718) 260-2465**. Counsel are directed to submit inquiries in writing whenever possible. Telephone calls to Chambers are permitted only in emergency situations requiring immediate attention. For questions about procedure, please refer to the Federal Rules of Civil/Criminal Procedure, the Local Rules and the Judge's Individual Rules. The individual rules are published in the New York Law Journal on Tuesdays and are available online. Faxes to Chambers are not permitted unless prior authorization is obtained.

Requests for adjournment or extension of time must state: (1) the original date, (2) the number of previous requests for adjournments or extensions, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, or the reasons given for refusing to consent. If the requested adjournment or extension affects any other scheduling dates, a proposed revised scheduling order must be attached. Absent an emergency, any request for adjournment of a court appearance shall be made at least 48 hours in advance.

**RULES AND PROCEDURES**

*Motions Returnable Fridays at 10 A.M.*

*Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local

Civil Rules 37.3 and 6.4 in all cases where the parties are represented by counsel. A pre-motion conference with the court is required before making a motion for summary judgment. Pre-motion conferences are **not** required for any other motion. Consistent with Local Civil Rule 72.2, all non-dispositive pretrial matters are automatically referred to the assigned magistrate judge unless otherwise ordered.

To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. A copy of the letter shall be served on all opposing parties. All parties so served must serve and file a letter response, not to exceed three (3) pages within seven (7) days from service of the notification letter.

*Courtesy Copies.* Courtesy copies of all motion papers including those filed with the Court electronically pursuant to ECF, marked as such, should be submitted to Chambers.

*Memoranda of Law.* Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 20 pages, and reply memoranda are limited to 10 pages. All memoranda of law shall be produced in a font of 11 (eleven) or higher and shall have one inch margins on all sides. Memoranda of 10 pages or more shall contain a table of contents. These requirements apply to briefs filed in support of bankruptcy and social security appeals and habeas corpus petitions as well.

*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.

*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.

*Pretrial Procedures.*

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 by 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.

*Witnesses.* 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 designated, 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.

*Deposition Testimony.*

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.

*Exhibits:*

- 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.

*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.