

Magistrate Judge William D. Wall
Long Island Federal Courthouse
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Fax page limit: Four pages, including cover sheet and attachments

MAIL OR FAX

DO NOT MAIL HARD COPIES OF FAXED PAPERS

**THESE INDIVIDUAL RULES WILL BE IN EFFECT AS OF NOVEMBER
15, 2002**

1. Communications with Chambers

A. *Letters.* Communications with chambers shall be by letter, with copies simultaneously delivered to all parties, and with service on all parties indicated on the face of the letter. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* Telephone calls to chambers are permitted, subject to the rules set forth in paragraph 1(D).

C. *Faxes.* Faxes not exceeding four pages, including cover sheet and attachments, are permitted without prior authorization. Longer faxes require permission. Papers faxed to chambers must also be faxed to all other parties. **Do not also mail copies of papers that are faxed to chambers; the faxed copy is sufficient.**

D. *Requests for Adjournments or Extensions of Time.* **All requests for adjournments must be made in writing at least 48 hours prior to the scheduled appearance, absent an emergency.** Requests for adjournments must state the reason

an adjournment is needed and whether all parties consent, and should list alternative dates when all parties are available. Requests for extensions of time must be made in writing, and should, where appropriate, include a proposed amended scheduling order.

2. Motions

A. Dispositive Motions: Dispositive motions, such as motions to dismiss and motions for summary judgment, must be made to the presiding district court judge, in conformance with his or her individual rules, unless the parties have consented to Magistrate Judge Wall's jurisdiction for all purposes.

B. Discovery Motions: Discovery motions shall be made to Magistrate Judge Wall by letter, pursuant to Local Rules 37.1 and 37.3. No pre-motion conference is required. Such letter motions may not exceed three pages in length, exclusive of attachments. A response not exceeding three pages in length, exclusive of attachments, must be served and filed within 3 days of receipt of the letter motion. Replies are not permitted on letter motions.

C. Other Motions made to Magistrate Judge Wall:

i.) *Premotion conferences:* With the exception of motions for summary judgment in cases on consent to Judge Wall for all purposes, motions made to Judge Wall do not require a pre-motion conference, and the parties shall agree to a briefing schedule in conformance with sections 2(C) (ii) to (vi) below. Motions for summary judgment in cases on consent to Judge Wall do require a pre-motion conference, and

must also adhere to the requirements of sections

2(C) (ii) to (vi).

ii.) *Service and filing.* The notice of motion, supporting affidavit(s), and memorandum of law shall be served on all other parties that have appeared in the action and filed with the Court by the moving party on the date agreed to in the briefing schedule; the opposing affidavit(s) and memorandum of law shall be served on all other parties that have appeared in the action and filed with the Court within 10 business days after service of the moving papers; any reply affidavit(s) and memorandum of law shall be served and filed within 5 business days of service of the opposing papers. Absent extraordinary circumstances, no extensions will be granted.

iii.) *Memoranda of Law.* Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents. Case citations should contain pinpoint cites. **All memoranda of law must use one inch margins, double spacing, and 12 point font or they will be rejected.** See Local Rule 7.1 for additional requirements.

iv.) *Courtesy Copies.* One set of courtesy copies of the motion papers, marked as such, should be submitted.

v.) *Oral Argument on Motions.* Parties may request oral argument. The Court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

vi.) *Cross-Motions.* All cross-motions must adhere to the requirements for

motions.

D.) *Motions for Admission Pro Hac Vice.* A motion for admission pro hac vice, together with a proposed order admitting the attorney pro hac vice, shall be served and filed at least 7 days prior to the return date designated in the notice of motion. Although there is no need to file a memorandum of law, this motion must comply with the Rules of the Eastern District of New York for admission pro hac vice. These motions shall be on submission. If any party objects to the motion, opposition papers must be served and filed at least 2 days prior to the return date. No reply papers are permitted.

E.) *Motions Pursuant to Fed. R. App. P. 4 (a)(4)(A).* Nothing in these individual rules should be construed to require a pre-motion conference for motions pursuant to Federal Rule of Appellate Procedure 4(a)(4)(A), and such motions should be filed when made.

3. Pretrial Procedures

A. Joint Pretrial Orders and Other Pretrial Filings in Civil Cases to be Tried by a District Court Judge: If the individual rules of the district court judge require a joint pretrial order, the parties shall, on the date specified in the scheduling order, submit a joint pretrial order prepared in accordance with the district court judge's rules to Judge Wall for his review. Other pretrial filings, such as proposed voir dire questions, requests to charge, etc., shall be filed in accordance with the individual

rules of the district court judge.

B. Joint Pretrial Orders in Civil Cases to be Tried by Judge Wall: On the date specified in the scheduling order, the parties shall submit a joint pretrial order that includes 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 that 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.) any stipulations or agreed statements of fact or law that have been agreed to by all parties.

vii.) 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.

viii.) 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.

ix.) 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. All exhibits must be pre-marked for the trial and exchanged with the other parties at least 10 days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

C. Filings Prior to Trial in Civil Cases to be Tried by Judge Wall: 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.) 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 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 that should be resolved in limine.

v.) in any case where such party believes it would be useful, a pretrial memorandum.