The Board of Judges of the Eastern District of New York has agreed that to the extent the district and magistrate judges have a set of practices which they follow in most cases, they will employ one of the versions set forth below. Each judge's choices are set out on the Schedule and Information Sheet appended to this model.

RECOMMENDED MODEL FOR INDIVIDUAL JUDGE'S PRACTICES

Unless otherwise ordered by Judge X in a specific case, matters before Judge X 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.

Version 1: Copies of correspondence between counsel shall not be sent to the Court.

Version 2: Except for discovery matters, copies of correspondence between counsel shall be sent to the Court.

B. Telephone Calls.

Version 1: 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 on the attached information sheet.

Version 2: 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 on the attached information sheet.

C. Faxes.

Version 1: Faxes to chambers are not permitted unless prior authorization is obtained.

Version 2: 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 on the attached information sheet may be faxed without prior authorization. Do not follow with hard copy. The fax number is listed on the attached information sheet.

D. Docketing, Scheduling, and Calendar Matters. For docketing, scheduling and calendar matters, call the contact listed on the attached information sheet 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,

Version 1: pre-motion conferences are not required.

Version 2(a): 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.

Version 2(b): in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue or to amend a pleading pursuant to Rule 15 of the Fed. R. Civ. P. where leave of court is required.

For Both Versions 2(a) and 2(b): 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. 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. Service of the letter by the moving party within the time requirements of Rule 12 of the Fed. R. Civ. P. shall constitute timely service of a motion made pursuant to Fed. R. Civ. P. 12(b).

B. Courtesy Copies.

Version 1: Courtesy copies of motion papers should not be submitted.

Version 2(a): Courtesy copies of all motion papers, marked as such, should be submitted for chambers.

Version 2(b): In addition to motion papers, courtesy copies of pleadings, marked as such, shall be submitted to chambers, as soon as practical after filing.

C. Memoranda of Law.

Version 1: 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.

Version 2: 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.

Version 1: Motion papers shall be filed promptly after service.

Version 2: 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 <u>only</u> is to be mailed to the assigned district judge and the magistrate judge at this time.

The parties are to set up their own briefing schedule. The parties may revise the schedule on consent, informing chambers by letter.

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.

Version 1: 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.

Version 2(a): Where the parties are represented by counsel, oral argument will be held on all motions.

Version 2(b): Where the parties are represented by counsel, oral argument will be held on all motions. After the motion has been fully briefed, and after reconsultation with all parties, the moving party shall schedule oral argument on a specific [insert day of the week when the Judge normally hears oral argument on motions] at [insert time] by letter to be received by chambers and all other parties at least ten days prior to the date selected.

Version 2(c): 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.

3. Pretrial Procedures

Version 1: Pretrial orders are not required unless specifically directed by the court in a particular case.

Version 2:

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 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.

viii. **Version 2(a):** 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.

Version 2(b): 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.

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. **Version 2(c)**: A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

Version 2(d): 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.

INDIVIDUAL RULES

Hon. Arthur D. Spatt
United States District Judge
United States District Court
Eastern District of New York
Courtroom "A"
2 Uniondale Avenue
Uniondale, New York 11553

THESE INDIVIDUAL RULES WILL BE IN EFFECT AS OF JANUARY 1, 2000. ANY MOTION SERVED ON OR AFTER JANUARY 1, 2000 MUST BE IN ACCORDANCE WITH THESE RULES.

I. Correspondence:

All correspondence should be mailed to the Honorable Arthur D. Spatt, United States District Court, 2 Uniondale Ave., Uniondale, NY 11553, or delivered to the Clerk's Office. No correspondence should be delivered to chambers. The Court will not consider any ex parte correspondence or documents.

II. Telephone Calls:

Counsel are urged to communicate by letter whenever possible. For questions concerning procedure, please refer to the Federal Rules of Civil or Criminal Procedure, the Local Rules of the Eastern District of New York, and these Individual Rules. If necessary, all calls concerning the scheduling of matters should be made to Mary Ellen Schaffner, Deputy Clerk, at (516) 292-1869. All calls to chambers should be made before 9:30 a.m. or after 4:30 p.m.

There shall be no ex parte telephone calls to chambers, unless concerning the scheduling of matters or as otherwise permitted by these rules.

III. Conferences:

A. Conferences will usually be held in chambers, Room 210, at 9:00 a.m., unless otherwise directed by the Court. All parties shall appear at the Uniondale Courthouse promptly at the scheduled hour and wait in Courtroom A until called into chambers.

B. Counsel appearing at conferences should be fully familiar with the case, prepared to discuss all aspects of the case, and be authorized to consummate settlements. In this regard, counsel are expected to be fully familiar with Fed. R. Civ. R. 16 before attending any conferences.

C. Applications for adjournment of conferences or motions must be made in writing and should be directed to Ms. Schaffner. Adjournments shall be granted only upon a showing of good cause. Requests for adjournments of conferences shall be made at least two (2) business days prior to the scheduled conference.

IV. Motions:

A. Strict compliance with these rules, the Federal Rules of Civil Procedure and the Local Rules of the Eastern District of New York is required. Papers not in compliance will not be considered by the Court.

B. Parties wishing to make motions, except motions for summary judgment, admission pro hac vice, motions in conjunction with bankruptcy and social security appeals and motions objecting from a Magistrate Judge's Report and Recommendation must follow the

procedures outlined below under the "General Motion Rules". The rules governing motions for summary judgment, admission pro hac vice, motions in conjunction with bankruptcy and social security appeals and motions objecting from a Magistrate Judge's Report and Recommendation are set forth below under the appropriate headings.

C. All original motion papers, opposition papers and reply papers must be filed with the Clerk of the Court. All courtesy copies should either be mailed directly to chambers, or delivered to the Clerk's Office.

D. General Motion Individual Practices:

Pursuant to Rule 6 of the Federal Rules of Civil Procedure and Local Civil Rule 6.1, **as of January 1, 2000** the following individual Rules will govern the service and filing of motion papers. These Rules are being adopted in response to the Civil Justice Reform Act reporting requirements which have recently been amended. The amendment to the reporting requirements states: "the pending date for a motion to be reported is 30 days after the motion is filed or, if the motion papers are not filed until the motion is fully briefed, then the date the motion is first served. If no decision on the motion has been entered on the docket six months after the pending date, the motion should be reported as pending before the district or magistrate judge." In order to ensure that the Court has a full six month period to either render a decision on a fully-briefed motion, or report that no decision has been made, the following Rules have been promulgated:

1. Unless otherwise ordered by the Court, any motion, the notice of motion, supporting affidavits, and memoranda shall be served and filed as follows:

(a) On all civil motions, petitions, applications and exceptions other than motions for summary judgment, admission pro hac vice, motions in conjunction with bankruptcy and social security appeals, motions objecting from a Magistrate Judge's Report and Recommendation and petitions for writs of habeas corpus, (i) the notice of motion, supporting affidavits and memoranda of law shall be served on all other parties that have appeared in the action and filed by the moving party with the Court and; (ii) any opposing affidavits and answering memoranda of law shall be served on all other parties that have appeared in the action and filed with the Court within ten (10) business days after service of the moving papers; and (iii) any reply affidavit and reply memoranda of law shall be served on all other parties that have appeared in the action and filed with the Court within five (5) business says after service of the opposing papers.

(b) **Absent extraordinary circumstances no extensions will be granted.**

(c) 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.

(d) Courtesy copies of all motion papers shall be provided to the Court upon filing of the motion, opposition and reply briefs.

(e) A statement must be included on the cover of the moving, opposition, or reply papers as to whether oral argument is requested. If any party requests oral argument, the Court will notify the parties as to the date and time of such argument.

(f) Should the non-movant seek to make a cross-motion, this cross-motion must follow the same procedures as utilized for making the motion.

(g) Motions not in conformity with these individual practices will be returned.

(h) Motions made pursuant to Rules 26 through 37 of the Federal Rules of Civil Procedure shall be made in accordance with the Local Civil Rules and the Individual Practices of the United State Magistrate Judge.

2. Motions for Summary Judgment:

(a) Any party wishing to make a motion for summary judgment must first serve upon all parties a statement pursuant to Local Civil Rule 56.1 ("Rule 56.1") setting forth those items on which there is no material issue of fact. Each statement of material fact must be followed by a citation to evidence which would be admissible, as set forth and required by Rule 56(e) of the Federal Rules of Civil Procedure. All parties receiving such a Rule 56 statement and wishing to oppose the motion, must serve on the movant, within seven (7) days of receiving the movant's Rule 56.1 statement, an original and two copies of a counter-statement pursuant to Rule 56 setting forth those items on which there exists a genuine issue of material fact. Again, each statement of material fact must be followed by a citation to evidence which would be admissible, as set forth and required by Rule 56(e) of the Federal Rules of Civil Procedure. Should the non-movant require additional time, the parties may agree among themselves to a reasonable extension.

(b) After receiving the counter-statement pursuant to Rule 56, should the movant still wish to move for summary judgment, the movant is directed to write to the Court and request a pre-motion conference. In no more than two (2) pages, the letter should briefly state the basis for the anticipated motion. The letter shall also contain a copy of the Rule 56.1 statement and the non-movant's counter-statement. In no more than two (2) pages, all parties served with this letter must serve and file a letter in response within seven days from service of the notification letter.

(c) The arrangements for a pre-motion conference must be made with the Court prior to any deadline established by the Magistrate Judge for the making of dispositive motions.

(d) Adherence to Rule 56.1 is required. A pre-motion conference will not be held until such time that the parties are in compliance with Rule 56.1.

(e) At the pre-motion conference, if the movant decides to make a motion for summary judgment, a briefing schedule will be established by the Court at the conference in accordance with the General Motion Individual Practice Rules stated above. **There will be no adjournments of this briefing schedule.**

3. 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 seven (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. Should any party object to the motion, opposition papers must be served and filed at least two (2) days prior to the return date. There will be no reply papers permitted.

4. Bankruptcy Appeals:

The Court directs the parties to Bankruptcy Rules 8001 - 8013 regarding the filing deadlines for notices of appeal and submission of briefs, as well as the form and length of briefs. **No extensions will be granted.**

5. Social Security Appeals:

Motions for judgment on the pleading pursuant to Rule 12(c) must be made within four weeks of the filing of the transcript with the Clerk of the Court. Failure to adhere to this rule will result in dismissal of the appeal, without prejudice and with leave to re-file. **No extensions will be granted.**

6. Objections from Magistrate Judge Decisions:

All objections from Magistrate Judge decisions must be served and filed with the Clerk of the Court, with a courtesy copy to chambers, within ten (10) days from the date of service of the decision, unless otherwise directed by the Magistrate Judge. All papers responding to the objections shall be served and filed within ten (10) days from receiving the objections.

INDIVIDUAL RULES

Hon. Denis R. Hurley
United States District Judge
United States District Court
Eastern District of New York
Courtroom "B"
300 Rabro Drive
Hauppauge, NY 11788

MOTION PRACTICES

On and after January 1, 2000, all motions (except motions for admission pro hac vice, habeas motions of incarcerated petitioners and objections to a magistrate judge's report and recommendation) must follow the procedures outlined herein.

The party proposing to make a motion shall write to the Court and request a pre-motion conference and state in the letter each and every basis for the proposed motion. The opposing party shall respond to such letter within 10 days of receipt of such letter. The Court will thereafter schedule a pre-motion conference to set the dates for the service of motion papers, answering papers, and reply papers and possibly oral argument, all within a 30 day period. Once such dates have been set, no adjournments will be granted absent extraordinary circumstances. If on an extraordinary circumstance is presented, a schedule may be canceled by the Court and another schedule set.

INDIVIDUAL RULES

Hon. Joanna Seybert
United States District Judge
Eastern District of New York
Courtroom "E"
2 Uniondale Avenue
Uniondale, NY 11553[1]

Chambers: (516) 485-6728
Contacts: Charles Baran, Deputy Clerk, (516) 485-6789
Bonnie Nohs, Secretary, (516) 485-6728
Hours: 9:00 a.m. to 5:00 p.m.

THESE INDIVIDUAL RULES WILL TAKE EFFECT JANUARY 1, 2000. ANY MOTION SERVED ON OR AFTER JANUARY 1, 2000 MUST COMPLY WITH THESE RULES.

I. 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.

All correspondence should be mailed to the Honorable Joanna Seybert, United States District Court, 2 Uniondale Ave., Uniondale, NY 11553, or delivered to the Clerk's Office. No correspondence should be delivered to Chambers. The Court will not consider any ex parte correspondence or documents.

B. Telephone Calls

Counsel are urged to communicate by letter whenever possible. For questions concerning procedure, please refer to the Federal Rules of Civil Procedure, the Local Rules of the Eastern District of New York, and these Individual Rules. Except as provided in paragraph I.D. below, telephone calls to Chambers are permitted only in emergency situations requiring immediate attention. In such situations, call Chambers at the number listed above.

There shall be no ex parte telephone calls to Chambers, unless concerning the scheduling of matters or as otherwise permitted by these rules.

C. Faxes

Faxes to Chambers are not permitted unless prior authorization is obtained.

D. Docketing, Scheduling, and Calendar Matters

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[1]In Spring 2000, the Court will move to a new location at 1034 Long Island Federal Courthouse, Central Islip, New York 11722-1034.

For docketing, scheduling and calendar matters, call Charles Baran, Deputy Clerk, at the number listed above.

E. Requests for Adjournments or Extensions 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 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.

Requests for extensions of time or adjournments regarding motions, Bankruptcy Appeals, Social Security Appeals, and Objections to Orders of Magistrate Judges may be affected by the requirements of Section III., below.

II. CONFERENCES:

Conferences will be held in Courtroom E at the United States Courthouse, 2 Uniondale Avenue, Uniondale, New York. All parties shall appear at the courthouse promptly at the scheduled hour and wait in the courtroom until the case is called.

All counsel appearing at conferences should be fully familiar with the case, prepared to discuss all aspects of the case, and should be authorized to consummate settlements. In this regard, counsel are expected to be fully familiar with Fed. R. Civ. P. 16 before attending any conferences.

III. MOTIONS:

A. Strict compliance with these rules, the Federal Rules of Civil Procedure and the Local Rules of the Eastern District of New York is required. Papers not in compliance will not be considered by the Court.

B. Parties wishing to make motions, except motions for summary judgment, admission pro hac vice, motions in conjunction with Bankruptcy and Social Security Appeals and objections to orders and reports and recommendations of Magistrate Judges, must follow the procedures outlined below under the "General Motion Rules." The rules governing motions for summary judgment, admission pro hac vice, motions in conjunction with Bankruptcy and Social Security Appeals and motions objecting to orders and reports and recommendations of Magistrate Judges are set forth below under the appropriate headings.

C. All original motion papers, along with courtesy copies, must be mailed or delivered to the Clerk's Office or mailed to Chambers. Originals and courtesy copies should be mailed or delivered in the same package.

D. General Motion Rules:

Pursuant to Rule 6 of the Federal Rules of Civil Procedure and Local Civil Rule 6.1, **as of January 1, 2000**, the following Individual Rules govern the service and filing of motion papers. Unless otherwise ordered by the Court, any motion, the notice of motion, supporting affidavits, and memoranda shall be served and filed as follows:

1. On all civil motions, petitions, applications and exceptions other than motions for summary judgment, admissions pro hac vice, motions in conjunction with Bankruptcy and Social Security Appeals, objections to orders and reports and recommendations of Magistrate Judges, and petitions for writs of habeas corpus, (i) the Notice of Motion, supporting affidavits and memoranda of law shall be served on all other parties that have appeared in the action and filed by the moving party with the Court and; (ii) any opposing affidavits and answering memoranda of law shall be served on all other parties that have appeared in the action and filed with the Court within ten (10) business days after service of the moving papers; and (iii) any reply affidavit and reply memoranda of law shall be served on all other parties that have appeared in the action and filed with the Court within five (5) business says after service of the opposing papers.

2. **Absent extraordinary circumstances, no extensions will be granted.**

3. Unless prior permission has been granted, memoranda of law in support of and in opposition to 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.

4. Courtesy copies of all motion papers shall be provided to Chambers upon filing, including affidavits and memoranda of law.

5. Any party may request oral argument by letter at the time the moving or opposing or reply papers are filed. The Court will determine whether argument will be heard, and if so, will notify counsel of the argument date.

6. Should the non-movant seek to make a cross-motion, the cross-motion must follow the same procedures as utilized for making the motion.

7. Motions not conforming to these Individual Rules will be returned.

8. Motions made pursuant to Rules 26 through 37 of the Federal Rules of Civil Procedure shall be made in accordance with the Local Civil Rules and the Individual Practices of the United State Magistrate Judge.

E. Motions for Summary Judgment:

1. Any party wishing to make a motion for summary judgment must first serve upon all parties a statement pursuant to Local Civil Rule 56.1 ("Rule 56.1 Statement"), setting forth those issues as to which there is no genuine issue of material fact. Each Rule 56.1 Statement must be followed by a citation to evidence which would be admissible, as set forth and required by Rule 56(e) of the Federal Rules of Civil Procedure. All parties receiving a Rule 56.1 Statement and wishing to oppose the motion must serve on the movant, within seven (7) days of receiving the movant's Rule 56.1 Statement, an original and two copies of a counter-statement pursuant to Rule 56.1 ("Rule 56.1 Counter-Statement"), setting forth those issues as to which there exists a genuine issue of material fact. Again, each statement of material fact must be followed by a citation to evidence which would be admissible, as set forth and required by Rule 56(e) of the Federal Rules of Civil Procedure. Should the non-movant require additional time, the parties may agree among themselves to a reasonable extension.

2. After receiving the opposing party's Rule 56.1 Counter-Statement pursuant to Local Civil Rule 56.1, should the movant still wish to move for summary judgment, the movant shall write to Judge Seybert and request a pre-motion conference. In no more than three (3) pages, the letter should briefly state the basis for the anticipated motion. The letter shall also contain a copy of the

movant's Rule 56.1 Statement and the non-movant's Rule 56.1 Counter-Statement. In no more than three (3) pages, all parties served with this letter must serve and file a letter in response within seven (7) days from service of the notification letter.

3. The arrangements for a pre-motion conference must be made with Judge Seybert prior to any deadline established by the Magistrate Judge for the making of dispositive motions.

4. Adherence to Local Civil Rule 56.1 is required. A pre-motion conference will not be held until such time that the parties are in compliance with Local Civil Rule 56.1.

5. At the pre-motion conference, if the movant decides to make a motion for summary judgment, a briefing schedule will be established by the Court at the conference in accordance with Rule III.D., above. **There will be no adjournments of this briefing schedule.**

F. 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 seven (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 the motion is unopposed, the movant shall so inform the Court. Should any party object to the motion, opposition papers must be served and filed at least two (2) days prior to the return date. No reply papers are permitted.

G. Bankruptcy Appeals:

The Court directs the parties to Bankruptcy Rules 8001 - 8013 regarding the filing deadlines for Notices of Appeal and submission of briefs, as well as the form and length of briefs. **No extensions will be granted.**

H. Social Security Appeals:

Motions for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c) must be made within sixty days of the filing of the transcript with the Clerk of the Court. Failure to adhere to this rule will result in dismissal of the appeal, without prejudice and with leave to re-file. **No extensions will be granted.**

I. Objections to Magistrate Judge Orders and Recommendations

All objections to orders and reports and recommendations of Magistrate Judges must be served and filed with the Clerk of the Court, with a courtesy copy to Chambers, within ten (10) days from the date of service of the decision, unless otherwise directed by the Magistrate Judge. All papers responding to the objections shall be served and filed within ten (10) days from receiving the objections. Please consult Fed. R. Civ. P. 6(a) and 72.

IV. PRETRIAL PROCEDURES:

A. Joint Pretrial Orders in Civil Cases. Unless otherwise ordered by the Court, within sixty (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.

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 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.

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. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

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. Exhibits shall be submitted in binders with tabs, and shall include a table of contents.

B. Filings Prior to Trial in Civil Cases. Unless otherwise ordered by the Court, each party represented by counsel shall comply with the following requirements and schedule. Parties appearing pro se are to seek the Court's guidance at the pretrial conference.

i. Proposed voir dire questions: Submit two hard copies of proposed voir dire questions five (5) business days prior to jury selection date. Include a final witness list. When feasible, proposed voir dire questions also should be submitted on a diskette in WordPerfect format.

ii. Claims for relief: Submit, by claim, a detailed statement regarding damages and other relief sought fifteen (15) days prior to trial date.

iii. Elements of claims and defenses: In non-jury cases, submit, by claim, 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. Motions in limine: Submit two hard copies of all motions addressing any evidentiary or other issues which should be resolved in limine, seven (7) days prior to jury selection date.

v. Exhibits: Each party must provide two (2) sets of legible, unstapled exhibits in three-ring binder(s), tabbed sequentially, plaintiffs use numbers and defendants use letters, with an accurate, complete list of the exhibits and a brief description, at the front of each binder. The exhibits must be marked prior to trial and exhibit numbers or letters must conform with the joint pretrial order. Counsel also should include copies of any deposition testimony to be utilized at trial. Exhibits shall be submitted to the Court and exchanged with counsel three (3) business days prior to trial.

vi. Stipulations: Attorneys are to meet sufficiently before trial to discuss with each other the various relevant claims, defenses, issues and facts, and items of evidence, and to stipulate in an informal writing such items that are not in dispute. In addition, where there are no objections to authenticity or admissibility of exhibits, the parties are to so stipulate in an informal writing. This writing shall be submitted to the Court three (3) business days prior to trial.

vii. Requests to charge: Requests to charge should be limited to the elements of the claims, the damages sought and the defenses. Submit two hard copies on the date of jury selection. Parties also shall submit a proposed verdict sheet on the date of jury selection. When feasible, proposed charges and verdict sheets also should be submitted on a diskette in WordPerfect format.

viii. Bench trials: Pretrial memoranda of law, or trial briefs, may be submitted containing any legal argument that counsel wishes the Court to consider on any legal issue that counsel believes will arise at trial. Such memoranda shall not exceed ten (10) pages. Submit two hard copies seven (7) business days prior to trial. Within fifteen (15) calendar days after the trial concludes, parties shall submit proposed findings of fact and conclusions of law, with citations to the trial record, together with supporting legal authority. Submit two hard copies and a diskette in WordPerfect format.

ix. Pretrial Memoranda: In any case where a party believes it would be useful, the party may submit a pretrial memorandum fifteen (15) days prior to trial date.

xi. All documents submitted to the Court also must be served upon, or provided to, opposing counsel.

C. Notification of Settlement. Any time a settlement is reached, whether prior to jury selection or while on trial, the parties are required immediately to notify the Court. During business hours, counsel shall telephone Chambers at (516) 485-6728, and shall follow up with a formally executed Stipulation of Settlement or Discontinuance. After business hours or on weekends, counsel shall leave a message at the above number, immediately followed by a letter faxed to Chambers at (516) 485-6795 indicating that settlement has been reached.

ii *Motions*

1. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions before a magistrate judge, in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions, Social Security appeals, and Bankruptcy appeals, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue or to amend a pleading pursuant to Rule 15 of the Fed. R. Civ. P. where leave of court is required. Local Civil Rule 56.1 statements must be filed and approved by the Court before obtaining a pre-motion conference on a summary judgment motion. Each statement of fact in each 56.1 statement and each counter 56.1 statement shall be stated in a single sentence separately numbered and each such statement will be followed by a reference to the factual source (e.g. Dep. of X at pg. __ or Exh. A: at __).

   To arrange a pre-motion conference, the moving party shall submit a letter not to exceed one (1) page in length setting forth the basis for the anticipated motion. Service of the letter by the moving party within the time requirements of Rule 12 of the Fed. R. Civ. P. shall constitute timely service of a motion made pursuant to Fed. R. Civ. P. 12(b).

2. *Courtesy Copies.* In addition to motion papers, courtesy copies of pleadings, marked as such, shall be submitted to chambers, as soon as practical after filing.

3. *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.

4. *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.

   The briefing schedule will be set at the pre-motion conference. If all parties agree, they may waive the rules prescribing times for service of papers and exchange (not serve) each other with copies or drafts on an agreed, between themselves, schedule. When all such exchanges have been completed, the parties shall communicate with the Court's Case Manager (516-486-6949) to arrange for a return date and, one week prior thereto serve each other and file with the Court all of their motion papers showing a single service and file date for all papers.

   If the parties are unable to agree, this Court will set service and filing dates as follows:

   1. Movant to serve and file moving papers ten (10) days from date of pre-motion conference;
   2. Answering papers to be served and filed on ten (10) days after service of motion papers;
   3. Reply papers to be served and filed on five (5) days after service of answering papers, approximately one week before return date;
   4. Oral argument on return date.

The schedule set above shall not be changed or adjourned unless the movant withdraws the motion. Permission to withdraw a motion must, in all cases, first be obtained from this Court.

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 with the exception of motions under 28 U.S.C. sections 2254 and 2255 and motions in the context of social security appeals.

F. *Social Security Appeals.* Motions for judgment on the pleadings pursuant to Rule 12(c) must be made within two weeks of the filing of the transcript with the Clerk of the Court. Failure to adhere to this rule will result in dismissal of the appeal, without prejudice and with leave to refile. No extensions will be granted.

Hon. Steven M. Gold
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Unless otherwise ordered by Judge Gold in a specific case, matters before Judge Gold 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 <u>not</u> 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 718-260-2560.

C. Faxes

Faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than **<u>5</u>** pages may be faxed without prior authorization. **DO NOT FOLLOW WITH HARD COPY**. The fax number to chambers is 718-260-2566.

D. Docketing, Scheduling, and Calendar Matters

For docketing, scheduling and calendar matters, contact Lea Vasquez at (718) 260-2560 between 9:30 - 5:00.

E. Request for Adjournments or Extension of Time

All requests for adjournments of conferences or extensions of time **must be made in writing** and 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, in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue or to amend a pleading pursuant to Rule 15 of the Fed. R. Civ. P. where leave of court is required.

B. Courtesy Copies

Courtesy copies of all motion papers, marked as such, should be submitted for chambers.

C. 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.

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 setti

ng forth who m the mov ant repr esen t s and the pap e r s bein g serv e d . A copy o f the cov e r lette r only is to b e mail e d t o the assi gned distr i c t judg e and the mag istra t e judg e 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

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:

vii. The full caption of the action.

ii The names, addresses (including firm names), and telephone and fax numbersof trial counsel.

ii 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.

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 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.

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. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

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:

C. 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 WordPerfect format;

ii By claim, a detailed statement regarding damages and other relief sought;

ii 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.

INDIVIDUAL RULES OF
JUDGE EDWARD R. KORMAN
COURTROOM #6, FOURTH FLOOR
PaulaMarie Susi, Case Manager
(718) 260-2476

_____To facilitate the work of the Clerk's office, and to avoid confusion, all papers should bear the docket number for that case followed by the initials of the Judge (ERK) *as well as the initials of the Magistrate Judge assigned.*

CALLS

_____All calls concerning any calendar matters or adjournments should be made to Mrs. PaulaMarie Susi, Case Manager, at 718-260-2476. *Do not call regarding the **status** of any case or submission without **first** referring to the docket sheet.*

DO NOT CALL CHAMBERS.

For questions concerning procedure please refer to the Federal Rules of Civil (or Criminal) Procedure and the Local Rules of the Eastern District, and the Civil Justice Expense and Delay Reduction Plan.

Declaratory Judgment Actions brought by Insurance Companies

In any action brought by an insurance company seeking a declaration that it is not liable to defend or indemnify an insured in an action pending in another court, the insurance company must also join the plaintiff in that action. See Fed. R. Civ. P. 19; Federal Kemper Ins. Co. v. Rauscher, 807 F.2d 345, 354 & n.5 (3d Cir. 1986).

**** MOTION PRACTICE**

_____The procedures set forth apply to all dispositive motions **other than** habeas corpus/prisoner petitions, H.H.S., **pro-se** litigation (call Mrs. Susi for instructions) and motions for default (which should be submitted to the judgment clerk for the Clerk's certification prior to filing with chambers).

The moving party will prepare its notice of motion, brief, affidavits and other supporting documentation. The notice of motion **shall not contain a return date** (the return date should be inserted in the notice of motion when the moving party is ready to file all documentation with the court). These papers will be sent to all adversaries and a copy of the cover letter ONLY will be sent to Mrs. Susi. The copy of the cover letter will be filed in the Clerk's office (the submission of a copy of the cover letter will enable the judge to acknowledge and follow the status of these motions. Receipt of such letter will be sufficient to evidence the extension of the time for filing a responsive pleading (e.g., an answer) pursuant to F.R.Civ.P. 12(a) and (b).)

If the opposition papers cannot be prepared within the normal 10-day period, the parties may agree to a briefing schedule (informing the court in writing). If the parties cannot so agree, they should telephone Mrs. Susi at 718-260-2476 to obtain the time within which the opposition papers must be prepared. An original and two copies of all opposition papers are then to be served on the moving party (one copy is to be served on all other parties), with a copy of ONLY the cover letter to be sent to Mrs. Susi. One copy of the reply is to be served on all parties, with a copy of the cover letter to be sent to Mrs. Susi.

THIS PROCEDURE IS TO BE FOLLOWED FOR CROSS MOTIONS AS WELL.

After the motion has been fully briefed and is ready for submission to the court, **THE MOVANT MUST CALL MRS. SUSI TO SCHEDULE A MOTION DATE.** ANY MOTION

WHICH IS NOT PROPERLY SCHEDULED WITH THE CASE MANAGER WILL NOT BE HEARD. All original papers (only briefs in support, in opposition or in reply may be submitted -- no rebuttal, sur-reply, etc. -- . Such briefs are to comply with the local rules.), plus one copy of each together with a cover letter are then to be sent to the Clerk, each clearly marked. The originals will be filed; the copies delivered to chambers. The cover letter is to list separately **each** document (brief, affidavit, etc.) submitted. A copy of the cover letter is to be forwarded to Mrs. Susi. (The cover letter will inform the opposition of exactly what documents have been submitted.)

This procedure is not to be used for motions covering discovery, pro hac vice admissions, amendments to the pleadings, etc. (See NOTE below). For **habeas corpus**/prisoner petitions, H.H.S., or **pro-se** litigation the parties are directed to call Mrs. Susi for direction.

NOTE: All non-dispositive motions (discovery, amendments to the pleadings...) are to be considered referred to the Magistrate Judge assigned to the case. Please contact the appropriate chambers, or local motion practices, for the proper procedures.

Any questions concerning these new procedures should be directed to Mrs. Susi, **DO NOT CALL CHAMBERS.**

A self-addressed, stamped envelope should accompany all motion papers if you wish a copy of the decision.

All motions will be argued orally (except motions for reargument and appeals from Magistrate's rulings) unless all parties stipulate to waive oral argument.

OTHER

Counsel shall appear promptly for all pre-trial conferences, prepared and authorized to discuss progress in the case, scheduling of further proceedings, and possible settlement. The court may permit adjournment of a conference provided Mrs. Susi is notified three days prior to the date of conference.

Orders

Parties are to confirm the issuance of an order by checking the New York Law Journal, the docket sheet or the PACER system. Do not call chambers. Responsive or submitted orders (ie: requests for extension of time), as well as stipulations of any kind, **will not** be mailed to the parties. The order will be noticed in the New York Law Journal. Orders which originate from chambers (ie: Memoranda and Orders) will continue to be mailed to the parties **AS A COURTESY**. If you have any questions, please call Mrs. Susi.

INDIVIDUAL PRACTICES OF JUDGE DENIS R. HURLEY

Chambers, Hauppauge Courthouse
Telephone: 631-582-1117
Fax: 631-582-4733
Fax Page Limit: None, but see ¶ 1(C) infra

Contact: Patricia Best
Telephone: 631-582-1142
Hours: None Listed

Motions Returnable: Date of filing constitutes return date.

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. Other than those calls which should be directed to Judge Hurley's Courtroom Deputy, Patricia Best, as specified in Paragraph 1(D) below, telephone calls to chambers are permitted.

C. Faxes. Faxes to chambers are not permitted unless prior authorization is obtained, which will only be granted in emergency situations. Faxes sent without approval will not be accepted for filing.

D. Docketing, Scheduling, and Calendar Matters. For docketing, scheduling and calendar matters, call Judge Hurley's Courtroom Deputy, Patricia Best, at the number provided above.

E. Request for Adjournments or Extension of Time. All requests for adjournments or extensions of time must state (1) the originally scheduled 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. All requests for an adjournment, including those relating to Court appearances, shall be made at least 48 hours prior to the deadline or scheduled appearance.

2. Motions

A. Motion Practices

All motions (except (i) motions for admission pro hac vice, (ii) habeas motions of incarcerated petitioners, (iii) objections to a magistrate judge's report and recommendation, and (iv) all motions outlined in Federal Rule of Civil Procedure 6(b), where the time for filing may not be extended by the Court, for which motions, the moving party shall file the moving papers with the Court and the Court will then issue a briefing schedule) must be filed in conformity with the procedures outlined below.

The party proposing to make a motion shall write to the Court and request a pre-motion conference and briefly state in the letter each basis for the proposed motion, citing supporting authority. The opposing party shall respond to such letter within 10 days of receipt. Neither the moving letter nor the opposing letter shall exceed three (3) pages in length. Service of the letter by the moving party within the time requirements of Federal Rule of Civil Procedure 12 shall constitute timely service of a motion made pursuant to Rule 12(b). The Court will thereafter schedule a pre-motion conference to set the dates for the service of motion papers, answering papers, reply papers, and possibly oral argument, all within a 30 day period. Once such dates have been set, no adjournments will be granted absent extraordinary circumstances. If an extraordinary circumstance is presented, the motion will be withdrawn and a new schedule set by the Court.

B. 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.

C. 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.

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.

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. Parties may request oral argument by letter at the time their motion 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 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.

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 be 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. A list by each party of exhibits of be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

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. A pretrial memorandum.

Magistrate Judge
William D. Wall
Uniondale Courthouse
Telephone: (516) 485 - 9104
Fax: None listed; permitted only by
authorization of the Court
Fax page limit: None listed
Contact:Karene Harper

Motions Returnable: Return date will be 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.* 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 not permitted unless prior authorization is obtained.

D. *Docketing, Scheduling, and Calendar Matters***.** For docketing, scheduling and calendar matters, call the contact listed above.

E. *Requests for Adjournments or Extensions 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, in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue or to amend a pleading pursuant to Rule 15 of the Fed. R. Civ. P. where leave of court is required.

To arrange a pre-motion conference, the moving party shall submit a letter not to exceed 3 pages in length setting forth the basis for the anticipated motion. All parties so served must serve and file a letter response, not to exceed 3 pages, within 7 days from service of the notification letter. Service of the letter by the moving party within the time requirements of Rule 12 of the Fed. R. Civ. P. shall constitute timely service of a motion made pursuant to Fed. R. Civ. P. 12 (b).

B. *Courtesy Copies.* Courtesy copies of all motion papers, marked as such, should be submitted for chambers.

C. *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.

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 <u>only</u> is to be mailed to the assigned district judge and the magistrate judge at this time.

The parties are to set up their own briefing schedule. The parties may revise the schedule on consent, informing chambers by letter.

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*. 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 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 that 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 that should be resolved in limine; and,

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

INDIVIDUAL PRACTICES OF
JUDGE CAROL BAGLEY AMON

Brooklyn Courthouse
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Fax: 718-260-2417
Fax Page Limit: 10 pages
Contact: CR: Vanessa Holley -- CV: Marie Liberatore
Telephone: Holley: 260-2415 -- Liberatore: 260-2410
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. All faxes should be followed with a 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.

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, in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue or motion to amend a pleading pursuant to Rule 15 of the Fed. R. Civ. P. where leave of court is required.

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. 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. Service of the letter by the moving party within the time requirements of Rule 12 of the Fed. R. Civ. P. shall constitute timely service of a motion made pursuant to Fed. R. Civ. P. 12(b).

B. Courtesy Copies. Courtesy copies of all motion papers, marked as such, should be submitted for chambers.

C. Memoranda of Law. 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. The parties are to set up their own briefing schedule and submit it to the Court for approval. 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.

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 chambers and the assigned magistrate judge at this time.

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. Summary Judgment Motions Against Pro Se Litigants. In any case where a summary judgment motion is filed against a pro se litigant, the moving party is directed to comply with the notice required by Local Civil Rule 56.2, entitled Notice to Pro Se Litigants Opposing Summary Judgment.

3. Joint Pretrial Orders. The Pretrial Order to be submitted shall include the below listed items, and be governed by the directions and principles stated herein. The Pretrial Order controls the subsequent course of the action unless the order is modified by consent of the parties and the court, or by order of the court to prevent manifest injustice. The Pretrial Order shall be submitted on a date set by the United States Magistrate Judge to whom the case has been referred, but in no event will that date be later than 60 days from the date set for the completion of discovery in a civil case.

A. Contents of Pretrial Order. The Pretrial Order shall be submitted with a full, unabbreviated caption. Each of the following topics shall be addressed in a separately-labeled schedule. Counsel should work together to prepare any schedules, e.g., stipulations or consent to trial before the magistrate, which require agreement of the parties. Where applicable, e.g., exhibits or witnesses, each party will submit an individual schedule labeled as such.

i. Parties and Counsel. The names, firm names, addresses, and telephone and fax numbers of trial counsel.

ii. Jurisdiction. 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 set forth applicable statutes and legal doctrines as well as relevant facts such as citizenship and jurisdictional amount.

iii. Claims and Defenses. 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. The parties waive all claims and defenses not set forth in the Pretrial Order.

iv. Damages. A brief statement of the damages claimed or other relief sought.

v. Jury or Bench Trial. A statement as to whether the case is to be tried with or without a jury, and the number of trial days needed.

vi. Consent to Magistrate. 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. Stipulations. Any stipulations or statements of fact or law which have been agreed to by all parties.

viii. 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. For expert witnesses list, in addition, the area of expertise.

ix. Exhibits. A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. Plaintiff's exhibits shall be identified by numbers, defendant's by letters. Each exhibit shall be identified and described. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. Copies of statements proposed to be read to the jury as "learned treatises" under FRE 803(18) shall be listed as exhibits. Copies of those portions of depositions intended to be offered into evidence shall also be listed as exhibits.

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. Except for good cause shown, only listed exhibits will be received in evidence.

B. Directions for Filing a Pretrial Order

i. Plaintiff's counsel shall, three weeks prior to the date fixed for filing the Pretrial Order, prepare and serve on all opposing counsel a Proposed Pretrial Order with attached schedules.

ii. All opposing counsel shall, within one week of receipt of plaintiff's proposed order, prepare any additional schedules and deliver them in final form to plaintiff's counsel for inclusion in the final Pretrial Order. Opposing counsel's failure timely to provide plaintiff with schedules may be deemed a waiver of the right to do so.

iii. Plaintiff's counsel, on the date fixed, will file with this court two copies of the final proposed Pretrial Order. A copy of this final order will also be served on opposing counsel on the same date.

iv. When separate schedules are submitted on any given topic, they shall be clearly labeled as such.

v. The timing of the exchanges noted above may be altered by the United States Magistrate Judge to whom the case has been referred, as long as the dates given permit the exchange of information prior to the filing date for the Pretrial Order. Under no circumstances should the parties file separate Pretrial Orders. The parties are directed to cooperate with each other in the preparation of a joint Pretrial Order.

4. Final Pretrial Conference

A. Document Exchange. Prior to attending the pretrial conference on a date to be scheduled by this court, counsel shall exchange copies of all documents proposed to be used in evidence, and shall be prepared to discuss and have the court rule on objections to exhibits.

B. Pretrial Conference. Counsel shall attend the pretrial conference and be prepared and authorized to stipulate for purposes of narrowing the issues and proof and to discuss and conclude settlement.

C. Premark Exhibits. Immediately following the pretrial conference, on the same day, counsel shall meet with the courtroom deputy to premark their exhibits, using the numbering assigned to them in the exhibit schedules of the Pretrial Order.

5. One Week Prior to Trial

A. In Jury Trials:

i. Legal Memoranda. Counsel for each party shall provide the court with legal memoranda addressing all contested legal issues and anticipated evidentiary problems.

ii. Voir Dire Requests. Counsel for each party shall provide the court with any voir dire requests which pertain specifically to the case at issue. Routine voir dire requests are not required.

iii. Requests to charge. Each party shall submit written requests to charge the jury. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format.

B. In Non-Jury Cases. Each party shall file with the court:

i. Copies of the proposed exhibits in a suitable binder.

ii. Proposed findings of fact and conclusions of law, not to exceed fifteen pages without the express approval of the court.

iii. A legal memorandum addressing all contested legal issues.

INDIVIDUAL PRACTICES OF
JUDGE NICHOLAS G. GARAUFIS

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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, communication 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.

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C. *Faxes.* Faxes to chambers re 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 reason given by the adversary for refusing to consent. If the requested adjournment or extension affects no other scheduled dates, 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, in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue, or to amend a pleading pursuant to Rule 15 of the Fed. R. Civ. P. where leave of court is required.

B. *Courtesy Copies.* Courtesy copies of all motion papers, marked as such, should be submitted for changers.

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.* 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.

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 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.

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 pre-marked 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 elements of the claims, the damages sought and defenses. Genera 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.

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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.