

**Individual Practices of  
Magistrate Judge Arlene R. Lindsay  
Long Island Federal Courthouse  
814 Federal Plaza  
Central Islip, New York 11722-4451**

Unless otherwise ordered by the judge in a specific case, matters before Judge Lindsay 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 and with service on all parties indicated on the letter. Copies of correspondence between counsel shall not be sent to the Court. Letters are not to exceed three (3) pages in length.

B. *Faxes.* **Faxes to chambers are not permitted** unless prior authorization is obtained. When an authorized fax has been sent, **do not also send a copy by mail**. Papers faxed to chambers must also be faxed to all other parties.

C. *Requests for Adjournments or Extensions of Time.* All requests for adjournments or extensions of time shall be made **at least 48 hours prior** to the scheduled appearance or deadline, absent an emergency. Such letter applications must state the reason for the adjournment or extension, whether all parties consent and, where appropriate, a proposed amended pre-trial scheduling order or an indication of when the parties are available.

*2. Motions*

A. *Discovery Motions.*

Discovery motions may be made pursuant to Local Rule 37.3. A letter motion, not exceeding three (3) pages in length, may be submitted and should succinctly describe the discovery problem and the relief sought. A letter opposing the motion, not exceeding three (3) pages in length, may be submitted within three (3) business days of receipt of the letter motion. Replies are not permitted absent permission from the Court. The parties are advised that they must attempt to resolve disputes by conferring in good faith with their adversary. The Court interprets good faith to be in-person contact either by telephone or in person.

*B. Dispositive Motions.*

Dispositive motions must be made to the presiding District Judge in accordance with his or her individual rules unless the parties have consented to Magistrate Judge Lindsay's jurisdiction for all purpose.

*C. General Motion Practices.*

1. Service and Filing: Unless otherwise ordered by the court, motion papers shall be filed in accordance with Local Rule 6.1. motion papers are not to be filed until the motion is fully briefed "Bundle Rule". Absent extraordinary circumstances no extensions will be granted.
2. Memorandum 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. Memoranda of 10 pages or more shall contain a table of contents.
3. Courtesy copies of all motion papers to be decided by Magistrate Judge Lindsay shall be provided to the Court upon filing of the motion, opposition, and reply briefs. Do not provide Magistrate Judge Lindsay with courtesy copies of dispositive motions made to the presiding District Judge.
4. 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.
5. Should the non-movant seek to make a cross-motion, the cross-motion must follow the same procedures utilized for making the motion.
6. To the extent exhibits for any hearing, summary judgment motion or trial are provided to the Court by mail, federal express, hand delivery or physically delivered by any other means due to the length of the exhibits, a letter containing a list of all exhibits delivered to the Court shall be filed on ECF.
7. Motions not in conformity with these individual practices will be returned.

*D. Motions for Summary Judgment in Cases Before Magistrate Judge Lindsay for All Purposes.*

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") setting forth those items about 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 56.1 statement and wishing to oppose the motion must serve on the movant, within seven (7) business days of receiving the movant's Rule 56.1 statement, an original and two copies of a counter-statement pursuant to Rule 56.1 setting forth those items about which there exists a genuine issue of material fact. Again, a 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.
2. 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 statement and the non-movant's counter-statement. The pre-motion conference date will be set by the Court.
3. 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.
4. 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 in accordance with the General Motion Practices stated above.

E. *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) business 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) business days prior to the return date. No reply papers are permitted.

F. *Social Security Appeals.*

1. Briefing Schedule, Filing, and Courtesy Copies:

a. Briefing Schedule: For all cases filed on or after December 1, 2022, the parties shall comply with the procedures set forth in Administrative Order 2023-06 ("In re: Briefing of Social Security Cases") ("AO").

b.

Filing: No motion papers shall be filed until the motion has been fully briefed. That is, the parties shall serve each other with moving papers, opposition papers and reply, if any. Once motion is fully briefed (all papers served), then the movant(s) shall electronically file the entire set of motion papers along with the stipulations of fact, and the Administrative Record.

c. Courtesy Copies: After filing, the movant(s) shall mail to Chambers one hard copy of all motion papers, and stipulations of fact marked as "Courtesy Copy." Defendant shall mail to Chambers one hard copy of the Administrative Record. In all cases in which the plaintiff is represented by counsel, the parties are to electronically transmit a Microsoft Word Document version of the stipulation of facts to Chambers via the Chambers email.

2. *Stipulation of Facts*

a. In all cases in which Plaintiff is represented by counsel, parties seeking or opposing judgment on the pleadings in social security cases shall confer and prepare a stipulation of facts with a chronology of medical treatment. The stipulation of facts shall have two (2) parts, each containing numbered paragraphs.

i. Part one shall set forth all relevant undisputed facts in the administrative record, including information contained in the treatment and medical records, in chronological order and with citations to the record.

ii. Part two shall set forth all relevant disputed facts. Each numbered paragraph shall be followed by short, and concise statements by the parties.

Plaintiff must state its contentions as to the alleged

legal errors in the Secretary's determination and/or the specific findings of the decision of the Administrative Law Judge ("ALJ") that plaintiff contends is not supported by substantial evidence.

Failure to submit such a statement may constitute grounds for denial of the motion, and failure to identify a legal error or finding unsupported by substantial evidence may be deemed a waiver of such argument. Defendant shall include responsive statements to each of Plaintiff's contentions. The failure to include such an opposing statement may result in the striking of the opposition to the motion.

- b. Each contention by the movant and opponent made pursuant to this rule must be followed by citations to the administrative record, identifying evidence supporting and/or rebutting each said contention.

By way of example, if Plaintiff contends that the ALJ failed to properly assess Plaintiff's residual functional capacity, Plaintiff's Statement of Contentions should identify with particularity the aspects of Plaintiff's purported disability which were disregarded by the ALJ along with specific page citations identifying evidence supporting this claim. Defendant, in turn, in its Opposing Statements should provide citations identifying the evidence which it believes the ALJ properly relied upon in reaching a determination as to those specific findings.

### *3. Pretrial Procedures in cases before Magistrate Judge Lindsay for all Purposes.*

A. *Joint Pretrial Orders.* On or before the date set forth in the Scheduling Order, 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. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.
- vii. 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.
- viii. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.
- ix. A list by each party of exhibits to be offered in its case in chief. Any party objecting to an exhibit must list their objection and the grounds.

The Parties are advised that failure to timely and fully submit could lead to rescheduling of trial date.

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:

- i. 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.
- ii. By claim, a proposed verdict sheet;
- 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. Motions in limine; and

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

## STIPULATION AND ORDER REGARDING CONFIDENTIAL INFORMATION

The following provisions shall govern the exchange of confidential information in this matter:

1. Counsel for any party may designate any document, information contained in a document, information revealed in an interrogatory response or information revealed during a deposition as confidential if counsel determines, in good faith, that such designation is necessary to protect the interests of the client. Information and documents designated as confidential are to be stamped "CONFIDENTIAL." "Confidential" information or documents may be referred to collectively as "Confidential Information."
2. Unless ordered by the court or otherwise provided for herein, the Confidential Information disclosed will be held and used by the person receiving such information solely for use in connection with the above-captioned action.
3. In the event that a party challenges another party's designation, counsel shall make a good faith effort to resolve the dispute, and in the absence of a resolution, the challenging party may thereafter seek resolution by the court. Nothing in this Protective Order constitutes an admission by any party that Confidential Information disclosed in this case is relevant or admissible. Each party specifically reserves the right to object to the use or admissibility of all Confidential Information disclosed, in accordance with applicable laws and court rules.
4. Newly joined parties and nonparties producing documents pursuant to Rule 45 must agree to be fully bound by the Confidentiality Order before it can be made applicable to them.
5. Information or documents designated as "Confidential" shall not be disclosed to any person except:
  - a. The requesting party and counsel, including in-house counsel;
  - b. Employees of such counsel assigned to and necessary to assist in the litigation;
  - c. The Court (including the clerk, court reporter or stenographer, or other person having access to Confidential Information by virtue of his or her position with the Court) or the jury at trial or as exhibits to motions.
  - d. Subject to the condition set forth in Paragraph 6 below: consultants or experts in the prosecution or defense of the matter, to the extent deemed necessary by counsel;
  - e. Subject to the condition set forth in Paragraph 6 below: any person from who testimony is taken or is to be taken in this action, except that such a person may



only be shown Confidential Information during and in preparation for his/her testimony and may not retain the Confidential Information; and

6. Prior to disclosing or displaying Confidential Information to any person, counsel shall:
  - a. inform the person of the confidential nature of the information or documents;
  - b. inform the person that this Court has enjoined the use of the information or documents by him/her for any purpose other than this litigation and has enjoined the disclosure of that information or documents to any other person.
7. The Confidential Information may be displayed to and discussed with the persons identified in Paragraphs 4(d) and (e) only on condition that prior to any such display each person must sign an agreement to be bound by this Order in the form attached hereto as Exhibit A. In the event that such person refuses to sign an agreement in the form attached as Exhibit A, the party desiring to disclose the Confidential Information may seek appropriate relief from the Court.
8. The disclosure of a document or information without designating it as “confidential” shall not constitute a waiver of the right to designate such document or information as Confidential Information provided the material is designated pursuant to the procedures set forth herein no later than fourteen (14) days after that close of discovery or fourteen (14) days after the production of the document or information. If so designated, the document or information shall thenceforth be treated as Confidential Information subject to all of the terms of the Stipulation and Order.
9. All information subject to confidential treatment in accordance with the terms of this Stipulation and Order that is filed with the Court, including any pleadings, motions or other papers filed with the Court that includes Confidential Information, shall be filed under seal to the extent permitted by law (including, without limitation any applicable rules of court) and shall be kept under seal until further order of the Court. To the extent that the Court requires any further act by the parties as a precondition to the filing of documents under seal (beyond the submission of this Stipulation and Order Regarding Confidential Information), it shall be the obligation of the producing party of the documents to be filed with the Court to satisfy any such precondition. Where possible, only confidential portions of the filings with the Court shall be filed under seal.
10. At the conclusion of the litigation, the Confidential Information and any copies thereof shall be promptly (and in no event no later than thirty (30) days after entry of final judgment no longer subject to further appeal) returned to the producing party or certified as destroyed, except that the parties’ counsel shall be permitted to retain their working files on the condition that such files will remain confidential.

The foregoing is without prejudice to the right of any party to apply to the Court for any further Protective Order relating to Confidential Information; or to object to the production of documents or information; or to apply to the Court for an order compelling production of

documents or information; or for modification of this order. This Order may be enforced by any party and any violation of this order may result in the imposition of sanctions by the Court.

**Exhibit A to Stipulation and Order Regarding Confidential Information**

I have been informed by counsel that certain documents or information to be disclosed to me in connection with the matter entitled: \_\_\_\_\_ have been designated as confidential. I have been informed that any such documents or information labeled "CONFIDENTIAL" are confidential by Order of the Court.

I hereby agree that I will not disclose any information contained in such documents to any other person. I further agree not to use any such information for any purpose other than this litigation.

DATED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed in the presence of:

\_\_\_\_\_  
(Attorney)