

**INDIVIDUAL PRACTICES AND RULES OF  
JUDGE ALLYNE R. ROSS  
United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201  
Telephone: (718) 613-2380  
Fax: (718) 613-2386  
Contact for Criminal Cases: Dennis LaSalle – Tel. (718) 613-2385**

Unless otherwise ordered, matters before the judge shall be conducted in accordance with the following practices:

I. CASE FILINGS

A. *Electronic Case Filing (ECF)*

Counsel must file all documents electronically. When orders are posted electronically, parties not registered on ECF (with the exception of pro se parties) will not receive them.

Pro se parties are automatically exempt from mandatory electronic filing. However, parties represented by counsel in cases involving a pro se litigant must still use ECF, and they must mail a hard copy of all documents to the pro se litigant.

The Eastern District's guide for ECF is available at <https://img.nyed.uscourts.gov/files/forms/ecf-usermanual.pdf>. Any questions regarding ECF should be directed to the contacts listed in the guide and not to chambers.

B. *Filing Under Seal*

Written submissions to be filed under seal should also be filed on ECF. Instructions for electronically filing sealed documents are available on the Eastern District's website at <https://img.nyed.uscourts.gov/files/forms/EfilingSealedCV.pdf> (civil) and <https://img.nyed.uscourts.gov/files/forms/EfilingSealedCR.pdf> (criminal). Unless prior approval has been granted, each submission shall be accompanied by an explanation of why sealing is necessary.

C. *Court's Review of ECF Submissions*

As a general matter, materials filed via ECF are reviewed by chambers the first business day after submission. If a submission requires immediate attention, please notify chambers by telephone after filing via ECF.

D. *Courtesy Copies*

Hard copies of all written motions and briefs must be provided to chambers. All such papers must be clearly marked “COURTESY COPY - ORIGINAL FILED BY ECF AND ASSIGNED DOCKET NUMBER X.” Additionally, copies of joint pretrial orders and accompanying exhibits, as specified in Part IV of this order, should be provided to chambers as courtesy copies. The parties are not required to submit hard copies of other documents, including complaints and extension requests, as courtesy copies.

Parties filing voluminous or non-text exhibits may choose to file only hard copies of those exhibits when filing them electronically is impractical. If exhibits are not electronically filed, one copy of each exhibit must be clearly marked “ORIGINAL” and another “COURTESY COPY.” Related papers that are electronically filed must clearly indicate that exhibits have been filed by hard copy.

E. *Requests for Adjournment or Enlargement of Time*

All requests for adjournment or enlargement of time must be in writing and state (1) the original date, (2) the number of previous requests for adjournment or enlargement, (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 enlargement affects any other scheduled dates, a proposed Revised Scheduling Order must be attached. If the request is for an adjournment of a court appearance, it shall be made at least 48 hours prior to the scheduled appearance, absent an emergency.

II. COMMUNICATIONS WITH CHAMBERS

A. *Written Communications with Chambers*

Except as provided below, all communications with chambers shall be in writing and filed via ECF, with copies simultaneously delivered to all parties who do not receive automatic notification through ECF. Copies of correspondence between counsel shall not be sent to the court.

B. *Telephone Calls*

Only attorneys and their staff may call chambers; the parties themselves may not. When calling chambers, please state the full case name and docket number.

Pro se litigants may not call chambers and must instead call the pro se office at (718) 613-2665.

C. *Faxes*

Faxes to chambers are permitted only if copies are simultaneously faxed or delivered to all counsel. No document longer than ten (10) pages may be faxed without prior authorization. Documents faxed must also be electronically filed.

III. MOTIONS

A. *Pre-Motion Conferences in Civil Cases*

In cases where one or more party is pro se, a pre-motion conference is not required.

In cases where all parties are represented, a pre-motion conference with the court is required before making any of the following motions:

- i. Any motion pursuant to Rules 12 or 56 of the Federal Rules of Civil Procedure;
- ii. Any motion for a change of venue; or
- iii. Any motion to amend a pleading pursuant to Rule 15 of the Federal Rules of Civil Procedure where leave of the court is required.

This rule does not apply where the case is a habeas corpus petition, a prisoner petition, or a social security appeal or bankruptcy appeal. Further, it does not apply to any motions not specifically enumerated above.

Requesting a Pre-Motion Conference

To request a pre-motion conference, the moving party shall submit a letter, not to exceed three (3) pages, setting forth the legal and factual basis for the anticipated motion. Parties must use the “letter” event on ECF, not the “motion” event. All parties so served must file and serve a letter response, not to exceed three (3) pages, within seven (7) business days from service of the pre-motion letter.

Briefing Schedule

After the pre-motion conference, the court will approve a briefing schedule. No subsequent changes to the briefing schedule may be made without court approval.

### Time to File

For purposes of the timing requirements under Rule 12(a) and Rule 56(b), a pre-motion letter requesting permission to file a motion under those rules shall be considered the equivalent of the motion itself.

### Filing of Motion Papers

In cases where a pre-motion conference is required, the parties shall not file their motion papers via ECF until the motion has been fully briefed.

To start the briefing process, a notice 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 – and not the papers themselves – shall be filed electronically using the “letter” event on ECF, not the “motion” event or “notice of motion” event.

On the day that the motion is fully briefed, the moving party shall electronically file all motion papers. At that time, the moving party shall also furnish chambers with a full set of courtesy copies of the motion papers, together with a letter specifying each document in the bundle.

In cases where a pre-motion conference is not required, the parties need not wait until the motion is fully briefed to electronically file their motion papers. However, once the motion is fully briefed, the moving party (or the non-moving party, if the moving party is pro se) shall furnish chambers with a full set of courtesy copies of the motion papers.

### B. *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. Parties should use Times New Roman 12-point font and one-inch margins. All memoranda ten (10) pages or longer shall contain a table of contents and table of authorities.

### C. *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 Litigant Who Opposes a Summary Judgment.

D. *Oral Argument on Motions*

Parties may request oral argument by letter at the time their moving, opposing, or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise parties of the argument date.

E. *Motions Implicating Fed. R. App. P. 4(a)(4)(A) or Similar Time-Limiting Rules*

If any party concludes in good faith that delaying the filing of a motion, in order to comply with any aspect of these individual practices, will deprive the party of a substantive right, the party may file the motion within the time required by the Federal Rules of Civil and/or Appellate Procedure, together with an explanation of the basis for the conclusion.

IV. PRETRIAL PROCEDURES IN CIVIL CASES

A. *Joint Pretrial Orders*

The Pretrial Order shall be prepared under the supervision of the magistrate judge to whom the case has been assigned in accordance with the schedule set by the magistrate judge. The parties are directed to cooperate with each other in the preparation of the Pretrial Order, which shall include the following topics addressed and labeled as follows:

1. Caption. The full unabbreviated caption.
2. Parties and counsel. The names, addresses, email addresses, and telephone and fax numbers of trial counsel.
3. 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 as to citizenship and jurisdictional amount.

4. 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.
5. Consent to trial by a magistrate judge. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge. The statement shall not identify which parties have or have not consented.
6. Trial memorandum. In a jury trial, a trial memorandum from each party that identifies all claims and defenses asserted by that party and the substantive law governing those claims and defenses. Each party shall identify and address any disagreements between the parties regarding the governing law, with citations to the legal authority upon which the party relies. Each party shall identify all claims and defenses previously asserted which are not to be tried. The parties waive all claims and defenses not set forth in the trial memorandum.
7. Proposed findings of fact and conclusions of law. In a bench trial, each party's proposed findings and fact and conclusions of law, not to exceed fifteen (15) pages without the express approval of the court.
8. Damages and relief. A brief statement of the categories and amounts of damages claimed or other relief sought.
9. Stipulations. Any stipulations or statements of fact or law to which the parties have agreed.
10. Witnesses. A list of names and addresses of all witnesses, together with a detailed narrative statement of the expected testimony of each witness. For expert witnesses, in addition, the area of expertise. The parties shall designate whether each listed witness is expected to testify in the case-in-chief or is expected to be called only for impeachment or rebuttal purposes. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown. The parties shall list and briefly describe the basis for any objections that they have to any witness designated by any party.
11. Deposition Testimony. A designation by each party of those portions of deposition testimony intended to be offered into evidence, with any cross-designations and objections by any other party.
12. 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. The parties should also provide a *separate* schedule listing impeachment documents and/or 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. Each exhibit shall be identified and described. Plaintiff's exhibits shall be identified by numbers, defendant's exhibits shall be identified by letters. All exhibits must be pre-marked for trial and exchanged with the other parties.

The parties shall list and briefly describe the basis for any objections 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 listed exhibits will be received in evidence, except for good cause shown.

The parties shall furnish to chambers at the time of filing the Pretrial Order two courtesy copies of pre-marked exhibits with tabs reflecting each exhibit's corresponding number or letter.

13. Motions in limine. All motions addressing any evidentiary or other issues which should be resolved in limine as well as any oppositions or replies to such motions. This includes evidentiary issues pertaining to any proposed witness, expert, deposition designation, or exhibit.
14. Joint request to charge. Proposed jury instructions for each claim, including citations to model instructions or relevant case law. In preparing the joint request, the parties shall confer in good faith and attempt to resolve any disagreements.

If parties are unable to resolve a disagreement over proposed jury instructions, they must submit a single redlined instruction with one party's edits to the other party's proposed language. Each party must also submit a memorandum of law explaining why their version is correct and their adversary's version is incorrect. In addition to filing these documents via ECF as part of the Pretrial Order, the parties must submit an electronic version of the redlined instruction to the court in .doc or .docx format through an email address that the court will provide upon request.

B. *Final Pretrial Conference*

The court will hold a final pretrial conference at which it will address all outstanding matters and set the date for trial.

C. *Voir Dire Requests*

Counsel for each party shall provide the court with any voir dire requests that pertain specifically to the case one (1) week prior to the commencement of trial. Standard voir dire requests should not be submitted.