

**INDIVIDUAL PRACTICE RULES OF  
JUDGE DIANE GUJARATI**

*Revised November 8, 2023*

United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201  
Courtroom: 4B South  
Chambers: (718) 804-2730  
Courtroom Deputy Andrew D’Agostino: (718) 804-2735

**Rules at a Glance**

	<b>Issue</b>	<b>Requirement</b>	<b>Individual Rule No.</b>	<b>Page</b>
<b>Case Filings</b>	Electronic Case Filing (“ECF”)	Mandatory, except for <i>pro se</i> litigants.	I.A	1
	Filing Under Seal	File via ECF under seal.	I.B	1
	Courtesy Copies	Suspended until further notice.	I.C	1
	Text-Searchable Submissions	Mandatory for all submissions.	I.D	2
	Redline Copies of Amended or Supplemented Pleadings	Attach a redline comparison (or equivalent) as an exhibit.	I.E	2
	Requests for Adjournments/Extensions	Provide at least two (2) business days’ notice.	I.F	2
<b>Communications with Chambers</b>	Written Communications	File via ECF.	II.A	2
	Telephone Calls	Permitted for urgent matters or if seeking adjournment of an appearance scheduled to take place within 24 hours.	II.B	2
<b>Civil Motions</b>	Pre-Motion Conferences	<p>Required for <i>Daubert</i> motions and motions under Fed. R. Civ. P. 12 or 56 in all cases except bankruptcy appeals, social security appeals, habeas corpus/prisoner petition cases, or cases in which one or more parties are proceeding <i>pro se</i>. For cases in which one or more parties are proceeding <i>pro se</i>, joint proposed briefing schedule required in lieu of pre-motion conference request.</p> <p>For <i>Daubert</i> motions and motions under Fed. R. Civ. P. 12: Three (3) pages for letter requesting pre-motion conference. Three (3) pages for response, due within one (1) week. For motions under Fed. R. Civ. P. 12, response must state whether party will seek leave to amend.</p>	III.A	3

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	Issue	Requirement	Individual Rule No.	Page
		For motions under Fed. R. Civ. P. 56: Three (3) pages for letters requesting pre-motion conference. Rule 56.1 Statement required. Three (3) pages for response. Responsive Rule 56.1 Statement required. Response letter and responsive Rule 56.1 Statement due within two (2) weeks.		
	Briefing Schedule	To be set by the Court. As a courtesy, the Court requests that parties refrain from filing motion papers until a motion is fully briefed, unless doing so might cause a party to miss an applicable deadline.	III.B	4
	Memoranda of Law	Twenty-five (25) pages for opening and opposition briefs, ten (10) pages for reply briefs; tables of contents and tables of authorities required.	III.C	5
	Evidentiary Citations	Required for any submission that cites record material.	III.D	5
	Oral Argument on Motions	Parties may request on moving or opposing papers.	III.E	5
	Reports and Recommendations	Objections and responses not to exceed fifteen (15) pages. Requests for extensions of time to file objections and/or responses to be addressed to Judge Gujarati.	III.F	6
<b>Civil Pretrial Procedures</b>	Thirty (30) Days Post-Discovery	File a proposed joint Pretrial Order. (If dispositive motion pending, proposed joint Pretrial Order due thirty (30) days after resolution of motion.)	IV.A	6
	Thirty (30) Days Before Trial	File motions <i>in limine</i> . Responses due ten (10) days after motion filed.	IV.B.1	7
	Three (3) Weeks Before Trial	File requests to charge, proposed verdict sheets, and proposed <i>voir dire</i> questions.	IV.B.2	8
	One (1) Week Before Trial	Provide the Court with three (3) tabbed binders containing copies of all exhibits and provide exhibit list.	IV.C.1	8
<b>Notification of Settlement</b>	Timing and Procedures	Prompt notification of settlement and filing of appropriate paperwork.	V	8
<b>Criminal – General</b>	Preliminary Matters	Prompt notification of a new case and confirmation regarding SDNY USAO Criminal Division involvement.	VI.A	9

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	<b>Issue</b>	<b>Requirement</b>	<b>Individual Rule No.</b>	<b>Page</b>
	Speedy Trial Act Exclusions of Time	Parties must be prepared to state the ground(s) supporting an exclusion at the time the exclusion is requested.	VI.B	9
	Applications Regarding Bail Status	Notify the Court of the anticipated application as soon as practicable and in advance of any proceeding at which the Court will be asked to rule on the application.	VI.C	9
	Change of Plea Hearings	Parties to provide elements sheet and any relevant agreement and/or penalty sheet. Motions to accept pleas taken by Magistrate Judges should be made within twenty-one (21) days after change of plea hearing.	VI.D	9
	Motions	Briefing schedule to be set by the Court. For Memoranda of Law, <i>see</i> Rule III.C. For Evidentiary Citations, <i>see</i> Rule III.D. Parties may request oral argument.	VI.E	10
<b>Criminal – Trial</b>	Thirty (30) Days Before Trial	File motions <i>in limine</i> . Responses due ten (10) days after motion filed.	VII.A.1	10
	Three (3) Weeks Before Trial	File requests to charge, proposed verdict sheets, and proposed <i>voir dire</i> questions.	VII.A.2	10
	One (1) Week Before Trial	Provide the Court with three (3) tabbed binders containing copies of all exhibits and provide exhibit list.	VII.B.1	10
<b>Sentencing</b>	Sentencing Memoranda	Due three (3) weeks before sentencing for defendants and two (2) weeks before sentencing for the Government.	VIII.A	11
	Applications for Adjournments	Due at least one (1) week before the date of sentencing.	VIII.B	11
<b>Non-Jury Civil and Criminal Trials</b>	Proposed Findings of Fact and Conclusions of Law	File proposed findings of fact and conclusions of law no later than ten (10) days post-trial; no responses permitted.	IX	11

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	<b>Issue</b>	<b>Requirement</b>	<b>Individual Rule No.</b>	<b>Page</b>
<b>Matters Involving <i>Pro Se</i> Litigants</b>	Responsibilities of <i>Pro Se</i> Litigants	Communicate with the Court in writing and ensure that contact information is current.	X.A	11
	Responsibilities of Represented Parties	Ensure adherence to and compliance with all applicable rules; provide copy of the Court’s Individual Practice Rules to <i>pro se</i> litigants; mail all documents filed to <i>pro se</i> litigants.	X.B	11

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Unless otherwise ordered, matters before Judge Gujarati will be conducted in accordance with the following practices:

**I. Case Filings**

**A. Electronic Case Filing (ECF)**

1. Counsel must file all documents electronically via ECF.
2. *Pro se* parties are exempt from electronic filing. Nevertheless, a party represented by counsel in a case involving a *pro se* litigant must still file all documents electronically via ECF and must also mail a hard copy of all documents to the *pro se* litigant. See Rule X below (governing matters involving *pro se* litigants).
3. Orders will be posted electronically and will not otherwise be mailed or provided to litigants, except in the case of *pro se* litigants not registered for electronic filing.
4. Any request for relief from the Court, including a request for an adjournment or extension of time, must be filed as a “motion” on ECF.
5. Chambers staff cannot help with filing via ECF. For ECF assistance, please call the ECF helpline at (718) 613-2285.

**B. Filing Under Seal**

Any party seeking to file a submission under seal shall file the proposed sealed document(s) and sealing motion via ECF in accordance with the instructions on the Eastern District’s website at:

- <https://img.nyed.uscourts.gov/files/forms/EfilingSealedCV.pdf>  
(civil filings)
- <https://img.nyed.uscourts.gov/files/forms/EfilingSealedCR.pdf>  
(criminal filings)

Parties must comply with Administrative Order No. 2004-05, *In Re: Requests to Seal Documents* (E.D.N.Y. Apr. 20, 2004), which can be found at:

- <https://img.nyed.uscourts.gov/files/general-ordes/adminorder04-05.pdf>

**C. Courtesy Copies**

Courtesy copy requirements are suspended until further notice.

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**D. Text-Searchable Submissions**

All written submissions and supporting materials must be text-searchable, to the extent practicable. The Court may strike non-compliant submissions.

**E. Redline Copies of Amended or Supplemented Pleadings**

Except for *pro se* parties, any party filing an amended or supplemented pleading shall attach as an exhibit to the filing a redline comparison (or equivalent) against the prior filing.

**F. Requests for Adjournments or Extensions of Time**

1. All requests for adjournments or extensions of time must be in writing and state: **(i)** the reason for the request; **(ii)** the original deadline; **(iii)** the number of previous requests for adjournments or extensions; **(iv)** whether any previous requests were granted or denied; **(v)** whether the adversary consents, and, if not, the reasons given by the adversary for declining to consent; and **(vi)** proposed date(s) for adjournment or extension of time.
2. If the requested adjournment or extension affects any other scheduled date, the party seeking the adjournment should propose revisions of the additional affected date(s).
3. Absent an emergency, requests for adjournments of court appearances and extensions of filing deadlines shall be made at least two (2) business days prior to the scheduled appearance or filing deadline. Requests for adjournments of sentencings shall be made at least one (1) week before the scheduled sentencing.

**II. Communications with Chambers**

**A. Written Communications with Chambers**

Except in emergency situations requiring immediate attention or as otherwise noted in these Individual Practice Rules, 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**

Telephone calls to chambers are generally disfavored but are permitted for urgent matters.

A party must call chambers when seeking to adjourn a court appearance scheduled to take place within 24 hours.

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**III. Civil Motions**

**A. Pre-Motion Conferences**

1. Pre-motion conferences are not required in bankruptcy appeals, social security appeals, habeas corpus/prisoner petition cases, or cases in which one or more parties are proceeding *pro se*. In all other cases, a party must request a pre-motion conference with the Court before filing **any motion pursuant to Fed. R. Civ. P. 12 or 56, or before filing a *Daubert* motion.**

In cases where one or more parties are proceeding *pro se*, the parties shall, in lieu of requesting a pre-motion conference, jointly file a proposed briefing schedule for any *Daubert* motion or motion pursuant to Fed. R. Civ. P. 12 or 56. Filing of a proposed briefing schedule within the time requirements of Fed. R. Civ. P. 12 or 56 shall constitute timely service of a motion made pursuant to those provisions.

2. To request a pre-motion conference, the moving party must file and serve a letter, not to exceed three (3) pages, setting out the bases for the anticipated motion. Service of that letter within the time requirements of Fed. R. Civ. P. 12 or 56 shall constitute timely service of a motion made pursuant to those provisions.

For motions pursuant to Fed. R. Civ. P. 56: At the time the moving party files its pre-motion conference letter, the moving party must also file a statement of material facts on motion for summary judgment (“Rule 56.1 Statement”) in the form set forth in Local Civil Rule 56.1. Any evidence cited in a party’s Rule 56.1 Statement must be attached as an exhibit to a declaration and filed along with the party’s Rule 56.1 Statement. A party’s Rule 56.1 Statement submitted in connection with a pre-motion conference request will be relied upon by the Court in considering the summary judgment motion, if filed, and supplements to the party’s Rule 56.1 Statement will not be permitted absent leave of the Court and a showing of good cause.

3. All parties served with the moving party’s pre-motion conference letter are required to serve and file a letter response.

For *Daubert* motions and motions pursuant to Fed. R. Civ. P. 12: All parties served with the moving party’s pre-motion conference letter are required to serve and file a letter response within one (1) week of service of the moving party’s letter. The response shall not exceed three (3) pages. When a party responds to a pre-motion letter in anticipation of a motion to dismiss, the party must state whether it will seek leave to amend in light of one or more of the alleged pleading defects and must indicate the nature of any contemplated amendment.

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For motions pursuant to Fed. R. Civ. P. 56: All parties served with the moving party's pre-motion conference letter are required to serve and file a letter response within two (2) weeks of service of the moving party's letter. The response shall not exceed three (3) pages. The responding party must also file a responsive Rule 56.1 Statement in the form set forth in Local Civil Rule 56.1. Any evidence cited in a party's responsive Rule 56.1 Statement must be attached as an exhibit to a declaration and filed along with the party's responsive Rule 56.1 Statement. A party's responsive Rule 56.1 Statement submitted in connection with a pre-motion conference request will be relied upon by the Court in considering the summary judgment motion, if filed, and supplements to the party's responsive Rule 56.1 Statement will not be permitted absent leave of the Court and a showing of good cause.

4. The purpose of pre-motion letters is to aid the Court by providing a synopsis of the arguments to be set forth in any motion or opposition. Pre-motion letters and responses must contain sufficient legal authority to serve this purpose.

The Court may determine in some cases after a pre-motion conference request is filed that such a conference is unnecessary and may set a briefing schedule without holding a conference.

In appropriate cases, the Court may exercise its discretion to construe the pre-motion letter, along with counsel's arguments at the pre-motion conference, as the motion itself.

5. The provisions of this section (III.A) of these Individual Practice Rules do not apply to motions other than *Daubert* motions and motions filed pursuant to Fed. R. Civ. P. 12 or 56. For example, letters requesting pre-motion conferences are not required for motions pursuant to Fed. R. Civ. P. 50, 59, or 60.
6. Parties should be aware that the Court of Appeals will not accept an argument that compliance with district court motion rules should excuse noncompliance with Fed. R. App. P. 4.

**B. Briefing Schedule**

1. Motion briefing schedules will be set by the Court.
2. Parties are encouraged to jointly propose briefing schedules.
3. Except for motions seeking emergency relief, parties may not serve motion papers before the Court enters a briefing schedule. No changes in a briefing schedule may be made without the Court's approval. Sur-replies are not permitted.



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4. **As a courtesy to the Court, the Court requests that the parties refrain from filing motion papers until the motion has been fully briefed, unless doing so might cause a party to miss an applicable deadline.** If the parties follow this practice, 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. Only a copy of the cover letter shall be electronically filed on ECF in advance of the fully briefed motion, and it must be filed as a letter, not as a motion. On the day the motion is fully briefed, the movant shall electronically file all of the parties' motion papers. Separate docket entries should be used for each party's papers and a separate docket entry should be used for any reply brief.
5. Parties are reminded that the Court of Appeals will not accept an argument that compliance with district court motion rules should excuse noncompliance with the time limits set forth in Fed. R. App. P. 4.<sup>1</sup>

**C. Memoranda of Law**

1. Memoranda of law in support of and in opposition to motions are limited to twenty-five (25) double-spaced pages, not including tables of contents or tables of authorities (both of which are required), exhibits, appendices, or attachments. Reply memoranda are limited to ten (10) double-spaced pages, not including tables of contents or tables of authorities (both of which are required), exhibits, appendices, or attachments.
2. All memoranda of law shall be produced in 12-point font, including footnotes, and shall have one-inch margins on all sides. All memoranda must be filed in a text-searchable format and must have the date of service printed on the front cover. Case law citations shall be to official case reporters or, for decisions not available in official reporters, to the Westlaw or Lexis electronic case database.

**D. Evidentiary Citations**

Parties must provide evidentiary citations, including specific transcript pages, in any submission that cites record material.

**E. Oral Argument on Motions**

The Court will determine whether to hear oral argument. Parties may request oral argument by noting "Oral Argument Requested" below the docket number on the moving or opposing papers.

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<sup>1</sup> **If any party concludes in good faith that delaying the filing of a motion in order to comply with any aspect of these Individual Practice Rules will deprive the party of a substantive right, the party may file the motion within the time required by the Federal Rules of Civil, Criminal, and/or Appellate Procedure.**

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**F. Reports and Recommendations (“R&Rs”)**

1. Objections to R&Rs and responses to objections may not exceed fifteen (15) double-spaced pages and shall conform to the requirements of Individual Practice Rule III.C.2.
2. Any request for extension of the deadline for filing objections or responses to objections shall be addressed to Judge Gujarati rather than to the Magistrate Judge.

**IV. Civil Pretrial Procedures**

**A. Joint Pretrial Orders in Civil Cases**

Timing of Joint Pretrial Orders. Unless otherwise ordered by the Court, the parties shall jointly submit to the Court a proposed Pretrial Order within thirty (30) days after the completion of discovery in a civil case or, if dispositive motions remain pending, within thirty (30) days after the Court resolves all such motions.

Contents of Joint Pretrial Orders. Joint Pretrial Orders shall include:

1. *Caption.* The full caption of the action.
2. *Parties and Counsel.* The names (including firm names), addresses, and telephone numbers of trial counsel.
3. *Jurisdiction.* A brief statement by the plaintiff explaining the basis of subject matter jurisdiction, and a brief statement by the defendant on the presence or absence of subject matter jurisdiction. These statements shall include citations to all (i) statutes and legal doctrines relied on and (ii) relevant facts concerning citizenship and jurisdictional amount.
4. *Claims and Defenses.* A brief summary by each party of the elements of its remaining asserted claims and defenses. These summaries shall include citations to all statutes relied on but should not recite evidentiary matters. The summaries shall also identify all claims and defenses previously asserted which will not be tried.
5. *Jury or Bench Trial.* A statement by each party as to whether the case will be tried with or without a jury, and the number of trial days needed.
6. *Consent to Trial by a Magistrate Judge.* A statement as to whether 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.
7. *Statement of Relief Sought.* A detailed statement of the damages and other relief sought by the plaintiff.

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8. *Witnesses.* A schedule by each party of witnesses (fact and expert) whose testimony is to be offered in its case-in-chief and potential witnesses whose testimony may be offered only for impeachment or rebuttal purposes. As to each witness, the schedule shall include name, address, and a brief narrative statement of the expected testimony. Only listed witnesses will be permitted to testify, except when prompt notice has been given and upon good cause shown.
9. *Deposition Testimony.* A designation by each party of deposition testimony to be offered in its case-in-chief, with any cross-designations and objections by any other party.
10. *Stipulations.* Any stipulations or statements of fact or law that have been agreed to by all parties.
11. *Exhibits.* A schedule by each party listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule shall include exhibits that a party intends to use solely for impeachment and/or rebuttal purposes. Copies of statements proposed to be read to the jury as “learned treatises” under Fed. R. Evid. 803(18) shall be listed as exhibits. The plaintiff’s exhibits shall be identified by numbers, and the defendant’s exhibits shall be identified by letters. Except for good cause shown, only exhibits listed will be received in evidence.

The parties shall list and briefly describe the basis for any objections to the admissibility of exhibits to be offered by any other party and set out the proponent’s responses to those objections. The parties are expected to resolve before trial all issues of authenticity, chain of custody, and related matters. Meritless objections on these grounds may result in sanctions.

12. *Motions in Limine.* A list of motions *in limine* each party intends to file (pursuant to the deadline set forth in Rule IV.B.1 below), with a brief description of each such motion.

The parties are directed to cooperate with each other in the preparation of the Pretrial Order. The Pretrial Order will control 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.

**B. Filings Prior to Trial**

1. Unless otherwise ordered by the Court, any motions addressing evidentiary or other issues that should be resolved *in limine* shall be filed thirty (30) days before the commencement of trial; a motion response, if any, is due ten (10) days after the motion is filed. Replies are not permitted.

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2. Requests to charge, proposed verdict sheets, and proposed *voir dire* questions in jury cases shall be filed on ECF and provided to chambers in PDF and Microsoft Word formats no later than three (3) weeks before trial, unless otherwise ordered by the Court. The parties should endeavor to agree upon the requests to charge, to the extent possible, and must submit a single, joint document setting forth all agreed-upon requests to charge and, where no agreement is reached, each party's proposed charge and/or one party's proposed charge with an explanation of any other party's objection to that charge. Requests to charge must contain citations to supporting authority.

**C. Trial Exhibits**

1. The parties shall provide the Court with three (3) tabbed binders containing copies of all exhibits one (1) week before trial, unless otherwise ordered by the Court. Exhibit lists shall also be provided, and the information therein shall be contained in four columns, titled Exhibit; Description; Identified; and Admitted, respectively. The plaintiff's exhibits must be pre-marked with numbers. The defendant's exhibits must be pre-marked with letters. Documents to be offered in evidence that contain multiple pages shall be paginated by counsel in advance of trial. When counsel anticipates that a witness will refer to documentary evidence during the witness's direct testimony, counsel shall have (i) two copies of each document for the Court and (ii) at least one copy for the court reporter, each present opposing counsel, and each juror.
2. The parties shall exchange their exhibits with each other at least ten (10) days before trial and are strongly encouraged to resolve disputes relating to exhibits in advance of trial where possible and, where not possible, to raise disputes with the Court in advance of trial. Sidebars during trial are disfavored.

**V. Notification of Settlement in Civil Cases**

When a settlement is reached, the parties must promptly notify the Court and must promptly file the appropriate paperwork.

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**VI. Criminal – General**

**A. Preliminary Matters**

Assistant United States Attorneys are responsible for informing chambers as soon as a new case has been assigned to Judge Gujarati so that a conference can be scheduled. The United States Attorney’s Office must also inform chambers *whether or not* the Criminal Division of the United States Attorney’s Office for the Southern District of New York had any involvement in the case’s investigation or prosecution prior to September 22, 2020.<sup>2</sup> Telephone calls to chambers are permitted for these purposes.

**B. Speedy Trial Act Exclusions of Time**

Any party seeking an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, should be prepared to state at the time the exclusion is requested: the ground(s) supporting the exclusion and the relevant statutory section(s).

**C. Applications Regarding Bail Status**

Any party appealing a Magistrate Judge’s order of release or order of detention shall provide to the Court a copy of the transcript of the proceeding before the Magistrate Judge. Where the transcript is not available, the audio recording shall be provided to the Court.

Any party anticipating an application to change bail status at any stage shall notify the Court of the application as soon as practicable and before any proceeding at which the application will be made.

**D. Change of Plea Hearings**

1. Any request to schedule a change of plea hearing shall be accompanied by an elements sheet and any relevant agreement and/or penalty sheet.
2. Motions to accept pleas taken by Magistrate Judges should be made as soon as possible and no later than twenty-one (21) days after the change of plea hearing.
3. Any forfeiture-related documents requiring Court action shall be filed promptly after an accepted guilty plea.

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<sup>2</sup> The same notification must be made promptly for any criminal matter assigned to Judge Gujarati while on Miscellaneous Duty.

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**E. Motions**

1. Motion briefing schedules will be set by the Court.
2. Parties may not serve motion papers before the Court enters a briefing schedule. No changes in a briefing schedule may be made without the Court's approval.<sup>3</sup>
3. **Memoranda of Law.** See Rule III.C above.
4. **Evidentiary Citations.** See Rule III.D above.
5. **Oral Argument on Motions.** The Court will determine whether to hear oral argument on motions. Parties may request oral argument.

**VII. Criminal – Trial**

**A. Filings Prior to Trial**

1. Unless otherwise ordered by the Court, any motions addressing evidentiary or other issues that should be resolved *in limine* shall be filed thirty (30) days before the commencement of trial; a motion response, if any, is due ten (10) days after the motion is filed. Replies are not permitted.
2. Requests to charge, proposed verdict sheets, and proposed *voir dire* questions in jury cases shall be filed on ECF and provided to chambers in PDF and Microsoft Word formats no later than three (3) weeks before trial, unless otherwise ordered by the Court. The parties should endeavor to agree upon the requests to charge, to the extent possible, and must submit a single, joint document setting forth all agreed-upon requests to charge and, where no agreement is reached, each party's proposed charge and/or one party's proposed charge with an explanation of any other party's objection to that charge. Requests to charge must contain citations to supporting authority.

**B. Trial Exhibits**

1. The parties shall provide the Court with three (3) tabbed binders containing copies of all exhibits one (1) week before trial, unless otherwise ordered by the Court. Exhibit lists shall also be provided, and the information therein shall be contained in four columns, titled Exhibit; Description; Identified; and Admitted, respectively. The Government's exhibits must be pre-marked with numbers. The defendant's exhibits must be pre-marked with letters. Documents to be offered in evidence that contain multiple pages shall be paginated by counsel in advance of trial. When counsel anticipates that a witness will refer to documentary evidence during the witness's direct testimony, counsel shall have **(i)** two copies of each document for the Court

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<sup>3</sup> See footnote 1 above.

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and (ii) at least one copy for the court reporter, each present opposing counsel, and each juror.

2. The parties shall exchange their exhibits with each other at least ten (10) days before trial and are strongly encouraged to resolve disputes relating to exhibits in advance of trial where possible and, where not possible, to raise disputes with the Court in advance of trial. Sidebars during trial are disfavored.

**VIII. Sentencing**

- A. The defendant's sentencing memorandum, if any, is due three (3) weeks prior to sentencing. The Government's sentencing memorandum, if any, is due two (2) weeks prior to sentencing. If applicable, the Government's sentencing memorandum shall address restitution. The Government shall also advise the Court if a victim will be making a victim impact statement.
- B. Applications regarding sentencing adjournments shall be made in writing at least one (1) week prior to the date of sentencing and must state the reason for the request and whether the opposing party consents. If the opposing party does not consent, the application for adjournment must provide the reasons given by the opposing party for declining to consent.

**IX. Non-Jury Civil and Criminal Trials**

In non-jury trials, parties shall file proposed findings of fact and conclusions of law no later than ten (10) days after the conclusion of trial. Responses to such submissions are not permitted.

**X. Matters Involving *Pro Se* Litigants**

In all cases involving one or more *pro se* litigants, the following shall apply:

- A. **Responsibilities of *Pro Se* Litigant.** A *pro se* litigant shall:
  1. Communicate with the Court in writing only.
  2. Ensure that contact information on file remains current. Failure to comply with this rule may unavoidably result in dismissal of claims and/or entry of default judgment.
- B. **Responsibilities of Counsel in Matters Involving *Pro Se* Litigants.** Counsel for represented parties shall:
  1. Ensure adherence to and compliance with all applicable rules, including Local Civil Rules 7.2, 12.1, 33.2, and 56.2.

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2. Provide *pro se* litigants with a copy of this Court's Individual Practice Rules and file a certificate of service as early as practicable in the litigation.
3. File all documents electronically via ECF *and* mail a hard copy of all documents to *pro se* litigants. *See* Rule I.A.2 above.