

JUDGE LASHANN DEARCY HALL

United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
Courtroom: 4H North

Phone: (718) 613-2100
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Courtroom Deputy: Erica M. Williams
Phone: (718) 613-2105

INDIVIDUAL PRACTICES

Unless otherwise ordered, matters before Judge DeArcy Hall must be conducted in accordance with the following practices:

I. COMMUNICATIONS WITH CHAMBERS

A. *Written Communications with Chambers*

Except in emergency situations requiring immediate attention, all communications with Chambers must be by ECF letter, with copies simultaneously delivered to all parties who do not receive ECF notifications. Except where annexed to pleadings or motion papers, copies of correspondence between or among counsel shall not be sent to Chambers.

B. *Telephone Calls*

Except as provided in Section I.D, regarding docketing, scheduling, and calendar matters, and Section I.E.3, regarding requests for adjournments or extensions of time, 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. *Emails and Faxes*

Except as required by Section II.C, regarding the provision of word processing files for certain submissions, emails and faxes to Chambers are permitted only in emergency situations and with prior authorization by the Court. Parties may request authorization to send emails and faxes by calling Chambers at the number listed above. Parties submitting an email or fax to Chambers must file any such document via ECF, with copies simultaneously delivered to all parties who do not receive automatic notifications through ECF. No document longer than five (5) pages may be faxed to Chambers. When possible, the Court prefers to receive emails in lieu of faxes.

D. *Docketing, Scheduling, and Calendar Matters*

For docketing, scheduling, and calendar matters, call Courtroom Deputy Erica M. Williams at (718) 613-2105.

E. *Requests for Adjournments or Extensions of Time*

1. Absent an emergency, all requests for adjournments or extensions of time must be made at least two (2) business days prior to a scheduled deadline or appearance.
2. All requests for adjournments or extensions of time must be filed via ECF, and must state:
 - a) the original date;
 - b) the reason for the request;
 - c) the number of previous requests for adjournments or extensions of time;
 - d) whether these previous requests were granted or denied;
 - e) whether the adversary consents, and, if not, the reason given by the adversary for refusing to consent; and
 - f) whether the adjournment or extension of time affects any other scheduled dates. If so, the party must provide a proposed Revised Scheduling Order.
3. At the time of filing a request for adjournment or extension of time, parties must call Chambers to notify the Court of the request.

II. ELECTRONIC CASE FILING (ECF)

A. *Mandatory ECF Filing*

1. Counsel must file all documents via ECF. Orders and other notices from the Court will be posted via ECF; parties not registered for ECF will not receive them.
2. *Pro se* parties are exempt from mandatory ECF filing. However, parties represented by counsel in *pro se* cases must file documents via ECF and serve copies on the *pro se* litigant(s).
3. Parties filing non-text exhibits that are impractical to file electronically should submit an electronic version on a compact disc to the Clerk's Office (labeled "Original") and to Chambers (labeled "Courtesy Copy"). Related papers filed via ECF must clearly indicate the manner in which the exhibits were filed.

B. *Sealing of Submissions*

Motions for leave to file documents under seal should be filed via ECF in accordance with the EDNY's instructions for filing sealed documents. The proposed sealed document(s) should be attached to the motion for leave to file under seal. Instructions for filing sealed documents in civil cases are at <https://img.nyed.uscourts.gov/files/forms/EfilingSealedCV.pdf>; instructions for filing sealed documents in criminal cases are at <https://img.nyed.uscourts.gov/files/forms/EfilingSealedCR.pdf>.

C. *Word Processing Files of Certain Submissions*

1. Proposed orders, jury instructions, and other submissions for adoption by the Court must be emailed to Chambers in word processing format, as well as filed via ECF in PDF format. The Court prefers to receive documents as Microsoft Word files, but Corel WordPerfect files are acceptable. Parties need not submit word processing files of stipulations unless specifically requested to do so.
2. Parties may submit word processing files pursuant to this Section via email without seeking prior authorization. However, parties must contact Chambers to obtain the email address. Parties may also submit word processing files via compact disc, but the Court prefers to receive word processing files via email.

D. *Courtesy Copies*

1. Parties should not submit hard copies of the following submissions:
 - a) submissions fewer than 25 pages (inclusive of any exhibits or attachments), except as required by Section III.B.2 (regarding the submission of courtesy copies during motion briefing);
 - b) pleadings as defined by Fed. R. Civ. P. 7(a); and
 - c) motions, letters, or other filings directed to the magistrate judge assigned to the matter.
2. Except as provided above, courtesy copies of all electronically filed submissions must be provided to Chambers.
3. Courtesy copies must comply with the following requirements:
 - a) All courtesy copies must be clearly marked "Courtesy Copy." Except when submitted in accordance with Section III.B.2 below, regarding the contemporaneous submission of courtesy copies during motion briefing, all courtesy copies must include the stamp generated when a document is filed via ECF (including the document number as listed on the docket).

- b) When providing courtesy copies to Chambers, all documents comprising a submission (ie: memorandum, declarations, exhibits, etc.) must be contained in a single three-ring binder with appropriately labeled tabs. For example, all exhibits must be identified and separated by corresponding numbered or lettered tabs. Binders must be appropriately sized for their contents—0.5, 1, 1.5, or 2 inches—but must not exceed 2 inches. If a single 2-inch binder cannot accommodate all documents comprising a submission, exhibits and any corresponding declarations must be submitted to Chambers via compact disc containing separate and appropriately named PDF files for each exhibit.
- c) Binder covers and spines must identify the case name, docket number, and the binder’s contents. Parties are strongly encouraged to print on both sides of the page.
- d) Parties proceeding *pro se* are exempt from these requirements, but should make every effort to clearly mark exhibits and present well-organized papers.

III. CIVIL MOTIONS

A. *Pre-Motion Conferences*

1. Except habeas corpus/prisoner petitions, Social Security appeals, bankruptcy appeals, and post-trial motions, parties must request a pre-motion conference with the Court before making:
 - a) any motion pursuant to Rule 12 or 56;
 - b) any motion for a change of venue; or
 - c) any motion to amend a pleading pursuant to Rule 15 where leave of the Court is required.
2. The provisions of this Section do not apply to motions other than those specifically enumerated. For example, letters requesting pre-motion conferences are not required for motions pursuant to Rule 50, 59, or 60.
3. To request a pre-motion conference, moving parties must file and serve a letter not to exceed three (3) pages stating the basis for the motion. Service of a pre-motion letter by the moving party within the time requirements of Rule 12 shall constitute timely service of a motion made pursuant to Rule 12(b)
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.

5. Except as provided in Section III.A.6 below, regarding motions for summary judgment, within five (5) business days from service of a pre-motion letter, the non-movant must file a letter response not to exceed three (3) pages either opposing the motion or advising the Court that it does not intend to oppose the motion.
6. Motions for Summary Judgment
 - a) Unless otherwise ordered by the Court, the deadline to submit a pre-motion letter for a motion pursuant to Rule 56 shall be fifteen (15) business days after the close of discovery.
 - b) Pre-motion conference requests regarding an intended motion for summary judgment must be accompanied by a statement pursuant to Local Civil Rule 56.1.
 - c) Parties shall have fifteen (15) business days from service of a pre-motion letter and accompanying 56.1 statement to respond to each.
 - d) Parties shall have ten (10) business days from receipt of an opposing 56.1 statement to file a reply 56.1 statement. No reply letter shall be permitted.
 - e) Except for *pro se* parties, a party's opposition to an opening 56.1 statement must quote, verbatim, the opening 56.1 statement, including all citations, and respond to the moving party's statements of fact immediately beneath each statement. If an opposing party chooses to include additional materials facts alleged to be in dispute, they must do so in a separately titled but consecutively numbered section.
 - f) A moving party's reply 56.1 statement must quote, verbatim, the opposing party's 56.1 statement, including all citations. A moving party's reply statement may only respond to the opposing party's statement of additional material facts and must do so by stating the moving party's response immediately beneath each statement of additional material fact. Reply statements may not introduce any new material facts.
 - g) Each paragraph in a 56.1 statement must contain an assertion of a material undisputed fact, not a description of evidence. For example, "John Smith testified at deposition that he crossed the street" is not a statement of fact. The statement of fact is "John Smith crossed the street."

- h) No statement of fact should be included in a 56.1 statement unless it can be established by direct evidence. Factual contentions that parties believe are undisputed by circumstantial evidence should be argued in memoranda.
- i) Any evidence cited in a party's 56.1 statement must be attached as an exhibit to a declaration and filed along with a party's 56.1 statement.
- j) No procedural history should be included in a 56.1 statement unless relevant to the motion (for example, if the motion raises a statute of limitations issue).
- k) Supplements to a 56.1 statement are not permitted absent just cause and leave of the Court.
- l) The 56.1 statements submitted in connection with the pre-motion conference shall be relied upon by the Court in considering any motion for summary judgment. Accordingly, material facts in any pre-motion letter or memorandum of law in connection with a motion for summary judgment must cite to relevant paragraphs of 56.1 statements.

B. *Filing of Motion Papers*

1. The Court will order briefing schedules for motions identified in Section III.A.1, above. Parties should anticipate a schedule that will require the service of their motion within a short time after the pre-motion conference (usually two weeks). 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.
2. As a courtesy, the Court requests that parties refrain from filing motion papers until a motion is fully briefed. This request does not apply to motions made pursuant to Rule 50, 59, or 60. If parties elect to file their motion papers only after a motion is fully briefed, the notice of motion and all supporting papers must be served on the other parties in accordance with the Court's approved briefing schedule. All motion papers must be served with a cover letter stating whom the serving party represents and the papers being served.
3. If parties elect to file motion papers only after a motion is fully briefed, the moving party will be responsible for filing the full set of papers via ECF and for providing the Court with a courtesy copy, in accordance with Section II.D, of the fully briefed motion as soon as practicable after filing.

C. *Memoranda of Law*

1. Unless prior permission is granted, memoranda in support of and in opposition to motions are limited to 25 pages (exclusive of tables of contents, tables of authorities, appendices, and attachments). Reply memoranda are limited to ten (10) pages (exclusive of tables of contents, tables of authorities, appendices, and attachments). Memoranda in support of or in opposition to motions for reconsideration, however, are limited to five (5) pages.
2. Requests to file memoranda exceeding the page limits set forth herein must clearly state the basis for the request and will only be granted for good cause shown. Any such requests must be made in writing at least five (5) business days prior to the relevant memorandum's due date, except with respect to reply briefs, in which case the request must be made at least one (1) day prior to the due date.
3. Memoranda must be double-spaced with one-inch margins. Use Times New Roman, 12-point font, with footnotes that are at least 10-point font. Condensing or kerning of character spacing is not permitted.
4. Memoranda must have the date of service plainly visible on the front cover.
5. Memoranda must contain a table of contents and a table of authorities.
6. Memoranda must be filed with all exhibits cited therein, regardless of whether any such exhibits have already been submitted to the Court in a prior filing.
7. Letter briefs are not permitted.
8. Summary-judgment memoranda must cite to both a Rule 56.1 statement and the evidence cited in the applicable Rule 56.1 statement.

D. *Oral Argument*

1. Parties may request oral argument by noting "Oral Argument Requested" in the top right corner of the cover page of either a notice of motion or opposing memorandum.
2. Parties receiving ECF notification of the Court's decision on oral argument are responsible for informing *pro se* parties of the Court's decision.

IV. CIVIL PRETRIAL PROCEDURES

A. *Appeals of Discovery Determinations by Magistrate Judges*

Timing: Unless otherwise ordered by the Court, any appeal of a Magistrate Judge's discovery determination must be served upon all parties and filed with the Court within fourteen (14) days of the challenged determination. Any party opposing such appeal shall file its opposition, if any, within fourteen (14) days of service of any appeal. Parties are not permitted a reply as of right. Should the Court desire a reply letter or additional briefing, the Court shall inform the parties.

Format: Any appeal of a Magistrate Judge's discovery determination must be in the form of a letter not exceeding three (3) pages in length. Such letter must set forth the specific aspects of the Magistrate Judge's determination that are being challenged.

B. *Joint Pretrial Orders*

Timing of Joint Pretrial Order: Unless otherwise ordered by the Court, in the absence of a motion for summary judgment, joint pretrial orders must be submitted within thirty (30) days after the date for completion of discovery, for the Court's approval. If a party moves for summary judgment, the Court will set the joint pretrial order deadline at the time it rules on the motion. Parties should anticipate the deadline to be set for three weeks after the Court's ruling.

Contents of Joint Pretrial Order: Joint pretrial orders must comply with the requirements of Section III.C.3, specifying the proper formatting for memoranda, and must include the following information:

1. Caption: the full caption of the action;
2. Parties and Counsel: the names of the parties and their counsel, including firm names, addresses, telephone, and trial counsel's fax numbers;
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 must include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount;
4. Claims and Defenses: a brief summary by each party of the elements of the claims and defenses that party asserted that remain to be tried, without recital of evidentiary matter, and including citations to all statutes relied on – the parties waive all claims and defenses not set forth in the joint pretrial order;
5. Damages: a detailed statement regarding damages and other relief sought for each claim;

6. Jury or Bench Trial: a statement by each party as to whether the case is to be tried with a jury and a single statement of the number of trial days needed;
7. Consent to Trial by a Magistrate Judge: a statement as to whether all parties consent to trial by a magistrate judge (without identifying which parties have or have not so consented);
8. Stipulations: any stipulations or statements of fact or law that have been agreed to by all parties;
9. Witnesses: a list of the names and addresses of all witnesses, including impeachment or rebuttal witnesses, together with a brief statement of the expected testimony of each witness, and a brief description of the bases for and responses to any objections to a witness – only witnesses listed in the joint pretrial order will be permitted to testify except when prompt notice of any additional witness is given and good cause shown;
10. Deposition Designation: 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 – the Court strongly encourages the parties to resolve all objections without the Court’s intervention;
11. Exhibits and Objections: a schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the parties offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. Parties will list and briefly describe the basis for any objections they have to the admissibility of any exhibits offered by any other party, as well responses to objections other parties have stated as to the admissibility of documents they offer. The Court strongly encourages the parties to resolve all objections without the Court’s intervention. 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. Except for good cause shown, only exhibits listed in the joint pretrial order will be received in evidence.

C. *Pretrial Filings*

1. Motions in Limine: Unless otherwise ordered by the Court, 25 business days before the commencement of trial, parties must file motions addressing evidentiary or other trial-related issues that should be resolved *in limine*. All motions *in limine* must be in a single submission in accordance with the requirements of Section III.C, specifying the proper formatting for memoranda. Extension of the page limit set forth in

Section III.C.1 may be granted only for good cause shown. Responses, if any, will be due five (5) business days later. Replies to motions *in limine* are not permitted. Oral argument, if necessary, shall be scheduled at the convenience of the Court.

2. Unless otherwise ordered by the Court, 20 business days before the commencement of trial, parties must file:
 - a) Memoranda: pretrial memoranda if required by the Court;
 - b) Jury Materials: *voir dire* questions, jury instructions, and verdict sheets – these materials must be filed via ECF, as well as submitted in accordance with Section II.C’s specifications for the provision of word processing files for certain submissions. Requests to charge should be limited to elements of the claims, the damages sought, and defenses. General instructions will be prepared by the Court.

D. *Final Pretrial Conference*

1. Document Exchange: Prior to attending the pretrial conference on a date to be scheduled by the Court, counsel must exchange copies of all documents proposed to be used in evidence, and must be prepared to discuss and have the Court rule on outstanding objections to exhibits.
2. Pretrial Conference: Counsel must 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.

E. *Trial Exhibits*

After the pretrial conference, and no later than the first day of trial, all parties must provide the Court with tabbed binders containing copies of exhibits that have been pre-marked in accordance with the pretrial order. Exhibit binders must be appropriately sized for their contents, with no single binder exceeding two (2) inches. Binder covers and spines must identify the case name, docket number, and the binder’s contents. Parties are encouraged to print on both sides of the page.

V. CIVIL POST-TRIAL PROCEDURES

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

VI. CRIMINAL MOTIONS

A. *Pre-Motion Conferences*

1. Counsel must advise the Court of any motions they want to file at a status conference scheduled by the Court. If no status conference has been scheduled, counsel must request a pre-motion conference in writing and briefly state the grounds for any anticipated motion.
2. To arrange a pre-motion conference, the moving party must submit a brief letter setting forth the basis for the anticipated motion. All parties served may, but are not required to, serve and file a brief letter response within five (5) business days from service of the notification letter.

B. *Filing of Motion Papers*

1. The Court will order briefing schedules for motions. Parties should anticipate a schedule that will require the filing of their motion within a short time after the pre-motion conference (usually two weeks). 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.
2. Courtesy copies of all motion papers and exhibits must be submitted to Chambers in accordance with Section II.D's specifications regarding courtesy copies.

C. *Memoranda of Law*

1. Unless prior permission is granted, memoranda in support of and in opposition to motions are limited to 25 pages, not including appendices or attachments, and reply memoranda are limited to ten (10) pages, not including appendices or attachments.
2. Requests to file memoranda exceeding the page limits set forth herein must clearly state the basis for the request and will only be granted for good cause shown. Any such requests must be made in writing five (5) business days prior to the relevant memorandum's due date, except with respect to reply briefs, in which case the request must be made at least one (1) day prior to the due date.
3. Memoranda must be double-spaced with one-inch margins. Use Times New Roman, 12-point font, with footnotes that are at least 10-point font. Condensing or kerning of character spacing is not permitted.

4. All memoranda must have the date of service plainly visible on the front cover.
5. All memoranda must contain a table of contents and a table of authorities.
6. Memoranda must be filed with all exhibits cited therein, regardless of whether any such exhibits have already been submitted to the Court in a prior filing.
7. Letter briefs are not permitted.

D. *Oral Argument*

Unless otherwise directed by the Court, oral argument will be held on all motions. Notice of motions must state the date and time of oral argument if the Court has already provided one. Otherwise, they must state that oral argument will be “on a date and at a time to be designated by the Court.”

E. *Sentencing Motions*

1. The Government’s sentencing memorandum, if any, is due at least twelve (12) business days prior to sentencing. The defendant’s response, if any, is due five (5) business days later.
2. Applications regarding sentencing adjournments must be made in writing by defense counsel at least five (5) business days prior to the date of sentencing. Extensions for this deadline may be granted for good cause shown. The Government’s response, if any, must be no longer than three (3) pages and must be made in writing at least two (2) business days later.
3. Violation of Supervised Release: The Court will not accept a guilty plea on a violation of supervised release without 24 hours’ notice of the intent to plead, which must specify the violations as to which the defendant intends to plead guilty.

VII. CRIMINAL PRETRIAL PROCEDURES

A. *Pretrial Filings*

Unless otherwise directed by the Court, the following procedures must be followed:

1. Motions in Limine: Unless otherwise ordered by the Court, no later than thirty (30) business days before the commencement of jury selection, parties must file motions addressing evidentiary or other trial-related issues that should be resolved *in limine*. All motions *in limine* must be in

a single submission in accordance with the requirements of Section III.C, specifying the proper formatting for memoranda. Extension of the page limit set forth in Section III.C.1 may be granted only for good cause shown. Responses, if any, will be due ten (10) business days later. Replies to motions *in limine* are not permitted. Oral argument, if necessary, shall be scheduled at the convenience of the Court.

2. Jury Materials: Jury materials shall include proposed *voir dire* questions, jury instructions, and verdict sheets. Jury materials must be filed ten (10) business days before the commencement of jury selection. In addition to filing jury materials via ECF, parties must submit them in accordance with Section II.C's specifications for the provision of word processing files for certain submissions.
3. Witnesses: A list of all potential witnesses and any other individuals and entities that may be mentioned at trial must be filed at least ten (10) business days before jury selection.

B. *Final Pretrial Conference*

1. Document Exchange: Prior to attending the pretrial conference on a date to be scheduled by the Court, counsel must exchange copies of all documents proposed to be used in evidence, and must be prepared to discuss and have the Court rule on objections to exhibits.
2. Pretrial Conference: Counsel must attend the pretrial conference and be prepared and authorized to stipulate for purposes of narrowing the issues and proof.

C. *Trial Exhibits*

After the pretrial conference, and no later than the first day of trial, all parties must provide the Court with tabbed binders containing copies of exhibits that have been pre-marked in accordance with the pretrial order. Exhibit binders must be appropriately sized for their contents, with no single binder exceeding two (2) inches. Binder covers and spines must identify the case name, docket number, and a description of the binder's contents. Parties are encouraged to print on both sides of the page.

VIII. CRIMINAL POST TRIAL PROCEDURES

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

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