

**INDIVIDUAL PRACTICE RULES OF  
MAGISTRATE JUDGE LARA K. ESHKENAZI**

United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Courtroom N322  
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## **I. COMMUNICATION WITH CHAMBERS**

### **A. Written Communications**

1. **ECF.** Parties should primarily communicate with the Court via ECF. Each attorney of record must file a Notice of Appearance and will receive notification of all Court orders electronically. All letters and motions submitted to the Court must be electronically filed. If relief is sought from the Court, the application may be in the form of a letter, but must be filed using the “Motions” event. Litigants proceeding *pro se* are exempt from this requirement.
2. **Requests for Adjournments and Extensions.** All requests for adjournments or extensions of time must be in writing and filed electronically as motions at least two (2) business days prior to the scheduled appearance or deadline. These requests must state the original date of the conference or deadline; the reason the adjournment or extension is needed; whether all parties consent (and reason(s) for withholding consent); and the number of prior adjournments or extensions. Requests for conference adjournments must also list at least three (3) alternative dates when all parties are available. The requesting party should also include a proposed revised schedule, if necessary.
3. **Courtesy Copies.** No courtesy copies are to be sent to Chambers unless requested.

### **B. Telephone Calls**

Telephone calls to Chambers are permitted only in emergency situations requiring same-day attention by the Court. Faxes to Chambers are not permitted.

### **C. Required Notification to Chambers**

A party or the parties must immediately notify Chambers via email ([Eshkenazi\\_Chambers@nyed.uscourts.gov](mailto:Eshkenazi_Chambers@nyed.uscourts.gov)) if any of the following events occur:

1. Any motion has been referred to Judge Eshkenazi by the presiding District Judge;
2. The parties have reached a settlement; or
3. Any party has reason to believe that Judge Eshkenazi should be recused from any pending action due to her involvement in the matter during the

time she served in the United States Attorney's Office, or for any other reason.

#### **D. Conferences**

Counsel shall appear promptly for all conferences. Counsel appearing before the Court must be prepared and authorized to discuss (1) the parties' progress in the case; (2) scheduling of further proceedings; and (3) the possibility of settlement and status of any settlement discussions. All attorneys must file a Notice of Appearance **prior** to appearing in Court. Only a party's counsel of record, or an attorney personally authorized to appear by the party (and not simply by the party's counsel of record) may appear on behalf of a party.

### **II. PRO SE LITIGANTS**

#### **A. ECF**

*Pro se* parties are automatically exempt from mandatory electronic filing but may request permission to file documents electronically, if eligible.<sup>1</sup> Counsel in cases involving *pro se* litigants must send copies of documents filed via ECF to the *pro se* party, and file proof of service via ECF.

#### **B. Filing**

*Pro se* litigants should file any documents via hand delivery or U.S. mail to the designated "*Pro Se* clerk" in the Clerk's office to the attention of Judge Eshkenazi and the presiding District Judge.

#### **C. Court Orders**

Court orders will be provided to *pro se* litigants by U.S. mail, unless they receive electronic notifications. *Pro se* litigants must keep current contact information on file with the Court.

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<sup>1</sup> Instructions and eligibility requirements are available here:  
<https://www.nyed.uscourts.gov/forms/instructions-pro-se-registration-and-consent-electronic-service-orders-and-notices-issued>.

#### **D. Pro Se Legal Assistance**

*Pro se* litigants are encouraged to contact the City Bar Justice Center's *Federal Pro Se Legal Assistance Project* to receive free, limited-scope legal assistance.<sup>2</sup>

#### **E. Pro Se Office**

*Pro se* litigants should contact the *Pro Se* Office for any case-related questions at (718) 613-2664. *Pro se* litigants are directed to the relevant Local Civil Rules, including 12.1, 33.2, and 56.2.<sup>3</sup>

### **III. DISCOVERY**

#### **A. Initial Conferences**

1. **Meet and Confer.** Pursuant to Federal Rule of Civil Procedure 26(f), the parties must meet and confer prior to the Initial Conference to discuss the nature and basis of their claims and defenses, exchange initial disclosures, discuss the possibilities for a prompt settlement, and complete the Proposed Discovery Plan/Scheduling Order provided by the Court.
2. **Proposed Discovery Plan.** Five (5) business days before the Initial Conference, the parties must jointly file the completed Proposed Discovery Plan/Scheduling Order using the form that can be found here: [https://img.nyed.uscourts.gov/files/local\\_rules/ProposedDiscoveryPlan-LKE.pdf](https://img.nyed.uscourts.gov/files/local_rules/ProposedDiscoveryPlan-LKE.pdf).

#### **B. Discovery Disputes and Motions**

1. Before making a discovery motion, parties must meet and confer, and make a good faith effort to resolve any disputes. Failure to comply with this requirement will result in denial of the motion.
2. Litigants must make discovery motions by letter motion. Such letter motions may not exceed five (5) pages in length, exclusive of exhibits. A response not exceeding five (5) pages in length, exclusive of exhibits, must be served and filed within three (3) days of receipt of the letter

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<sup>2</sup> The online intake form and contact information for the Federal Pro Se Legal Assistance Project can be found here: <https://www.citybarjusticecenter.org/projects/federal-pro-se-legal-assistance-project/>.

<sup>3</sup> The Local Rules for the U.S. District Courts for the Eastern and Southern Districts of New York are available here: [https://www.nyed.uscourts.gov/sites/default/files/local\\_rules/localrules\\_8.pdf](https://www.nyed.uscourts.gov/sites/default/files/local_rules/localrules_8.pdf).

motion, unless a motion for additional time is granted. Reply briefs are only permitted upon obtaining leave of Court. All discovery letter motions and responses must use reasonable margins and a 12-point font.

**C. Deposition Disputes**

When a dispute arises during a deposition that the parties cannot resolve themselves despite their best efforts, the parties must contact the Court immediately by e-mailing [Eshkenazi\\_Chambers@nyed.uscourts.gov](mailto:Eshkenazi_Chambers@nyed.uscourts.gov). The email should include a brief description of the dispute and a callback number. The parties must have the court reporter mark the transcript where the dispute arose and must move on to other issues in the deposition until such time as the Court can call back to address the dispute. When the Court returns the call, the court reporter must be present on the call to record any rulings. The parties must not discontinue the deposition while waiting for the Court to return the call.

**D. No Automatic Stay of Discovery**

There is no automatic stay of discovery, unless authorized by statute, should one or more defendants file a motion to dismiss. Discovery is only stayed if a party files a motion to stay discovery and the Court grants such a motion.

**E. Protective Orders**

Confidentiality orders should be in the form posted here: [https://img.nyed.uscourts.gov/files/local\\_rules/ProtectiveOrder-LKE.pdf](https://img.nyed.uscourts.gov/files/local_rules/ProtectiveOrder-LKE.pdf). If a party believes that changes to the form order are required due to the circumstances of the case, it may submit to the Court proposed changes via letter motion via ECF. The letter motion must not exceed three (3) pages and must explain the need for the changes, whether all parties consent to the proposed changes, and the bases for any objections to the proposed changes. The letter motion must attach as exhibits a clean copy of the proposed order and a redlined comparison between the proposed order and the Court's form Protective Order. The redline should note any objections by any party to the proposed changes.

**IV. SETTLEMENT**

**A. Requests for Settlement Conferences**

To request a settlement conference, the parties must file a joint letter motion and include at least three (3) dates on which counsel and parties with full settlement authority are available to attend.

## **B. Settlement Statements**

1. **Exchange of Demand/Offer.** At least ten (10) days prior to the scheduled settlement conference, Plaintiff's counsel must submit a settlement demand to Defendant's counsel with a brief explanation of why such a settlement is appropriate. No later than seven (7) days prior to the settlement conference, Defendant's counsel must submit an offer to Plaintiff's counsel with a brief explanation of why such settlement is appropriate.
2. **Ex Parte Submission.** At least five (5) days prior to the settlement conference, the parties must submit *ex parte* settlement letters, not to exceed five (5) pages single-spaced, to Chambers via email ([Eshkenazi Chambers@nyed.uscourts.gov](mailto:Eshkenazi_Chambers@nyed.uscourts.gov)). The *ex parte* settlement letters must include the communicated demand and offer as prescribed in Rule IV.B.1 above, the strengths and weaknesses of their case, and any legal arguments in support of their settlement position with citations to relevant authorities. Prior to the conference, the Court may schedule *ex parte* telephone calls with counsel after reviewing the statements.

## **C. Settlement Conferences**

Settlement conferences will be conducted in person unless otherwise noted. If a person with full settlement authority is unable to attend in person, parties must seek advance permission for that person to be available telephonically during the conference.

## **V. MOTIONS**

### **A. Dispositive Motions**

Where the parties have consented to Judge Eshkenazi's jurisdiction for all purposes pursuant to 28 U.S.C. § 636(c)(1), the following rules apply to dispositive motions:

1. A letter motion requesting a pre-motion conference is required before any dispositive motion may be filed. The request must be accompanied by a summary of the proposed motion, not to exceed five (5) pages. The opposing party must file a letter response within seven (7) days, not to exceed five (5) pages. Reply letters are prohibited absent permission of the Court.

2. The parties must present to the Court a proposed briefing schedule for approval at the pre-motion conference. No revisions to the schedule will be made without the Court's approval.
3. The memoranda of law in support of and in opposition to dispositive motions are limited to twenty-five (25) pages, and reply memoranda are limited to ten (10) pages. All memoranda of law must be double spaced, use reasonable margins, and a 12-point font.
4. Courtesy copies are not required unless specifically requested by the Court.

**B. 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.

**VI. TRIALS ON CONSENT**

Where the parties have consented to Judge Eshkenazi's jurisdiction pursuant to 28 U.S.C. § 636(c)(1) for all purposes, the following rules apply:

**A. Proposed Joint Pre-Trial Orders**

On the date specified in the scheduling order, the parties must submit a joint pretrial order that includes the following:

1. **Caption.** Full caption of the action.
2. **Parties and Counsel.** The names, addresses, telephone numbers, and email addresses of trial counsel.
3. **Jurisdiction.** A brief statement as to the basis of subject matter jurisdiction or its absence.
4. **Claims and Defenses.** A brief summary by each party of the claims and defenses that the parties have asserted that remain to be tried.

5. **Relief.** A brief statement of the categories and amounts of damages claimed or relief sought.
6. **Jury or Bench Trial.** 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.
7. **Stipulations.** Any stipulations or statements of facts that have been agreed to by all parties.
8. **Witnesses.** A list by each party of the fact and expert witnesses whose testimony will be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. The list should include a very brief description of the subject matter of the anticipated testimony of each witness. Only listed witnesses will be permitted to testify except for good cause shown.
9. **Deposition Testimony.** A designation by each party of deposition testimony to be offered in its case in chief, along with any cross-designations and objections by any other party.
10. **Exhibits.** A list of exhibits to be offered into evidence. The parties must list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve all issues of authenticity, best evidence, chain of custody, and related grounds before trial. Only exhibits listed will be received in evidence, except for good cause shown. All exhibits must be pre-marked for the trial, placed in binders with tabs, and exchanged with the other parties with two courtesy copies sent to Judge Eshkenazi at least ten (10) days before trial. Parties must indicate whether they intend to utilize electronic presentation of evidence or exhibits.
11. **Motions in Limine.** A list of any proposed motions *in limine* addressing evidentiary or other issues and a brief description of the nature of each motion.

## **B. Filings Prior to Trial**

1. **Motions *in Limine*.** All motions addressing any evidentiary or other issues that should be resolved *in limine* must be filed at least thirty (30) days prior to the commencement date of trial.



2. **Jury Trials.** Proposed jury instructions, *voir dire* questions, and a jury verdict sheet must be filed at least fourteen (14) days prior to the start of the trial.