

INDIVIDUAL MOTION PRACTICES OF
MAGISTRATE JUDGE MARILYN D. GO

United States District Court
225 Cadman Plaza East
Room 317 N
Courtroom 322 N
Brooklyn, New York 11201
Telephone: (718) 804-2745
Fax: (718) 804-2747
Fax Page Limit: 15 pages
Hours: 9:00 a.m. to 5:00 p.m.

Unless otherwise ordered by Judge Go in a specific case, matters before Judge Go shall be conducted in accordance with the following practices:

1. Electronic Case Filing (ECF)

A. Pursuant to an Administrative Order dated June 22, 2004, Electronic Case Filing ("ECF") is mandatory in all cases other than pro se civil cases absent a showing of good cause hardship. All documents required to be filed with the Court must be filed by ECF. Questions regarding ECF should be directed as follows: Technical Help Desk (718-613-2290), ECF registration and training (718-613-2312) and ECF filing (718- 260-2610).

Requests by attorneys for a hardship exemption from ECF must be submitted to Magistrate Judge Go promptly after a party appears in an action. Any application must state the specific technological or other reason why counsel is not able to participate in ECF. Before seeking a hardship exemption, attorneys should participate in a training program or otherwise seek assistance from the Clerk's Office.

B. The parties must provide courtesy copies of electronically filed documents to Judge Go **only if** the document pertains to a matter to be addressed by Judge Go **and** exceeds ten pages or contains more than two exhibits. No courtesy copies of dispositive motions made to the assigned district judge need be provided to Judge Go, unless the motion is referred to her. The parties must follow the chambers rules of the district judge regarding filing of submissions and providing courtesy copies.

C. Any letters to Magistrate Judge Go requesting court intervention, including applications pursuant to Local Civil Rule 37.3 or requests for an adjournment or extension, must be electronically filed as a "Motions" under the appropriate motion listed fM/ECF Civil Events. Supporting documents and memoranda should be filed either as an attachment to the motion or under the specific civil event listed under "Responses and Replies" (e.g. "Affidavit/Declaration in Support" or "Memorandum in Opposition").

D. Parties may file documents electronically under seal provided they first file a letter motion for leave to do so and obtain the Court's permission. The instructions and a short tutorial are available on the Court's website at:

http://www.nyed.uscourts.gov/CM_ECF/Learning_More_About_It/sealed_filing.html..

E. If the exhibits to a document filed by ECF are voluminous or are non-text or in a form not convertible into pdf format, the party may file such exhibits in hard copy. The submission must be accompanied by a cover sheet in accordance with the form "Notice Regarding the filing of Exhibits in Paper Form" in the CM/ECF User's Guide. The Notice must also be filed electronically.

2. Communications With Chambers

A. *Letters.* Except as otherwise permitted, communications with chambers shall be by letter filed electronically, unless that case or a litigant has been exempted from ECF. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* Telephone calls to chambers are permitted, but should be reserved primarily for situations requiring immediate attention in cases assigned or referred to Judge Go. For case related inquiries, including scheduling and calendar matters and the scheduling of guilty pleas, call chambers at (718) 804-2745 between 9:00 a.m. and 5:00 p.m. Calls regarding new arrests, bail issues, arraignments and other matters handled by the Magistrate Judge on criminal duty should generally be directed to the Magistrate Clericals at (718) 613-2620 or 6620.

C. *Faxes.* Faxes to chambers may be sent only if the submission pertains to a matter requiring prompt attention and only after the document is filed by ECF. **Do not send a hard copy of any faxed document.** No document longer than 15 pages may be faxed without prior authorization. The fax number is (718) 804-2747.

D. *Requests for Adjournments or Extensions of Time.* All requests for adjournments or extensions of time must be made by letter application filed electronically as a motion (see Rule 1C) at least 72 hours in advance of a deadline or date. The application must state (1) the original date, (2) the number of previous requests for adjournment or extension, (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 a requested adjournment or extension affects any other scheduled dates, a proposed revised schedule for all affected date(s) must be included. No request for an adjournment or extension may be made by telephone, absent an emergency.**

3. Motions

A. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, parties must follow the rules of the assigned district judge.

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.

C. *Oral Argument on Motions.* Parties may request oral argument at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

4. Pretrial Procedures in Civil Cases where the Parties have Consented to Trial by Judge Go

A. *Joint Pretrial Orders in Civil Cases.* Unless otherwise ordered, within 60 days from the date for the completion of discovery in a civil case, 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 each 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, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

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 if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

- i. Requests to charge, which should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a flash drive or CD-rom in Windows Word Perfect format;
 - ii. By claim, a detailed statement regarding damages and other relief sought;
 - 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. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine;
 - v. In any case where such party believes it would be useful, a pretrial memorandum;
- and
- vi. Proposed voir dire questions must be submitted on the Wednesday before trial in jury cases.