

# **Individual Practice Rules of Judge Nina R. Morrison**

*Updated November 14, 2022*

United States District Court for the Eastern District of New York  
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Brooklyn, NY 11201

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## RULES AT A GLANCE

Topic	Issue	Requirement	Rule	Page
<b>Court filings</b>	Electronic Case Filing	Mandatory, except for <i>pro se</i> litigants.	1.1	1
	Filing under seal	File on ECF as sealed document.	1.2	1
	Courtesy copies	No courtesy hard copies to the Court unless otherwise directed.	1.3	2
	Word-processing files	Mandatory for proposed orders, jury instructions, and similar findings.	1.4	2
	Text-searchable submissions	Mandatory for all submissions, except for <i>pro se</i> litigants.	1.5	2
	Filings styled as letters	Identify the addressee and subject matter in the ECF header.	1.6	2
	Requests for adjournment	Provide at least 2 business days' notice.	1.7	2
	Labeling	Include the docket number, initials of the judge (NRM), and initials of the assigned magistrate judge on all papers.	1.8	3

<b>Topic</b>	<b>Issue</b>	<b>Requirement</b>	<b>Rule</b>	<b>Page</b>
<b>Communications with chambers</b>	Written communications	File on ECF.	2.1	3
	Telephone calls	For docketing, scheduling, or calendar matters, please call Freddie Valderrama at (718) 613-2194.	2.2	4
	Urgent communications	Contact chambers by telephone.	2.3	4
<b>Magistrate judges</b>	Matters referred to magistrate judge	See rule for full list.	3	4
<b>Appearance of attorneys</b>	Authority consistent with proceeding	Where practicable, principal trial counsel shall appear in all conferences before the Court. All attorneys who appear must have authority consistent with the proceeding and should be prepared to address any matters likely to arise.	4.1	5
	Participation of lawyers	Historically underrepresented attorneys and less experienced attorneys are encouraged to participate in court proceedings.	4.2	5
	Notices of appearance	Any attorney appearing before the Court must enter a notice of appearance on ECF.	4.3	6

Topic	Issue	Requirement	Rule	Page
<b>Civil cases: motion practice</b>	Pre-motion conferences	Required for motions under Fed. R. Civ. P. 12 or 56, motions to change venue, and motions to amend pleadings pursuant to Fed. R. Civ. P. 15 if leave of the Court is required, in all cases <u>except</u> bankruptcy appeals, social security appeals, habeas cases, or cases in which one or more parties are proceeding <i>pro se</i> .	5.1	6
	Briefing schedule	The parties shall submit, when possible, a mutually-agreed upon schedule for the Court's approval. The Court will set the briefing schedule at the pre-motion conference or thereafter as applicable. <b>The Court requests that the parties refrain from filing motion papers until the motion has been fully briefed by all parties.</b>	5.2	8
	Memoranda of law	30 pages for opening and opposition briefs; 15 pages for reply briefs.	5.3	10

Topic	Issue	Requirement	Rule	Page
	Evidentiary citations	Required for all submissions that cite record material.	5.4	11
	Motions for summary judgment	Parties must follow the Court's formatting and filing rules for Local Rule 56.1 statements and evidentiary hearings.	5.5.1	11
	Oral arguments	Parties may request, and are encouraged to alert the Court if a less experienced attorney will present argument.	5.6	13
<b>Civil cases: pre-trial procedures</b>	Joint pretrial orders	Due 60 days after completion of discovery.	6.1	13
	Motions <i>in Limine</i>	Due 30 days before jury selection. Motions <i>in limine</i> seeking to exclude or limit testimony of expert witnesses due 45 days before jury selection. All responses are due 14 days after motion is filed.	6.2.1; 6.6	16
	Requests to charge, proposed verdict sheet, proposed <i>voir dire</i> questions	Due 14 days before jury selection.	6.2.2	17

Topic	Issue	Requirement	Rule	Page
	Exhibits	Parties must exchange exhibits 10 days before trial and, on the Thursday before trial, provide the Court with three tabbed binders containing copies of all exhibits.	6.2.3–6.2.4	17
<b>Civil cases: post-trial procedures</b>	Proposed findings of fact and conclusions of law	In non-jury trials, parties shall file proposed findings of fact and conclusions of law 10 days after the conclusion of trial, unless another date is set by the Court.	7	18
<b>Criminal cases: motion practice</b>	Status conferences	Counsel shall confer before status conferences about anticipated motion practice and any discovery matters either party wishes to address at the conference, including but not limited to the Government’s ongoing duty to timely disclose <i>Brady</i> material.	8.1	18
	Plea agreements	Due 3 days before the change-of-plea hearing, along with any accompanying information.	8.2	18

Topic	Issue	Requirement	Rule	Page
	Sentencing submissions	Due 14 days before sentencing for defendants and 7 days before sentencing for the Government.	8.3.1	19
	Requests for Sentencing Adjournment	Due at least 5 business days before the date of sentencing.	8.3.2	19
	Memoranda of law	No page limit.	8.4	19
	Oral arguments	Requests for oral argument on a motion will typically be granted and heard on a date set by the Court.	8.5	19
<b>Criminal cases: pretrial procedures</b>	Motions <i>in limine</i>	Due 30 days before jury selection. Responses are due 14 days after motion is filed.	8.6.1	20
	Requests to charge, proposed verdict sheet, proposed <i>voir dire</i> questions	Due 10 days before jury selection.	8.6.2	20
<b>Trial schedule</b>	Scheduling	Jury trials will take place Mondays through Thursdays from 10am to 5pm. Bench trials will be scheduled at the convenience of the Court.	9	20

Topic	Issue	Requirement	Rule	Page
<b>Cases involving <i>pro se</i> litigants</b>	Responsibilities of <i>pro se</i> litigants	Communicate with the Court in writing and ensure contact information is current.	10.1	20
	Responsibilities of represented parties	Ensure adherence to and compliance with all applicable rules, including service of paper copies on <i>pro se</i> litigant.	10.2	21
	Habeas petitions	Serve the record on the petitioner.	10.3	21



## 1. Court filings

### 1.1. Electronic Case Filing (ECF)

- 1.1.1. Counsel must file all documents electronically.
- 1.1.2. *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 on ECF and must also mail a hard copy of all documents to the *pro se* litigant. See Rule 10 (governing *pro se* litigants).
- 1.1.3. 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).
- 1.1.4. Chambers staff cannot help with filing via ECF. For ECF assistance, please call the ECF helpline at (718) 613-2285 or visit the [EDNY CM/ECF documentation](#).

### 1.2. Filing under seal

Any party seeking to file a submission under seal shall file the proposed sealed document(s) and sealing motion on 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>.

### **1.3. No courtesy copies to be filed**

**Please do not submit courtesy copies (hard copies) of filings to the Court unless otherwise directed.** Electronic submissions filed on ECF will suffice.

### **1.4. Word-processing files of proposed orders, jury instructions, and similar filings**

Proposed orders, jury instructions, and other writings a party requests that the Court adopt shall be filed on ECF and provided via e-mail, in PDF and Microsoft Word format, to [Morrison Chambers@nyed.uscourts.gov](mailto:Morrison_Chambers@nyed.uscourts.gov). However, parties need not submit word-processing files of stipulations of dismissal, of settlement, or of motions for extensions of time unless specifically requested to do so.

### **1.5. Text-searchable submissions**

All written submissions and supporting materials, except those filed by *pro se* litigants, must be text-searchable to the extent practicable.

### **1.6. Filings styled as letters**

Any filing styled as a “Letter” shall identify in its ECF header (i) the addressee and (ii) the subject matter. E.g.: “Letter to Judge Morrison re: Pre-Motion Conference Request” or “Letter to Magistrate Judge Doe re: Status Conference.”

### **1.7. Requests for adjournments or extensions of time**

- 1.7.1. All requests for adjournments or extensions of time relating to matters not referred to a Magistrate Judge (*see* Rule 3) must be in writing and state: **(i)** the reason for the request; **(ii)** the original date; **(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 refusing to consent; and **(vi)** proposed date(s) for adjournment or extension of time.

- 1.7.2. If the requested adjournment or extension affects any other scheduled dates, the party seeking the adjournment should propose revisions of the additional affected dates.
- 1.7.3. Absent an emergency, requests for adjournments of court appearances and extensions of filing deadlines shall be made at least two working days prior to the scheduled appearance or filing deadline.
- 1.7.4. Any party seeking an adjournment of a court appearance within 24 hours of the appearance shall file its adjournment request on ECF and then call chambers to advise the Court of the request.

## **1.8. Labeling**

All papers shall indicate the docket number followed by the initials of the District Judge (NRM) and initials of the assigned Magistrate Judge.

## **2. Communications with chambers**

### **2.1. Written communications**

All communications with chambers shall be in writing and filed on 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.

Parties may not communicate with the Court via fax without prior authorization.

## **2.2. Telephone calls**

Parties are encouraged to communicate with the Court via written communication rather than by telephone. For docketing, scheduling, or calendar matters, please call Courtroom Deputy Freddie Valderama at (718) 613-2194. Calls to chambers with questions about these rules are permitted, but please review this document first. *Ex parte* telephone calls to chambers about the substance of cases are not permitted.

## **2.3. Urgent communications**

The Court will generally review ECF submissions the next business day after they are filed. If a submission requires immediate attention, please notify chambers by telephone after filing on ECF.

# **3. Matters referred to Magistrate Judges**

## **3.1. Matters referred**

Unless the Court directs otherwise, the following matters are hereby referred to the assigned Magistrate Judge:

- 3.1.1. Extensions of time to serve, answer, or file amended pleadings;
- 3.1.2. Motions to amend pleadings;
- 3.1.3. Stipulations amending pleadings;
- 3.1.4. Stipulations transferring venue or remanding to state court;
- 3.1.5. Motions for admission *pro hac vice*;
- 3.1.6. Issuance of subpoenas and confidential or protective orders;

- 3.1.7. Discovery schedules and motions, including motions to quash subpoenas;
- 3.1.8. Unsealing orders;
- 3.1.9. Motions to be relieved as counsel or substituted as counsel; and
- 3.1.10. Requests for adjournments or extensions of time in arbitration or mediation proceedings.

## **4. Appearance of attorneys**

### **4.1. Authority consistent with proceeding**

In any appearance, all attorneys must have authority consistent with the proceeding and should be prepared to address any matters likely to arise. For example, an attorney attending a pre-motion conference should have the authority to commit his or her party to a motion schedule and be prepared to address other matters likely to arise, including the party's willingness to participate in a settlement conference with the assigned Magistrate Judge.

### **4.2. Participation of lawyers**

The Court encourages the participation in court proceedings by lawyers from diverse backgrounds, including those who historically have been underrepresented in the federal bar, as well as less experienced attorneys, particularly where that attorney played a substantial role in drafting the underlying filing or in preparing the relevant witness.

- 4.2.1. For the purposes of this rule, the Court considers a "less experienced attorney" to be a lawyer with six or less years of experience, exclusive of any time after bar admission that the attorney has been employed as a judicial clerk, has been on family or medical

leave, or was otherwise not actively engaged in the practice of law.

4.2.2. To facilitate participation of attorneys who historically have been underrepresented in the federal bar and/or less experienced attorneys, the Court may permit multiple attorneys to argue different issues for each party.

4.2.3. Counsel are encouraged, but not required, to alert the Court when a less experienced attorney is participating in trial or pretrial appearances.

#### **4.3. Notices of appearance**

Any attorney appearing before the Court must enter a notice of appearance on ECF.

### **5. Civil cases: motion practice**

#### **5.1. Pre-motion conferences**

5.1.1. Pre-motion conferences are not required in bankruptcy appeals, social security appeals, habeas 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 before filing:

5.1.1.1. Any motion pursuant to Federal Rule of Civil Procedure 12 or 56;

5.1.1.2. Any motion for a change of venue; or

5.1.1.3. A motion to amend a pleading pursuant to Federal Rule of Civil Procedure 15 when leave of court is required.

5.1.2. To request a pre-motion conference, the moving party is to file and serve a pre-motion conference letter, not

to exceed four pages, setting out the bases for the anticipated motion.

- 5.1.2.1. *Timing.* Service of that letter within the time requirements of Federal Rule of Civil Procedure 12 or 56 shall constitute timely service of a motion made pursuant to those provisions.
- 5.1.2.2. *Rule 56 motions.* 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. For requirements for Rule 56.1 statements, see Rule 5.5.1., [Filings accompanying motions for summary judgment](#).
- 5.1.3. All parties served with the moving party’s pre-motion-conference letter are required to serve and file a letter response within five business days of service of the moving party’s letter, except for motions under Federal Rule of Civil Procedure 56. The response shall not exceed three pages.
  - 5.1.3.1. *Rule 56 motions.* All parties served with the moving party’s pre-motion-conference letter are required to serve and file a letter response within ten (10) business days of service of the moving party’s letter. The responding party must also file a Rule 56.1 statement under the requirements below of Rule 5.5.1., [Filings accompanying motions for summary judgment](#).
- 5.1.4. In appropriate cases, the Court may construe the pre-motion letter, along with counsel’s arguments at the pre-motion conference, as the motion itself.

- 5.1.5. If a party wishing to file a motion concludes in good faith that delaying the filing of the motion in order to comply with the pre-motion conference requirements or any other 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 party's conclusion.

## 5.2. Briefing schedule

- 5.2.1. In some cases, it will be apparent from the letter requesting a pre-motion conference that such a conference will not be a useful expenditure of the parties' time, and a briefing schedule will be set without a pre-motion conference.
- 5.2.2. If the Court holds a pre-motion conference, the Court will set a briefing schedule at the conference or soon thereafter. When possible, the parties shall agree on a briefing schedule and submit it to the Court for approval. If the parties cannot agree on a briefing schedule, then the moving party shall submit a proposed schedule to the Court with an accompanying letter explaining the parties' points of disagreement. After a briefing schedule has been set, the parties may not modify it without the Court's approval.
- 5.2.3. Filing of motion papers
  - 5.2.3.1. **As a courtesy to the Court, the Court requests that the parties refrain from filing motion papers until the motion has been fully briefed by all parties.** If the parties elect to file their motion only once it is fully briefed, 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 what papers are being served. Only a copy of the cover letter shall be electronically filed 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, each party shall electronically file its moving papers, and the movant (unless *pro se*) shall submit a letter specifying each document that has been filed by either party.

- 5.2.4. Parties moving pursuant to Federal Rules of Civil Procedure 50, 59 and 60 and counsel should be aware that the Court of Appeals will not accept compliance with this rule as an excuse for noncompliance with the time limits set forth in Federal Rule of Appellate Procedure 4.
- 5.2.5. 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 or cause that party to miss a statutory deadline, 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 of the conclusion.
  - 5.2.5.1. The “bundling” procedure set forth in Rule 5.2.3.1 does ***not*** apply to the following motions:
    - 5.2.5.1.1. Motions for default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2);

- 5.2.5.1.2. Post-trial and/or post-judgment motions under Federal Rule of Civil Procedure 50(b) (for judgment as a matter of law), 52(b) (to amend or make additional findings), 59 (for a new trial) and 60 (for relief from a final judgment, order, or proceeding);
- 5.2.5.1.3. Motions for attorney's fees pursuant to Federal Rule of Civil Procedure 54(d)(2), if the motion is made before a notice of appeal has been filed and the Court has extended the time to appeal under Rule 58(e); and
- 5.2.5.1.4. Motions filed by parties proceeding *pro se*.

### **5.3. Memoranda of law**

- 5.3.1. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 30 double-spaced pages, not including tables of contents, tables of authorities, exhibits, appendices, or attachments. Reply memoranda are limited to 15 double-spaced pages, not including tables of contents, tables of authorities, exhibits, appendices, or attachments.
- 5.3.2. All memoranda of law shall be produced in 12-point font, with footnotes in 11-point font, 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. Caselaw citations shall be to official case reporters or, for decisions not available in official reporters, to the Westlaw electronic case database.

5.3.3. Notices of supplemental authority regarding decisions issued after the completion of briefing may be filed without leave of the Court.

5.3.4. Sur-replies require prior authorization by the Court.

#### **5.4. Evidentiary citations**

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

#### **5.5. Filings accompanying motions for summary judgment**

5.5.1. *Local Rule 56.1 statements:* Motions for summary judgment may be denied if the Local Rule 56.1 statements do not conform with the requirements described in these Individual Practice Rules, in addition to those set forth in Local Rule 56.1. Except in *pro se* cases, the Local Rule 56.1 statement by a party opposing summary judgment shall quote verbatim the moving party's Local Rule 56.1 statement and shall respond to each allegation in the moving party's statement immediately beneath each allegation. The opposing statement also may, if necessary, include a separate section of additional material facts relevant to the motion. The party opposing summary judgment may obtain from the movant in electronic format a word processing version of the Local Rule 56.1 statement to facilitate compliance with this paragraph.

5.5.1.1. The moving party's Local Rule 56.1 statement may not exceed 25 double-spaced pages without prior permission of the Court. The opposing statement may not exceed twice the length of the moving party's statement. If the

opposing statement includes a separate section of additional material facts, that separate section may not exceed 10 double-spaced pages.

- 5.5.1.2. Each paragraph in the Local Rule 56.1 statement shall 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.” Do not state or summarize the claims, defenses, matters apparent on the docket sheet, timetable, or history of the litigation; the Local Rule 56.1 statement should be limited to facts in the record relevant to the motion for summary judgment.
- 5.5.1.3. Do not point out the absence of evidence to support an opponent’s position in a Local Rule 56.1 statement. Do it in the memorandum of law.
- 5.5.2. *Evidentiary filings:* Parties shall file only the pages of transcripts containing relevant testimony cited in the memoranda or affidavits. All excerpts must comply with Federal Rule of Evidence 106. Parties shall include the portion of the transcript necessary for completeness. If the transcript contains a discussion of a matter, include the whole discussion.
  - 5.5.2.1. Parties shall include a declaration identifying each of the exhibits and the page ranges of the exhibits within the compiled PDF.

5.5.2.2. The exhibits shall be designated on ECF with short titles. E.g., “Ex. 1 – Doe Declaration,” rather than “Ex. 1.”

## **5.6. Filings accompanying motions *in limine***

Any evidence to which a motion *in limine* refers to—whether in a motion to preclude the evidence, a motion to admit the evidence, or as relevant context for a motion to admit or preclude other evidence—must be attached to the motion as a clearly labelled exhibit.

## **5.7. Oral argument on motions**

A party may request oral argument on a motion by writing “Oral Argument Requested” on the first page of its brief. The Court may be inclined to grant a request for oral argument and/or to permit more than one lawyer representing a party to argue when doing so would afford the opportunity for a less experienced attorney described in Rule 4.2 to gain courtroom experience. Counsel are encouraged, but not required, to alert the Court in their requests for oral argument or in a letter filed with the court that a less experienced attorney will be presenting argument.

## **5.8. FLSA/FDCPA Cases**

All Fair Labor Standards Act (“FLSA”) and Fair Debt Collection Practices Act (“FDCPA”) cases will be referred to court mediation, including all class or collective actions.

# **6. Civil cases: pretrial procedures**

Note: The parties must print their own materials for trial. The Court will not print materials for the parties.

## **6.1. Joint pretrial orders**

Unless otherwise ordered by the Court, within 60 days of the completion of discovery in civil cases, the parties shall jointly submit to

the Court a proposed Pretrial Order, which shall include the following:

- 6.1.1. *Caption:* The full caption of the action.
- 6.1.2. *Parties and Counsel:* The names, addresses (including firm names), and telephone numbers of trial counsel.
- 6.1.3. *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.
- 6.1.4. *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.
- 6.1.5. *Jury or Bench Trial & Trial Length:* 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.
- 6.1.6. *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.
- 6.1.7. *Statement of Relief Sought:* A detailed statement of the damages and other relief sought by the plaintiff. In non-jury cases, parties should also provide 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.

- 6.1.8. *Witnesses:* A list of fact and expert witnesses whose testimony is to be offered in each party's case in chief, along with the address of each witness and 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 upon good cause shown.
- 6.1.9. *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.
- 6.1.10. *Stipulations:* A statement of stipulated facts, if any.
- 6.1.11. *Exhibits:* A schedule listing exhibits to be offered into evidence and, if not admitted by stipulation, the party or parties that will be offering them.
  - 6.1.11.1. The schedule should not 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 Federal Rule of Evidence 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 into evidence.
  - 6.1.11.2. 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. Descriptions need be no longer than several sentences, but they should include more than just a list of the rules upon which objections are based. 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.

- 6.1.12. *Motions in Limine*: A list of motions *in limine* each party intends to file (pursuant to the deadline set forth in Rule 6.2.1 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.

## **6.2. Pretrial filings in civil cases**

- 6.2.1. The parties shall propose their own briefing schedule on any motions addressing evidentiary or other issues that should be resolved *in limine*, provided that all such motions are filed at least 30 days before the commencement of jury selection. Any responses are due 14 days after the motions are filed.

- 6.2.1.1. Motions to exclude or limit the testimony of experts pursuant to Rules 702–705 of the Federal Rules of Evidence, including but not limited to motions to exclude scientific or technical evidence under the *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), line of cases, shall be filed at least 45 days before the commencement of jury



selection. Responses are due 14 days after the motion is filed.

- 6.2.2. 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 14 days before jury selection, unless otherwise ordered by the Court. Requests to charge should be limited to the elements of the claims, the damages sought, and defenses. General instructions will be prepared by the Court.
- 6.2.3. The parties shall exchange their exhibits with each other at least ten days before trial and are strongly encouraged to resolve disputes relating to exhibits in advance of trial where possible and, where disputes remain unresolved, to raise them with the Court in advance of trial.
- 6.2.4. The parties shall provide the Court with three tabbed binders containing copies of all exhibits on the Thursday before trial, unless otherwise ordered by the Court. All exhibits must be pre-marked for the trial and placed in binders with tabs. 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 his or her direct testimony, counsel shall have **(i)** two copies of each document for the Court, and **(ii)** at least one copy each for the court reporter and counsel for each opposing party who is present.
- 6.2.5. In non-jury cases, each party shall submit a statement of the elements of each claim and defenses

involving each claim together with a summary of the facts relied upon to establish each element. The statement shall be due before trial on a schedule to be set by the Court.

## **7. Civil cases: post-trial procedures**

In non-jury trials, parties shall file proposed findings of fact and conclusions of law no later than ten days after the conclusion of trial unless the Court sets a different filing deadline. Responses to such submissions are permitted only with leave of the Court.

## **8. Criminal cases**

### **8.1. Status conferences**

Prior to all status conferences, counsel for the Government and the defense shall confer with one another regarding pretrial motions that either party anticipates it will file, as well as a proposed timeline for discovery and any other discovery matters that either party may seek to address at the conference. At the initial status conference and all conferences thereafter, the Government shall be prepared to address its ongoing duty to comply with its obligations to timely disclose exculpatory evidence under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, including as set forth in the standing order pursuant to Federal Rule of Criminal Procedure 5(f) previously issued by the presiding Magistrate Judge at initial appearance. Defense counsel are encouraged, but not required, to facilitate the Government's compliance with its *Brady* obligations by making specific requests that the Government seek out, review, and/or produce certain evidence or information that defense counsel reasonably believes may contain, or is reasonably likely to lead to the discovery of, *Brady* material.

### **8.2. Guilty pleas**

The parties must provide the Court with a copy of any plea agreement at least three days before a change-of-plea hearing. The plea

agreement should be sent by email to Courtroom Deputy Freddie Valderrama at the address [Freddie\\_Valderrama@nyed.uscourts.gov](mailto:Freddie_Valderrama@nyed.uscourts.gov).

If the defendant intends to waive the indictment and plead guilty to an information at the change-of-plea hearing, a copy of the information should also be provided to the Court at least three days before the hearing. The information should be sent to [Freddie\\_Valderrama@nyed.uscourts.gov](mailto:Freddie_Valderrama@nyed.uscourts.gov).

### **8.3. Sentencing**

8.3.1. The defendant's sentencing memorandum, if any, is due 14 days prior to sentencing. The Government's sentencing memorandum, if any, is due 7 days prior to sentencing.

8.3.2. Absent exceptional circumstances, applications regarding sentencing adjournments shall be made in writing at least five business days 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.

### **8.4. Motions**

Rules 5.2–5.5 apply to criminal motions, except that the page limits for civil memoranda of law do not apply in criminal cases.

### **8.5. Oral arguments**

Oral argument on motions in criminal cases will typically be granted and heard on a date set by the Court, unless both parties waive argument.

## **8.6. Filings prior to trial**

- 8.6.1. Motions addressing evidentiary issues or other issues to be resolved *in limine* should comply with Rules 6.2.1 and 6.6, above.
- 8.6.2. 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 10 days before jury selection, unless otherwise ordered by the Court.

## **9. Trial schedule in civil and criminal cases**

Jury trials shall be scheduled Mondays through Thursdays from 10 a.m. to 5 p.m. The Court will typically break for lunch from 1 p.m. to 2 p.m. Counsel for all parties should be prepared to appear one hour before the start of each trial day as needed, to address any ancillary matters outside the presence of the jury.

During a bench trial, the Court may request that the parties be flexible with scheduling to accommodate other proceedings.

## **10. Pro se litigants**

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

### **10.1. Responsibilities of *pro se* litigant**

A *pro se* litigant shall:

- 10.1.1. Only communicate with the Court in writing.
- 10.1.2. Ensure that contact information on file with the Court remains current. Failure to do so may result in dismissal of claims and/or entry of default judgment.

## **10.2. Responsibilities of counsel in matters involving *pro se* litigants**

In all cases involving a *pro se* litigant, counsel for represented parties shall:

- 10.2.1. Ensure adherence to and compliance with all applicable rules, including Local Civil Rules 7.2, 12.1, 33.2, and 56.2.
- 10.2.2. Provide *pro se* litigants with a copy of this Court's individual rules and file a certificate of service as early as practicable in the litigation.

## **10.3. Habeas petitions**

In habeas cases with *pro se* petitioners, the respondent must serve the petitioner with the answer and the state or federal court record when respondent files the answer and the record on ECF. *See* Rule 5(b)–(c) of the Rules Governing Section 2254; Rule 5(b)–(c) of the Rules Governing Section 2255 Cases; Fed. R. Civ. P. 5(a), 10(c).

Moreover, when preparing the record, the respondent shall include either a table of contents or an index of the record's contents.

## **11. Pronouns and honorifics**

The parties and counsel are encouraged to advise the Court if they would like to be addressed with a particular pronoun and/or honorific—such as Ms., Mx., or Mr.—so that the Court may address them respectfully. People appearing before this Court may do so in writing and when appearing for conferences, hearings, or trials by speaking to the courtroom deputy. Attorneys are encouraged—but not required—to identify their preferred pronouns in their signature lines when submitting documents for filing. All parties and counsel shall address each other in all written documents and court proceedings by those pronouns and/or honorifics previously identified.