

EMERGENCY INDIVIDUAL RULES AND PRACTICES IN LIGHT OF COVID-19

Alison J. Nathan, United States District Judge

Chambers Email:

NathanNYSChambers@nysd.uscourts.gov

Unless otherwise ordered by the Court, these Emergency Individual Rules and Practices apply to *all* matters before Judge Nathan (whether criminal or civil and whether involving a *pro se* party or all counseled parties), and they are a supplement to Judge Nathan’s standard Individual Rules and Practices. If there is a conflict between these Rules and Judge Nathan’s standard Individual Rules and Practices, these Rules control.

1. No Paper Submissions Absent Undue Hardship

- A.** No papers, including courtesy hard copies of any filing or document, may be submitted to Chambers. All documents must be filed on ECF or, if permitted or required under the Court’s Individual Rules and Practices, emailed to NathanNYSChambers@nysd.uscourts.gov.
- B.** In the event that a party or counsel is unable to submit a document electronically — either by ECF or email — the document may be mailed to the Court. To the maximum extent possible, however, this means of delivery should be avoided, as delivery of mail to the Court is likely to be delayed.

2. Conferences and Proceedings

- A. In Civil Cases.** Unless otherwise ordered by the Court, all conferences and proceedings in civil cases will be held by telephone. In some cases, the Court may direct one of the parties to set up a conference line. In all other cases, the parties should call into the Court’s dedicated conference line at (888) 363-4749, and enter Access Code 919-6964, followed by the pound (#) key.
- B. In Criminal Cases.** To the maximum extent possible, all conferences and proceedings will be held by either telephone or video. No later than one week before a scheduled appearance, counsel must confer and submit a letter to the Court indicating their views on whether the Court can, consistent with the U.S. Constitution, Federal Rules of Criminal Procedure (*see, e.g.*, Rules 5(f), 10(b) & (c), and 43) and any other relevant law, conduct the matter by telephone or video and, if applicable, whether the Defendant either consents to appearing in that manner or to waiving his or her appearance altogether. Counsel should include the same information in any request for a conference or other proceeding.

3. Communications with Chambers

- A. Telephone Calls.** Telephone calls will not be answered but will go to voicemail; and there may be significant delays in responding to any voicemail messages. Thus, parties are encouraged to make **any** requests or inquiries to the Court

through ECF or, if permitted or required under the Court’s Individual Rules and Practices, by email. If leaving a voicemail, a party should (1) briefly state the nature of the issue (including, if applicable, the case name and docket number); and (2) provide a call-back telephone number.

B. Urgent Matters. For *urgent* matters requiring immediate attention, parties should send an email to Chambers that (1) includes the word “URGENT” in the subject line; (2) specifies the case name and docket number; (3) briefly describes the nature of the issue; and (4) provides a telephone number at which the party (and any other relevant parties) can be reached.

C. Faxes. Faxes are *not* permitted for any purposes.

D. Hand Deliveries. Nothing may be delivered to Chambers absent advance permission from the Court.

E. By *Pro Se* Parties. *Pro se* parties are encouraged to (1) consent to electronic service (via ECF or email); or (2) seek the Court’s permission to file documents through the ECF system or by email to the Court. Unless the Court grants permission to file documents electronically, all communications with the Court by a *pro se* party must be mailed to the Pro Se Intake Unit, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007. Any questions should be directed to the Pro Se Intake Unit at (212) 805-0175.

F. In New Criminal Cases. Upon assignment of a new criminal case to Judge Nathan, the Assistant United States Attorney must immediately email the Court to arrange for a prompt conference/arraignment.

4. Applications for Temporary Restraining Orders (“TROs”).

Parties intending to file applications for TROs or other emergency relief must send all of their papers (in text-searchable PDF format) to the Court by email. The email should (1) include the word “URGENT” in the subject line; (2) provide a telephone number at which the party (and any other relevant parties) can be reached; and (3) provide the relevant parties’ availability for a telephone conference in the next few days. As noted above, parties should not hand-deliver any documents without advance permission.

5. Pro Se Clinic

The New York Legal Assistance Group’s Pro Se Clinic has suspended all in-person client meetings until further notice. Limited-scope legal assistance will continue to be provided, **but only by appointment and only over the telephone**. To schedule an appointment, call (212) 659-6190 and leave a message **specifying a call-back number**.

EMERGENCY INDIVIDUAL RULES AND PRACTICES IN LIGHT OF COVID-19
Analisa Torres, United States District Judge

Chambers Email:

Torres_NYSDChambers@nysd.uscourts.gov

Unless otherwise ordered by the Court, these Emergency Individual Rules and Practices apply to *all* matters before Judge Torres (whether criminal or civil and whether involving a *pro se* party or all counseled parties), and they are a supplement to Judge Torres' standard Individual Rules and Practices. If there is a conflict between these Rules and Judge Torres' standard Individual Rules and Practices, these Rules control.

1. No Paper Submissions Absent Undue Hardship

- A.** No papers, including courtesy hard copies of any filing or document, may be submitted to Chambers. All documents must be filed on ECF or, if permitted or required under the Court's Individual Rules and Practices, emailed to Torres_NYSDChambers@nysd.uscourts.gov
- B.** In the event that a party or counsel is unable to submit a document electronically — either by ECF or email — the document may be mailed to the Court. To the maximum extent possible, however, this means of delivery should be avoided, as delivery of mail to the Court is likely to be delayed.

2. Conferences and Proceedings

- A. In Civil Cases.** Unless otherwise ordered by the Court, all conferences and proceedings in civil cases will be held by telephone. In some cases, the Court may direct one of the parties to set up a conference line. In all other cases, the parties should call into the Court's dedicated conference line at (888) 398-2342, and enter Access Code 559-8827, followed by the pound (#) key.
- B. In Criminal Cases.** To the maximum extent possible, all conferences and proceedings will be held by either telephone or video. No later than one week before a scheduled appearance, counsel must confer and submit a letter to the Court indicating their views on whether the Court can, consistent with the U.S. Constitution, Federal Rules of Criminal Procedure (*see, e.g.*, Rules 5(f), 10(b) & (c), and 43) and any other relevant law, conduct the matter by telephone or video and, if applicable, whether the Defendant either consents to appearing in that manner or to waiving his or her appearance altogether. Counsel should include the same information in any request for a conference or other proceeding.

3. Communications with Chambers

- A. Telephone Calls.** Telephone calls will not be answered but will go to voicemail; and there may be significant delays in responding to any voicemail messages. Thus, parties are encouraged to make **any** requests or inquiries to the Court through ECF or, if permitted or required under the Court’s Individual Practices, by email. If leaving a voicemail, a caller should (1) identify themselves by first and last name; (2) briefly state the nature of the issue (including, if applicable, the case name and docket number); and (3) provide a call-back telephone number.
- B. Urgent Matters.** For *urgent* matters requiring immediate attention, parties should send an email to Chambers that (1) includes the word “URGENT” in the subject line; (2) specifies the case name and docket number; (3) briefly describes the nature of the issue; and (4) provides a telephone number at which the party (and any other relevant parties) can be reached.
- C. Faxes.** Faxes are *not* permitted for any purposes.
- D. Hand Deliveries.** Nothing may be delivered to Chambers absent advance permission from the Court.
- E. By *Pro Se* Parties.** *Pro se* parties are encouraged to (1) consent to electronic service (via ECF or email); or (2) seek the Court’s permission to file documents through the ECF system or by email to the Court. Unless the Court grants permission to file documents electronically, all communications with the Court by a *pro se* party must be mailed to the Pro Se Intake Unit, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007. Any questions should be directed to the Pro Se Intake Unit at (212) 805-0175.
- F. In New Criminal Cases.** Upon assignment of a new criminal case to Judge Torres, the Assistant United States Attorney must immediately email the Court to arrange for a prompt conference.

4. Applications for Temporary Restraining Orders (“TROs”).

Parties intending to file applications for TROs or other emergency relief must send all of their papers (in text-searchable PDF format) to the Court by email. The email should (1) include the word “URGENT” in the subject line; (2) provide a telephone number at which the party (and any other relevant parties) can be reached; and (3) provide the relevant parties’ availability for a telephone conference in the next few days. As noted above, parties should not hand-deliver any documents without advance permission.

5. Pro Se Clinic

The New York Legal Assistance Group’s Pro Se Clinic has suspended all in-person client meetings until further notice. Limited-scope legal assistance will continue to be provided, **but only by appointment and only over the telephone**. To schedule an appointment, call (212) 659-6190 and leave a message **specifying a call-back number**.

EMERGENCY INDIVIDUAL RULES AND PRACTICES IN LIGHT OF COVID-19
Cathy Seibel, United States District Judge

Chambers Email:

chambersnysdseibel@nysd.uscourts.gov

Unless otherwise ordered by the Court, these Emergency Individual Rules and Practices apply to *all* matters before Judge Seibel (whether criminal or civil and whether involving a *pro se* party or all counseled parties), and they are a supplement to Judge Seibel’s standard Individual Practices. If there is a conflict between these Rules and Judge Seibel’s standard Individual Practices, these Rules control.

1. No Paper Submissions Absent Undue Hardship

- A. No papers, including courtesy hard copies of any filing or document, may be submitted to Chambers. All documents must be filed on ECF or, if permitted or required under the Court’s Individual Practices, emailed to chambersnysdseibel@nysd.uscourts.gov
- B. In the event that a party or counsel is unable to submit a document electronically – either by ECF or email – the document may be mailed to the Court. To the maximum extent possible, however, this means of delivery should be avoided, as delivery of mail to the Court is likely to be delayed.

2. Conferences and Proceedings

- A. **In Civil Cases.** Unless otherwise ordered by the Court, all conferences and proceedings in civil cases will be held by telephone. In some cases, the Court may direct one of the parties to set up a conference line. In all other cases, the parties should call into the Court’s dedicated conference line at (877) 336-1839, and enter Access Code 1047966, followed by the pound (#) key.
- B. **In Criminal Cases.** To the extent possible, all conferences and proceedings will be held by either telephone or video. No later than one week before a scheduled appearance, counsel must confer and submit a letter to the Court indicating their views on whether the Court can, consistent with the U.S. Constitution, Federal Rules of Criminal Procedure (*see, e.g.*, Rules 5(f), 10(b) & (c), and 43) and any other relevant law, conduct the matter by telephone or video and, if applicable, whether the Defendant either consents to appearing in that manner or to waiving his or her appearance altogether. Counsel should include the same information in any request for a conference or other proceeding.

3. Communications with Chambers

- A. **Telephone Calls.** Telephone calls may not be answered but will go to voicemail; and there may be significant delays in responding to any voicemail messages. Thus, parties are encouraged to make **any** requests or inquiries to the Court

through ECF or, if permitted or required under the Court’s Individual Practices, by email. If leaving a voicemail, a party should (1) briefly state the nature of the issue (including, if applicable, the case name and docket number); and (2) provide a call-back telephone number.

B. Urgent Matters. For *urgent* matters requiring immediate attention, parties should send an email to Chambers that (1) includes the word “URGENT” in the subject line; (2) specifies the case name and docket number; (3) briefly describes the nature of the issue; and (4) provides a telephone number at which the party (and any other relevant parties) can be reached.

C. Faxes. Faxes are *not* permitted for any purposes.

D. Hand Deliveries. Nothing may be delivered to Chambers absent advance permission from the Court.

E. By *Pro Se* Parties. *Pro se* parties are encouraged to (1) consent to electronic service (via ECF or email); or (2) seek the Court’s permission to file documents through the ECF system or by email to the Court. Unless the Court grants permission to file documents electronically, all communications with the Court by a *pro se* party must be mailed to:

Pro Se Intake Unit
Charles L. Briant Courthouse
300 Quarropas Street
White Plains, NY 10601

F. In New Criminal Cases. Upon assignment of a new criminal case to Judge Seibel, the Assistant United States Attorney must immediately email the Court to arrange for a prompt conference.

4. Applications for Temporary Restraining Orders (“TROs”).

Parties intending to file applications for TROs or other emergency relief must send all of their papers (in text-searchable PDF format) to the Court by email. The email should (1) include the word “URGENT” in the subject line; (2) provide a telephone number at which the party (and any other relevant parties) can be reached; and (3) provide the relevant parties’ availability for a telephone conference in the next few days. As noted above, parties should not hand-deliver any documents without advance permission.

5. Pro Se Clinic

The New York Legal Assistance Group’s Pro Se Clinic has suspended all in-person client meetings until further notice. Limited-scope legal assistance will continue to be provided, **but only by appointment and only over the telephone**. To schedule an appointment, call (212) 659-6190 and leave a message **specifying a call-back number**.

EMERGENCY INDIVIDUAL PRACTICES IN LIGHT OF COVID-19

**Denise Cote, United States District Judge
Southern District of New York**

Chambers Email:

CoteNYSDChambers@nysd.uscourts.gov

Unless otherwise ordered by the Court, these Emergency Practices apply to *all* matters before Judge Cote (whether criminal or civil and whether involving a *pro se* party or all counseled parties), and they are a supplement to Judge Cote’s standard Individual Practices. If there is a conflict between these Emergency Practices and Judge Cote’s standard Practices, these Emergency Practices control.

1. No Paper Submissions Absent Undue Hardship

- A.** No papers, including courtesy hard copies of any filing or document, may be submitted to Chambers. All documents must be filed on ECF or, if permitted or required under the Court’s Individual Practices, emailed to CoteNYSDChambers@nysd.uscourts.gov.
- B.** In the event that a party or counsel is unable to submit a document electronically — either by ECF or email — the document may be mailed to the Court. To the maximum extent possible, however, this means of delivery should be avoided, as the delivery and the receipt of mail to the Court are likely to be delayed.

2. Conferences and Proceedings

- A. In Civil Cases.** Unless otherwise ordered by the Court, all conferences and proceedings in civil cases will be held by telephone. In some cases, the Court may direct one of the parties to set up a conference line. In all other cases, the parties should call into the Court’s dedicated conference line at (888) 363-4749, and enter Access Code 4324948, followed by the pound (#) key. If possible, counsel should use a landline when participating in the telephone call.

Counsel should consult as to whether pretrial proceedings, including depositions and mediation, may be conducted through video conference or teleconference. On consent, pursuant to Rules 30(b)(3) and (4), Fed. R. Civ. P., all depositions may be taken via telephone, videoconference, or other remote means, and may be recorded by any reliable audio or audiovisual means. This does not dispense with the requirements set forth in Fed. R. Civ. P. 30(b)(5), including the requirement that, unless the parties stipulate otherwise, the deposition be “conducted before an officer appointed or designated under Rule 28,” and that the deponent be placed under oath by that officer. For avoidance of doubt, however, a deposition will be deemed to have been conducted “before” an officer so long as that officer attends the deposition via the same remote means (*e.g.*, telephone conference call or

video conference) used to connect all other remote participants, and so long as all participants (including the officer) can clearly hear and be heard by all other participants.

- B. In Criminal Cases.** No later than one week before a scheduled appearance, counsel must confer and submit a letter to the Court indicating their views on whether the Court can, consistent with the U.S. Constitution, Federal Rules of Criminal Procedure (*see, e.g.*, Rules 5(f), 10(b) & (c), and 43) and any other relevant law, conduct the matter by telephone or video and, if applicable, whether the Defendant either consents to appearing in that manner or to waiving his or her appearance altogether. Counsel should include the same information in any request for a conference or other proceeding.

In new criminal cases, counsel are advised that a trial date may be set at the initial conference.

3. Communications with Chambers

- A. Telephone Calls.** Parties are encouraged to make **any** requests or inquiries to the Court through ECF or, if permitted or required under the Court’s Individual Practices, by email to CoteNYSDChambers@nysd.uscourts.gov. If leaving a voicemail, a party should (1) briefly state the nature of the issue (including, if applicable, the case name and docket number); and (2) provide a call-back telephone number. Telephone calls will not be answered but will go to voicemail; and there may be significant delays in responding to any voicemail messages.
- B. Urgent Matters.** For *urgent* matters requiring immediate attention, parties should send an email to CoteNYSDChambers@nysd.uscourts.gov that (1) includes the word “URGENT” in the subject line; (2) specifies the case name and docket number; (3) briefly describes the nature of the issue; and (4) provides a telephone number at which the party (and any other relevant parties) can be reached.
- C. Faxes.** Faxes are *not* permitted for any purposes.
- D. Hand Deliveries.** Nothing may be delivered to Chambers absent advance permission from the Court.
- E. By *Pro Se* Parties.** *Pro se* parties are encouraged to (1) consent to electronic service (via ECF or email); or (2) seek the Court’s permission to file documents through the ECF system or by email to the Court. Unless the Court grants permission to file documents electronically, all communications with the Court by a *pro se* party must be mailed to the Pro Se Intake Unit, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007. Any questions should be directed to the Pro Se Intake Unit at (212) 805-0175.
- F. In New Criminal Cases.** Upon assignment of a new criminal case to Judge Cote, the Assistant United States Attorney must immediately email

CoteNYSDChambers@nysd.uscourts.gov to arrange for a prompt conference/arraignment.


4. Applications for Temporary Restraining Orders (“TROs”).

Parties intending to file applications for TROs or other emergency relief must send all of their papers (in text-searchable PDF format) to CoteNYSDChambers@nysd.uscourts.gov. The email should (1) include the word “URGENT” in the subject line; (2) provide a telephone number at which the party (and any other relevant parties) can be reached; and (3) provide the relevant parties’ availability for a telephone conference in the next few days. As noted above, parties should not hand-deliver any documents without advance permission.

5. Pro Se Clinic

The New York Legal Assistance Group’s Pro Se Clinic has suspended all in-person client meetings until further notice. Limited-scope legal assistance will continue to be provided, **but only by appointment and only over the telephone**. To schedule an appointment, call (212) 659-6190 and leave a message **specifying a call-back number**.

————— (/)

 **Notice to the Bar:** (/notice-to-the-bar) COVID-19 PROTOCOLS (/sites/default/files/2020-03/COVID%20Memorandum%20-%20FINAL.pdf) ✕

Home (/) » Hon. Laura Taylor Swain

District Judge
Hon. Laura Taylor Swain

Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Deputy Phone: (212) 805-0424

Special Procedures For Communications During COVID-19 Emergency:

Until further notice, all communications to Chambers should be directed to the following email address: SwainNYSdcorresp@nysd.uscourts.gov (mailto:SwainNYSdcorresp@nysd.uscourts.gov).

Parties should not fax or call Chambers, as access to these methods of communication will be limited.

Courtroom: 17C

Chambers Email:

Chambers Phone: (212) 805-0417

Chambers Fax: (212) 805-0426

Individual Rules of Practice - February 3rd, 2020

(/sites/default/files/practice_documents/LTS%20-%20Indiv.%20Practices%20-%20Swain_0.pdf)

Law Clerk and Extern Hiring Information - July 16th, 2019

(/sites/default/files/practice_documents/Swain%20Website%20Posting%20for%20Clerk-Intern%20Hiring%207.16.19.pdf)

Advice of Rights (English) - April 27th, 2017 (/sites/default/files/practice_documents/LTS%20Pleaver%20%28non-personalized%29.pdf)

Instructions to Counsel Concerning Jury Selection - May 27th, 2014

(/sites/default/files/practice_documents/ItsInstructionsToCounselConcerningJurySelection.pdf)

General Rules for Trial Counsel - May 27th, 2014

(/sites/default/files/practice_documents/ItsGeneralRulesForTrialCounsel_0.pdf)

Additional Trial Procedures for Criminal Cases - May 27th, 2014

(/sites/default/files/practice_documents/ItsAdditionalTrialProceduresForCriminalCases.pdf)

Advice of Rights (Spanish) - March 6th, 2013 (/sites/default/files/practice_documents/LTS%20Pleaver.Spanish.pdf)

Sentencing Submission Procedures - March 6th, 2013

(/sites/default/files/practice_documents/LTS%20Sentencing%20Submission%20Procedures.pdf)

<p>(/)</p>	<p>Privacy Policy (/privacy-policy)</p> <p>Court Directory (/about/directory)</p> <p>Accessibility (/accessibility)</p> <p>Contact Us (/about/directory)</p>	<p>Daniel Patrick Moynihan United States Courthouse (/courthouses/daniel-patrick-moynihan-united-states-courthouse) 500 Pearl Street New York, NY 10007 - 1312</p> <p>Hon. Charles L. Brieant Jr. Federal Building and Courthouse (/courthouses/federal-building-and-courthouse-southern-district-new-york) 300 Quarropas Street White Plains, NY 10601</p>	<p>Thurgood Marshall United States Courthouse (/courthouses/thurgood-marshall) 40 Foley Square New York, NY 10007</p> <p>United States Courthouse (/courthouses/thurgood-marshall) 355 Main Street Poughkeepsie, NY 12601</p>
------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

_____ (/)

EMERGENCY INDIVIDUAL RULES AND PRACTICES IN LIGHT OF COVID-19

Jesse M. Furman, United States District Judge

Chambers Email:

Furman_NYSDChambers@nysd.uscourts.gov

Unless otherwise ordered by the Court, these Emergency Individual Rules and Practices apply to *all* matters before Judge Furman (whether criminal or civil and whether involving a *pro se* party or all counseled parties), and they are a supplement to Judge Furman’s standard Individual Rules and Practices. If there is a conflict between these Rules and Judge Furman’s standard Individual Rules and Practices, these Rules control.

1. No Paper Submissions Absent Undue Hardship

- A.** No papers, including courtesy hard copies of any filing or document, may be submitted to Chambers. All documents must be filed on ECF or, if permitted or required under the Court’s Individual Rules and Practices, emailed to Furman_NYSDChambers@nysd.uscourts.gov.
- B.** In the event that a party or counsel is unable to submit a document electronically — either by ECF or email — the document may be mailed to the Court. To the maximum extent possible, however, this means of delivery should be avoided, as delivery of mail to the Court is likely to be delayed.

2. Conferences and Proceedings

- A. In Civil Cases.** Unless otherwise ordered by the Court, all conferences and proceedings in civil cases will be held by telephone. In some cases, the Court may direct one of the parties to set up a conference line. In all other cases, the parties should call into the Court’s dedicated conference line at (888) 363-4749, and enter Access Code 542-1540, followed by the pound (#) key.
- B. In Criminal Cases.** To the maximum extent possible, all conferences and proceedings will be held by either telephone or video. No later than one week before a scheduled appearance, counsel must confer and submit a letter to the Court indicating their views on whether the Court can, consistent with the U.S. Constitution, Federal Rules of Criminal Procedure (*see, e.g.*, Rules 5(f), 10(b) & (c), and 43) and any other relevant law, conduct the matter by telephone or video and, if applicable, whether the Defendant either consents to appearing in that manner or to waiving his or her appearance altogether. Counsel should include the same information in any request for a conference or other proceeding.
- C. Teleconferences Generally.** At least twenty-four hours before a scheduled teleconference, the parties must jointly email to the Court a list of counsel — absent permission of the Court, no more than two per party — who may speak during the teleconference. The email should also provide the telephone numbers

from which counsel expect to join the call. To facilitate orderly teleconferences and the creation of an accurate transcript where a teleconference is held on the record, counsel are *required* to identify themselves every time they speak.

3. Communications with Chambers

- A. **Telephone Calls.** Telephone calls will not be answered but will go to voicemail; and there may be significant delays in responding to any voicemail messages. Thus, parties are encouraged to make **any** requests or inquiries to the Court through ECF or, if permitted or required under the Court’s Individual Rules and Practices, by email. If leaving a voicemail, a party should (1) briefly state the nature of the issue (including, if applicable, the case name and docket number); and (2) provide a call-back telephone number.
- B. **Urgent Matters.** For *urgent* matters requiring immediate attention, parties should send an email to Chambers that (1) includes the word “URGENT” in the subject line; (2) specifies the case name and docket number; (3) briefly describes the nature of the issue; and (4) provides a telephone number at which the party (and any other relevant parties) can be reached.
- C. **Faxes.** Faxes are *not* permitted for any purposes.
- D. **Hand Deliveries.** Nothing may be delivered to Chambers absent advance permission from the Court.
- E. **By Pro Se Parties.** *Pro se* parties are encouraged to (1) consent to electronic service (via ECF or email); or (2) seek the Court’s permission to file documents through the ECF system or by email to the Court. Unless the Court grants permission to file documents electronically, all communications with the Court by a *pro se* party must be mailed to the Pro Se Intake Unit, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007. Any questions should be directed to the Pro Se Intake Unit at (212) 805-0175.
- F. **In New Criminal Cases.** Upon assignment of a new criminal case to Judge Furman, the Assistant United States Attorney must immediately email the Court to arrange for a prompt conference/arraignment.

4. Applications for Temporary Restraining Orders (“TROs”).

Parties intending to file applications for TROs or other emergency relief must send all of their papers (in text-searchable PDF format) to the Court by email. The email should (1) include the word “URGENT” in the subject line; (2) provide a telephone number at which the party (and any other relevant parties) can be reached; and (3) provide the

relevant parties' availability for a telephone conference in the next few days. As noted above, parties should not hand-deliver any documents without advance permission.

5. Pro Se Clinic

The New York Legal Assistance Group's Pro Se Clinic has suspended all in-person client meetings until further notice. Limited-scope legal assistance will continue to be provided, **but only by appointment and only over the telephone**. To schedule an appointment, call (212) 659-6190 and leave a message **specifying a call-back number**.

EMERGENCY INDIVIDUAL RULES AND PRACTICES IN LIGHT OF COVID-19

Kenneth M. Karas, United States District Judge

Chambers Email:

KarasNYSDChambers@nysd.uscourts.gov

Unless otherwise ordered by the Court, these Emergency Individual Rules and Practices apply to *all* matters before Judge Karas (whether criminal or civil and whether involving a *pro se* party or all counseled parties), and they are a supplement to Judge Karas' standard Individual Rules and Practices. If there is a conflict between these Rules and Judge Karas' standard Individual Rules and Practices, these Rules control.

1. No Paper Submissions Absent Undue Hardship

- A.** No papers, including courtesy hard copies of any filing or document, may be submitted to Chambers. All documents must be filed on ECF or, if permitted or required under the Court's Individual Rules and Practices, emailed to KarasNYSDChambers@nysd.uscourts.gov
- B.** In the event that a party or counsel is unable to submit a document electronically — either by ECF or email — the document may be mailed to the Court. To the maximum extent possible, however, this means of delivery should be avoided, as delivery of mail to the Court is likely to be delayed.

1. Conferences and Proceedings

- A. In Civil Cases.** Unless otherwise ordered by the Court, all conferences and proceedings in civil cases will be held by telephone. In some cases, the Court may direct one of the parties to set up a conference line. In all other cases, the parties should call into the Court's dedicated conference line at (888) 363-4749, and enter Access Code 7702195, followed by the pound (#) key.
- B. In Criminal Cases.** To the maximum extent possible, all conferences and proceedings will be held by either telephone or video. No later than one week before a scheduled appearance, counsel must confer and submit a letter to the Court indicating their views on whether the Court can, consistent with the U.S. Constitution, Federal Rules of Criminal Procedure (*see, e.g.*, Rules 5(f), 10(b) & (c), and 43) and any other relevant law, conduct the matter by telephone or video and, if applicable, whether the Defendant either consents to appearing in that manner or to waiving his or her appearance altogether. Counsel should include the same information in any request for a conference or other proceeding.

1. Communications with Chambers

- A. Telephone Calls.** Telephone calls will not be answered but will go to voicemail; and there may be significant delays in responding to any voicemail messages. Thus, parties are encouraged to make **any** requests or inquiries to the Court through ECF or, if permitted or required under the Court’s Individual Rules and Practices, by email. If leaving a voicemail, a party should (1) briefly state the nature of the issue (including, if applicable, the case name and docket number); and (2) provide a call-back telephone number.
- B. Urgent Matters.** For *urgent* matters requiring immediate attention, parties should send an email to Chambers that (1) includes the word “URGENT” in the subject line; (2) specifies the case name and docket number; (3) briefly describes the nature of the issue; and (4) provides a telephone number at which the party (and any other relevant parties) can be reached.
- C. Faxes.** Faxes are *not* permitted for any purposes.
- D. Hand Deliveries.** Nothing may be delivered to Chambers absent advance permission from the Court.
- E. By *Pro Se* Parties.** *Pro se* parties are encouraged to (1) consent to electronic service (via ECF or email); or (2) seek the Court’s permission to file documents through the ECF system or by email to the Court. Unless the Court grants permission to file documents electronically, all communications with the Court by a *pro se* party must be mailed to the Pro Se Intake Unit, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007. Any questions should be directed to the Pro Se Intake Unit at (212) 805-0175.
- F. In New Criminal Cases.** Upon assignment of a new criminal case to Judge Karas, the Assistant United States Attorney must immediately email the Court to arrange for a prompt conference/arraignment.

1. Applications for Temporary Restraining Orders (“TROs”).

Parties intending to file applications for TROs or other emergency relief must send all of their papers (in text-searchable PDF format) to the Court by email. The email should (1) include the word “URGENT” in the subject line; (2) provide a telephone number at which the party (and any other relevant parties) can be reached; and (3) provide the relevant parties’ availability for a telephone conference in the next few days. As noted above, parties should not hand-deliver any documents without advance permission.

2. Pro Se Clinic

The New York Legal Assistance Group’s Pro Se Clinic has suspended all in-person client meetings until further notice. Limited-scope legal assistance will continue to be provided, **but only by appointment and only over the telephone**. To schedule an appointment, call (212) 659-6190 and leave a message **specifying a call-back number**.

EMERGENCY INDIVIDUAL RULES AND PRACTICES IN LIGHT OF COVID-19

Lorna G. Schofield, United States District Judge

Chambers Email:

Schofield_NYSDChambers@nysd.uscourts.gov

Unless otherwise ordered by the Court, these Emergency Individual Rules and Practices apply to *all* matters before Judge Schofield (whether criminal or civil and whether involving a *pro se* party or all counseled parties), and they are a supplement to Judge Schofield's standard Individual Rules and Practices. If there is a conflict between these Rules and Judge Schofield's standard Individual Rules and Practices, these Rules control.

1. No Paper Submissions Absent Undue Hardship

- A.** No papers, including courtesy hard copies of any filing or document, may be submitted to Chambers. Specific directions for *Pro Se* parties are located on page two. All documents must be filed on ECF. Parties are also directed to file confidential and sealed materials on ECF, in accordance with the Court's standard Individual Rules.
- B.** In the event that a party or counsel is unable to submit a document electronically — either by ECF or email — the document may be mailed to the Court. To the maximum extent possible, however, this means of delivery should be avoided, as delivery of mail to the Court is likely to be delayed.

2. Conferences and Proceedings

- A. In Civil Cases.** Unless otherwise ordered by the Court, all conferences and proceedings in civil cases will be held by telephone. In some cases, the Court may direct one of the parties to set up a conference line. In all other cases, the parties should call into the Court's dedicated conference line at (888) 363-4749, and enter Access Code 558-3333, followed by the pound (#) key.
- B. In Criminal Cases.** To the maximum extent possible, all conferences and proceedings will be held by either telephone or video. In each criminal case, no later than one week before the first scheduled appearance on a date on or after March 19, 2020, the Government and each Defendant shall file a letter on ECF stating either that (1) the party consents to participating in any proceedings (except trial, any evidentiary hearings, and any sentencing) telephonically or otherwise remotely as needed, and consents to Judge Schofield's participating in such proceedings and issuing orders from any location, including locations outside of the Courthouse; or (2) the party does not so consent and why.
- C.** At least three business days before each scheduled proceeding, each Defendant shall file a letter stating whether the Defendant either consents to appearing in that

manner or to waiving his or her appearance altogether. Counsel should include the same information in any request for a conference or other proceeding.

3. Communications with Chambers

- A. **Communications in General.** Communications with Chambers shall be as provided in the Court’s Individual Rules — i.e., via ECF or for confidential matters via the Chambers email. Phone calls and voicemails will not be answered.
- B. **Urgent Matters.** For *urgent* matters requiring immediate attention, parties should send an email to Chambers that (1) includes the word “URGENT” in the subject line; (2) specifies the case name and docket number; (3) briefly describes the nature of the issue; and (4) provides a telephone number at which the party (and any other relevant parties) can be reached.
- C. **Faxes.** Faxes are *not* permitted for any purposes.
- D. **Hand Deliveries.** Nothing may be delivered to Chambers absent advance permission from the Court.
- E. **By *Pro Se* Parties.** *Pro se* parties are encouraged to (1) consent to electronic service (via ECF or email); or (2) seek the Court’s permission to file documents through the ECF system or by email to the Court. Unless the Court grants permission to file documents electronically, all communications with the Court by a *pro se* party must be mailed to the Pro Se Intake Unit, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007. Any questions should be directed to the Pro Se Intake Unit at (212) 805-0175.

4. Applications for Temporary Restraining Orders (“TROs”).

Parties intending to file applications for TROs or other emergency relief must send all of their papers (in text-searchable PDF format) to the Court by email. The email should (1) include the word “URGENT” in the subject line; (2) provide a telephone number at which the party (and any other relevant parties) can be reached; and (3) provide the relevant parties’ availability for a telephone conference in the next few days. As noted above, parties should not hand-deliver any documents without advance permission.

5. Pro Se Clinic

The New York Legal Assistance Group’s Pro Se Clinic has suspended all in-person client meetings until further notice. Limited-scope legal assistance will continue to be provided, **but only by appointment and only over the telephone**. To schedule an appointment, call (212) 659-6190 and leave a message **specifying a call-back number**.

**COVID-19 EMERGENCY INDIVIDUAL PRACTICES IN CIVIL AND CRIMINAL
CASES**

Lewis J. Liman, United States District Judge

Chambers

United States District Court
Southern District of New York
500 Pearl Street, Room 701
New York, NY 10007
(212) 805-0226
LimanNYSDCChambers@nysd.uscourts.gov

Courtroom

500 Pearl Street
Courtroom 15C
Matthew Fishman, Courtroom Deputy
(212) 805-0161

Unless otherwise ordered by the Court, these COVID-19 Emergency Individual Practices apply to *all* matters before Judge Liman (whether criminal or civil and whether involving a *pro se* party or all counseled parties), and they are a supplement to Judge Liman’s standard Individual Practices. If there is a conflict between these Practices and Judge Liman’s standard Individual Practices, these Practices control.

The Court encourages parties to check these Practices frequently because they may change as the public health situation evolves.

1. Scope

- A. These Practices apply to all matters, deadlines, and events proceeding before Judge Liman, regardless of when the case was filed or when any applicable deadline or event was scheduled.
- B. For example, Paragraphs 3(A)–(B) apply to all depositions, even if a deposition was previously noticed to be held in person. Additionally, Paragraphs 4(A)–(B) apply to all conferences, even if a previous order directed parties to appear in person.

2. No Paper Submissions Absent Undue Hardship

- A. No papers, including courtesy hard copies of any filing or document, may be submitted to Chambers. All documents must be filed on ECF or, if permitted or required under the Court’s Individual Practices, emailed to LimanNYSDCChambers@nysd.uscourts.gov. This rule relieves counsel of any courtesy copy obligations contained in Judge Liman’s Individual Practices.
- B. In the event that a party or counsel is unable to submit a document electronically—either by ECF or email—the document may be mailed to the Court. To the maximum extent possible, however, this means of delivery should be avoided, as delivery of mail to the Court is likely to be delayed.

3. Depositions

- A. Pursuant to Fed. R. Civ. P. 30(b)(3) and (b)(4), all depositions may be taken via telephone, videoconference, or other remote means, and may be recorded by any reliable audio or audiovisual means. This does not dispense with the requirements set forth in Fed. R. Civ. P. 30(b)(5), including the requirement that, unless the parties stipulate otherwise, the deposition be “conducted before an officer appointed or designated under Rule 28,” and that the deponent be placed under oath by that officer. For avoidance of doubt, a deposition will be deemed to have been conducted “before” an officer so long as that officer attends the deposition via the same remote means (*e.g.*, telephone conference call or video conference) used to connect all other remote participants, and so long as all participants (including the officer) can clearly hear and be heard by all other participants. The references to a schedule for depositions in all Case Management Plan and Scheduling Orders in matters assigned to Judge Liman should be construed and understood to include and expressly to permit depositions by telephone, videoconference, or other remote means.
- B. Nothing in the above-mentioned rule prevents parties from seeking to modify any pretrial schedule in light of the COVID-19 pandemic (or for any other good cause). Prior to seeking such relief, the parties must, as always, attempt to meet and confer (via remote means) in a good faith effort to reach agreement.

4. Conferences and Proceedings

- A. **In Civil Cases.** Unless otherwise ordered by the Court *at a date subsequent to the effective date of these Practices*, all conferences and proceedings in civil cases will be held by telephone. In some cases, the Court may direct one of the parties to set up a conference line. In all other cases, the parties should call into the Court’s dedicated conference line at (888) 251-2909 and enter Access Code 2123101 followed by the pound (#) key.
- B. **In Criminal Cases.** To the maximum extent possible, all conferences and proceedings will be held by either telephone or videoconference. No later than one week before a scheduled appearance, counsel must confer and submit a letter to the Court indicating their views on whether the Court can, consistent with the U.S. Constitution, Federal Rules of Criminal Procedure (*see, e.g.*, Rules 5(f), 10(b) & (c), and 43), and any other relevant law, conduct the matter by telephone or videoconference and, if applicable, whether the Defendant either consents to appearing in that manner or to waiving his or her appearance altogether. Counsel should include the same information in any request for a conference or other proceeding.
- C. **Decorum.** Parties are expected to treat teleconferences as they would treat any public court appearance. If the Court is running late and a conference or hearing in another matter is ongoing, parties shall remain silent (mute the line) until their case is called. When speaking on a conference held by telephone, each counsel should identify him or herself prior to speaking.

D. Record. All teleconference participants are hereby on notice that the Court may be recording teleconferences via audio file and/or through the service of a court reporter who also participates telephonically.

E. Notice Obligation. With the sole exception of *pro se* litigants, each party is responsible for ensuring that every other party is aware that the conference will proceed telephonically.

5. Communications with Chambers

A. Telephone Calls. Telephone calls will not be answered but will go to voicemail; and there may be significant delays in responding to any voicemail messages. Thus, parties are encouraged to make any requests or inquiries to the Court through ECF or, if permitted or required under the Court's Individual Practices, by email. If leaving a voicemail, a party should (1) briefly state the nature of the issue (including, if applicable, the case name and docket number), and (2) provide a call-back telephone number.

B. Urgent Matters. For *urgent* matters requiring immediate attention, parties should send an email to Chambers that (1) includes the word "URGENT" in the subject line, (2) specifies the case name and docket number, (3) briefly describes the nature of the issue, and (4) provides a telephone number at which the party (and any other relevant parties) can be reached.

C. Faxes. Faxes are *not* permitted for any purposes.

D. Hand Deliveries. Nothing may be delivered to Chambers absent advance permission from the Court.

E. By *Pro Se* Parties. *Pro se* parties are encouraged to (1) consent to electronic service (via ECF or email), or (2) seek the Court's permission to file documents through the ECF system or by email to the Court. Unless the Court grants permission to file documents electronically, all communications with the Court by a *pro se* party must be mailed to the *Pro Se* Intake Unit, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007. Any questions should be directed to the *Pro Se* Intake Unit at (212) 805-0175.

F. In New Criminal Cases. Upon assignment of a new criminal case to Judge Liman, the Assistant United States Attorney must immediately email the Court to arrange for a prompt conference/arraignment.

6. Applications for Temporary Restraining Orders ("TROs").

Parties intending to file applications for TROs or other emergency relief must send all of their papers (in text-searchable .pdf format) to the Court by email. The email should (1) include the word "URGENT" in the subject line, (2) provide a telephone number at which the party (and any other relevant parties) can be reached, and (3) provide the relevant parties'

availability for a telephone conference in the next few days. As noted above, parties should not hand-deliver any documents without advance permission.

7. *Pro Se* Law Clinic

The New York Legal Assistance Group's *Pro Se* Law Clinic has suspended all in-person client meetings until further notice. Limited-scope legal assistance will continue to be provided, **but only by appointment and only over the telephone**. To schedule an appointment, call (212) 659-6190 and leave a message **specifying a call-back number**.

March 2020

**INDIVIDUAL PRACTICES OF
NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE**

To ensure the maximum operation of Chambers amidst the rapidly developing COVID-19 outbreak, beginning March 16, 2020 and until April 27, 2020 or further order from the Court, communications with Chambers shall be conducted as follows:

A. Letters. Letters shall continue to be filed via ECF pursuant to the S.D.N.Y. Local Rules and Judge Buchwald's Individual Practices. Letters to be filed under seal or containing sensitive or confidential information should be emailed to BuchwaldNYSDCChambers@nysd.uscourts.gov.

B. Telephone Calls. In situations that require the Court's immediate attention, parties are directed to call Chambers as follows:

- a. For cases with docket numbers ending in -1, -2, or -3, call (212) 805-0584.
- b. For cases with docket numbers ending in -4, -5, or -6, call (212) 805-0568
- c. For cases with docket numbers ending in -7, -8, or -9, call (212) 805-0567.
- d. For cases ending in -0, call the phone number associated with the immediately preceding number (e.g., for cases ending in -10, call (212) 805-0584
- e. For cases that are part of the LIBOR MDL, case number 11-md-2262, call (212) 805-0584.
- f. For administrative questions (e.g., questions regarding docketing, previously scheduled court appearances, or other calendar matters), call (212) 805-0194.

Voicemail messages shall state the case name and docket number, your first and last name, the name of the part(ies) that you represent, and the phone number at which you can be reached during regular business hours.

Unless otherwise ordered by Judge Buchwald or specified above, matters before Judge Buchwald shall be conducted in accordance with the following practices:

1. Communications With Chambers

A. Letters. Letters may be filed via ECF if they comply with the S.D.N.Y. Local Rules and the S.D.N.Y. "Electronic Case Filing Rules and Instructions." Simultaneously with the ECF filing of a letter a courtesy copy must be faxed or hand-delivered to

Chambers. Failure to promptly furnish a courtesy copy to Chambers will result in a delayed response since as a general matter, materials filed via ECF are reviewed by the Court the business day after they have been filed. Letters to be filed under seal or containing sensitive or confidential information should be delivered to the Court by fax, hand or mail. Copies of correspondence between counsel shall not be sent to the Court.

B. Telephone Calls. Except as provided in Paragraph 1(D) below, telephone calls to Chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call Chambers at (212) 805-0194.

C. Faxes. Faxes to Chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than 10 pages may be faxed without prior authorization. Do not fax copies of documents filed on ECF. Do not follow with hard copy. The fax number is (212) 805-7927. See Paragraph 2(C) below regarding courtesy copies of motion papers.

D. Docketing, Scheduling, and Calendar Matters. For docketing, scheduling and calendar matters, call Chambers at (212) 805-0194 between 9:00 A.M. and 5:00 P.M.

E. Requests for Adjournments or Extensions of Time. All requests for adjournments or extensions of time 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 the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling Order (reflecting only business days) must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. Motions

A. Letter-motions. Letter-motions may be filed via ECF if they comply with the S.D.N.Y. Local Rules and the S.D.N.Y. “Electronic Case Filing Rules and Instructions.” Simultaneously with the ECF filing of a letter a courtesy copy must be faxed or hand-delivered to Chambers. Failure to promptly furnish a courtesy copy to Chambers will result in a delayed response since as a general matter, materials filed via ECF are reviewed by the Court the business day after they have been filed.

B. Pre-Motion Conferences in Civil Cases. A pre-motion conference is required before making any motion, except for motions to be brought on by orders to show cause, motions by incarcerated pro se litigants, motions for reargument, motions to remand, applications to be relieved as counsel, motions for relief from judgment, motions to vacate or confirm an arbitral award, or any other motion required by the Federal Rules of Appellate Procedure or the Federal Rules of Civil Procedure to be made by a time certain (see list below). The filing of a request for a pre-motion conference to dismiss prior to answer stays the time for the filing of an answer until after the conference is held or until further order of the Court. To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three pages in length setting forth the basis for the anticipated motion. The other party should submit a response within three business days.

Nothing in my Individual Practices supersedes a specific time period for filing a motion specified by statute or Federal Rule -- including but not limited to Fed. R. Civ. P. 50, 52, 54, 59, and 60, and Fed. R. App. P. 4 -- where failure to comply with the specified time period could result in forfeiture of a substantive right.

C. Courtesy Copies. Two courtesy copies of all motion papers, marked as such, shall be submitted to Chambers promptly after filing via ECF. Courtesy copies shall be bound or otherwise collated.

D. Memoranda of Law. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

E. Format of Motion Papers.

1. Motion papers shall be accompanied by a letter no longer than three pages outlining the substantive argument advanced in the motion papers. Such letters shall accompany opening memoranda of law and opposition memoranda of law. This letter requirement is separate from the pre-motion letter referenced in 2(B).

2. The form of all pleadings, motions, and other papers should conform with Local Civil Rule 11.1 such that:
 - (a) all text must be 12-point type or larger, except for text in footnotes, which may be in 10-point type;
 - (b) all documents must have at least one-inch margins on all sides; and
 - (c) all text must be double-spaced, except for text in headings, footnotes, or block quotations, which may be single spaced.

F. Summary Judgment Motions and Rule 56.1 Statements. Any party moving for summary judgment shall provide all other parties with an electronic copy, in Microsoft Word format, of the moving party's Statement of Material Facts Pursuant to Local Rule 56.1. Opposing parties must reproduce each entry in the moving party's Rule 56.1 Statement and set out the opposing party's response directly beneath it.

G. Default Judgments. Counsel should follow Local Civil Rules 55.1 and 55.2 and S.D.N.Y. "Electronic Case Filing Rules and Instructions" Rule 16.

H. Electronic Filing Under Seal in Civil and Miscellaneous Cases.

1. **Sealing/Redactions Not Requiring Court Approval.** Federal Rule of Civil Procedure 5.2 describes sensitive information that must be redacted from public court filings without seeking prior permission from the Court.
2. **Sealing/Redactions Requiring Court Approval.** Motions or Letter Motions for approval of sealed or redacted filings in civil and miscellaneous cases and the subject documents, including the proposed sealed document(s), must be filed electronically through the Court's ECF system in conformity with the Court's standing order, 19-mc-00583, and ECF Rules & Instructions, section 6. Contemporaneously with the electronic filings, counsel shall mail courtesy copies to Chambers.

I. Oral Argument on Motions. Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed or may include such a request in bold typeface next to the case caption. The Court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

3. Pretrial Procedures

The Court will set an individual schedule for filings prior to trial covering the subjects of pretrial orders, jury charges, in limine motions, proposed findings of fact and conclusions of law, and pretrial memoranda as appropriate.

EMERGENCY INDIVIDUAL RULES AND PRACTICES IN LIGHT OF COVID-19
Nelson S. Román, United States District Judge

Chambers Email:

RomanNYSDChambers@nysd.uscourts.gov

Unless otherwise ordered by the Court, these Emergency Individual Rules and Practices apply to *all* matters before Judge Román (whether criminal or civil and whether involving a *pro se* party or all counseled parties), and they are a supplement to Judge Román’s standard Individual Rules and Practices. If there is a conflict between these Rules and Judge Román’s standard Individual Rules and Practices, these Rules control.

1. No Paper Submissions Absent Undue Hardship

- A.** No papers, including courtesy hard copies of any filing or document, may be submitted to Chambers. All documents must be filed in text-searchable PDF Format on ECF or, if permitted or required under the Court’s Individual Rules and Practices, emailed to RomanNYSDChambers@nysd.uscourts.gov.
- B.** In the event that a party or counsel is unable to submit a document electronically — either by ECF or email — the document may be mailed to the Court. To the maximum extent possible, however, this means of delivery should be avoided, as delivery of mail to the Court is likely to be delayed.

2. Conferences and Proceedings

- A. In General.** Any conference or proceeding conducted by Judge Román (telephonically or in-person) will be held either on a Thursday or a Friday.
- B. In Civil Cases.** Unless otherwise ordered by the Court, all conferences and proceedings in civil cases will be held by telephone. In some cases, the Court may direct one of the parties to set up a conference line. In all other cases, the parties should call into the Court’s dedicated conference line at (877) 336-1839, and enter Access Code 123-1334, followed by the pound (#) key.
- C. In Criminal Cases.** To the maximum extent possible, all conferences and proceedings will be held by either telephone or video. No later than one week before a scheduled appearance, counsel must confer and submit a letter to the Court indicating their views on whether the Court can, consistent with the U.S. Constitution, Federal Rules of Criminal Procedure (*see, e.g.*, Rules 5(f), 10(b) & (c), and 43) and any other relevant law, conduct the matter by telephone or video and, if applicable, whether the Defendant either consents to appearing in that manner or to waiving his or her appearance altogether. Counsel should include the same information in any request for a conference or other proceeding.

3. Communications with Chambers

- A. **Telephone Calls.** Telephone calls will not be answered. Thus, parties are encouraged to make **any** requests or inquiries to the Court through ECF or, if permitted or required under the Court’s Individual Rules and Practices, by email.
- B. **Urgent Matters.** For *urgent* matters requiring immediate attention, parties should send an email to Chambers that (1) includes the word “URGENT” in the subject line; (2) specifies the case name and docket number; (3) briefly describes the nature of the issue; and (4) provides a telephone number at which the party (and any other relevant parties) can be reached.
- C. **Faxes.** Faxes are *not* permitted for any purposes.
- D. **Hand Deliveries.** Nothing may be delivered to Chambers absent advance permission from the Court.
- E. **By *Pro Se* Parties.** *Pro se* parties are encouraged to (1) consent to electronic service (via ECF or email); or (2) seek the Court’s permission to file documents through the ECF system or by email to the Court. Unless the Court grants permission to file documents electronically, all communications with the Court by a *pro se* party must be mailed to:
 - Pro Se Intake Unit
 - Charles L. Brieant Courthouse
 - 300 Quarropas Street
 - White Plains, NY 10601
- F. **In New Criminal Cases.** Upon assignment of a new criminal case to Judge Román, the Assistant United States Attorney must immediately email the Court to arrange for a prompt conference.

4. Applications for Temporary Restraining Orders (“TROs”).

Parties intending to file applications for TROs or other emergency relief must send all of their papers (in text-searchable PDF format) to the Court by email. The email should (1) include the word “URGENT” in the subject line; (2) provide a telephone number at which the party (and any other relevant parties) can be reached; and (3) provide the relevant parties’ availability for a telephone conference in the next few days. As noted above, parties should not hand-deliver any documents without advance permission.

5. Pro Se Clinic

The New York Legal Assistance Group’s Pro Se Clinic has suspended all in-person client meetings until further notice. Limited-scope legal assistance will continue to be provided, **but only by appointment and only over the telephone**. To schedule an appointment, call (212) 659-6190 and leave a message **specifying a call-back number**.

EMERGENCY INDIVIDUAL RULES AND PRACTICES IN LIGHT OF COVID-19

**Paul A. Engelmayer
United States District Judge**

Chambers Email:

EngelmayerNYSChambers@nysd.uscourts.gov

Unless otherwise ordered by the Court, these Emergency Individual Rules and Practices apply to *all* matters before Judge Engelmayer (whether criminal or civil and whether involving a *pro se* party or all counseled parties), and they are a supplement to Judge Engelmayer’s standard Individual Rules and Practices. If there is a conflict between these Rules and Judge Engelmayer’s standard Individual Rules and Practices, these Rules control.

1. No Paper Submissions Absent Undue Hardship

- A.** No papers, including courtesy hard copies of any filing or document, may be submitted to Chambers. All documents must be filed on ECF or, if permitted or required under the Court’s Individual Rules and Practices, emailed to EngelmayerNYSChambers@nysd.uscourts.gov.
- B.** In the event that a party or counsel is unable to submit a document electronically — either by ECF or email — the document may be mailed to the Court. To the maximum extent possible, however, this means of delivery should be avoided, as delivery of mail to the Court is likely to be delayed.

2. Conferences and Proceedings

- A. In Civil Cases.** Unless otherwise ordered by the Court, all conferences and proceedings in civil cases will be held by telephone. Unless otherwise directed by the Court, the parties should call into the Court’s dedicated conference line at (888) 363-4749, and enter Access Code 468-4906, followed by the pound (#) key.
- B. In Criminal Cases.** To the maximum extent possible, all conferences and proceedings will be held by either telephone or video. No later than one week before a scheduled appearance, counsel must confer and submit a letter to the Court indicating their views on whether the Court can, consistent with the U.S. Constitution, Federal Rules of Criminal Procedure (*see, e.g.*, Rules 5(f), 10(b) & (c), and 43) and any other relevant law, conduct the matter by telephone or video and, if applicable, whether the Defendant either consents to appearing in that manner or to waiving his or her appearance altogether. Counsel should include the same information in any request for a conference or other proceeding.
- C. Teleconferences Generally.** At least 24 hours before a scheduled teleconference, parties are directed jointly to email Chambers a list of counsel—no more than 2

attorneys per party, unless otherwise ordered—who may be speaking during the teleconference. The email should also set forth the telephone numbers from which counsel expect to join the call. To facilitate orderly teleconferences and the creation of an accurate transcript, counsel are *required* to identify themselves *every* time they speak during the call.

3. Communications with Chambers

- A. **Telephone Calls.** Telephone calls will not be answered but will go to voicemail; and there may be significant delays in responding to any voicemail messages. Thus, parties are encouraged to make **any** requests or inquiries to the Court through ECF or, if permitted or required under the Court’s Individual Rules and Practices, by email. If leaving a voicemail, a party should (1) briefly state the nature of the issue (including, if applicable, the case name and docket number); and (2) provide a call-back telephone number.
 - i. **Discovery Disputes.** Parties seeking to inform the Court of their intention to oppose a discovery dispute, pursuant to the Court’s Individual Rule 2(C), should email, rather than call, Chambers promptly to advise that a responsive letter will be forthcoming.
- B. **Urgent Matters.** For *urgent* matters requiring immediate attention, parties should send an email to Chambers that (1) includes the word “URGENT” in the subject line; (2) specifies the case name and docket number; (3) briefly describes the nature of the issue; and (4) provides a telephone number at which the party (and any other relevant parties) can be reached.
- C. **Faxes.** Faxes are *not* permitted for any purposes.
- D. **Hand Deliveries.** Nothing may be delivered to Chambers absent advance permission from the Court.
- E. **By *Pro Se* Parties.** *Pro se* parties are encouraged to (1) consent to electronic service (via ECF or email); or (2) seek the Court’s permission to file documents through the ECF system or by email to the Court. Unless the Court grants permission to file documents electronically, all communications with the Court by a *pro se* party must be mailed to the Pro Se Intake Unit, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007. Any questions should be directed to the Pro Se Intake Unit at (212) 805-0175.
- F. **In New Criminal Cases.** Upon assignment of a new criminal case to Judge Engelmayer, the Assistant United States Attorney must immediately email the Court to arrange for a prompt conference/arraignment.

4. Applications for Temporary Restraining Orders (“TROs”).

Parties intending to file applications for TROs or other emergency relief must send all of their papers (in text-searchable PDF format) to the Court by email. The email should (1) include the word “URGENT” in the subject line; (2) provide a telephone number at

which the party (and any other relevant parties) can be reached; and (3) provide the relevant parties' availability for a telephone conference in the next few days. As noted above, parties should not hand-deliver any documents without advance permission.

5. Motions for Default Judgment.

Any party seeking a default judgment after March 19, 2019, must proceed by filing a motion for default judgment must proceed by filing a motion for default judgment on ECF pursuant to Federal Rule of Civil Procedure 55(b)(2) and Local Civil Rule 55.2(b). A party seeking a default judgment should *not* proceed by order to show cause. The motion must be supported by the following papers:

- A. An attorney's affidavit or declaration setting forth:
 - i. the basis for entering a default judgment, including a description of the method and date of service of the summons and complaint;
 - ii. the procedural history beyond service of the summons and complaint, if any;
 - iii. whether, if the default is applicable to fewer than all of the defendants, the Court may appropriately order a default judgment on the issue of damages prior to resolution of the entire action;
 - iv. the proposed damages and the basis for each element of damages, including interest, attorneys' fees, and costs; and
 - v. legal authority for why an inquest into damages would be unnecessary;
- B. a proposed default judgment;
- C. copies of all the operative pleadings;
- D. a copy of the affidavit of service of the summons and complaint; and
- E. if failure to answer is the basis for the default, a Certificate of Default from the Clerk of Court stating that no answer has been filed.

In order to obtain a Clerk's Certificate of Default, **and before moving for a default judgment**, the party **must**: (1) file via ECF a Request to Enter Default, a supporting affidavit, and a proposed Clerk's Certificate of Default, available at www.nysd.uscourts.gov/file/forms/clerks-certificate-of-default; and (2) otherwise comply with Section 16.1 of the SDNY's ECF Rules & Instructions, available at www.nysd.uscourts.gov/ecf_filing.php.

The plaintiff must serve the motion for default judgment and supporting paperwork on the party against whom default judgment is sought and file an affidavit of service on ECF within fourteen days of filing the motion for default judgment. The Court will not

consider the motion for default judgment until such affidavit of service is filed. If more than fourteen days are required to complete service of the motion for default judgment and supporting papers, the plaintiff should file a letter on ECF explaining why additional time is necessary and when the plaintiff anticipates service will be completed.

6. Pro Se Clinic

The New York Legal Assistance Group's Pro Se Clinic has suspended all in-person client meetings until further notice. Limited-scope legal assistance will continue to be provided, **but only by appointment and only over the telephone**. To schedule an appointment, call (212) 659-6190 and leave a message **specifying a call-back number**.

INDIVIDUAL RULES OF PRACTICE OF JUDGE PAUL G. GARDEPHE
CIVIL CASES

Chambers

United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007
Phone: (212) 805-0224
<https://nysd.uscourts.gov/hon-paul-g-gardephe>

Courtroom

40 Foley Square, Courtroom 705
Michael Ruocco, Courtroom Deputy Clerk
Phone: (212) 805-0102

Unless otherwise ordered, these Individual Practices apply to all civil matters assigned to the Honorable Paul G. Gardephe, except for *pro se* cases.

I. COMMUNICATIONS WITH CHAMBERS

A. Letters Except as otherwise provided below, communications with the Court shall be by letter. Letters may not exceed 5 pages in length. Unless accompanied by a request to file under seal, letters shall be filed electronically on ECF. **Please do not provide courtesy copies of letters.** See Rule II below regarding sealing requests. Include the case number on all letters. Copies of letters to the Court shall be simultaneously delivered to all counsel, whether via ECF notification or other means. Copies of correspondence between counsel shall not be sent to the Court. Refer to Rule IV(E) below for letters concerning discovery disputes.

B. Telephone Calls Telephone calls to Chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call Chambers at (212) 805-0224. Ex parte telephone calls will ordinarily not be accepted; wherever possible, counsel for all affected parties should be on the line when a call to Chambers is placed, except to the extent that similarly situated parties have designated a lead counsel to represent them on such a call. Please be ready to provide your case number when calling Chambers.

C. Hand Deliveries Hand deliveries made to Chambers must be simultaneously delivered to all counsel. Hand-delivered mail should be left with the Court Security Officer at the Worth Street entrance of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street; it may not be brought to Chambers.

D. Requests for Extension of Deadlines All requests for extensions of deadlines shall be made as soon as a party is aware of the need for the extension and, in any event, no later than two business days prior to the scheduled deadline, absent an emergency. Requests should be made in writing in accordance with Rule I(A) above, or by joint stipulation. The request must state: (1) the deadline(s) sought to be extended, (2) the length of time requested for the extension, (3) the number of previous requests for extensions and the Court's rulings, (4) the reason for the current request, and (5) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested extension affects any other scheduled dates, the request must list the proposed change for all such other dates. If all parties consent to the extension, a stipulation that reflects the required information may be filed. Note:

to the extent a party's adversary does not consent to a request regarding a discovery deadline, the party must also comply with the requirements of Rule IV(E) below.

E. Requests for Adjournment of Court Appearances (Including Telephone Conferences) A request for an adjournment of a court appearance shall be made as soon as a party is aware of the need for the adjournment and, in any event, no later than two business days prior to the scheduled appearance, absent an emergency. Requests should be made in writing in accordance with Rule I(A) above. The request must state: (1) the date of the scheduled appearance, (2) the length of time requested for the adjournment and suggested dates on which all parties are available (civil conferences are typically held on Thursday mornings), (3) the reason for the requested adjournment, (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. The appearance is not adjourned unless counsel are thereafter informed – typically by the posting of a signed order on ECF – that the written application has been granted.

II. SEALING REQUESTS

A. Sealing/Redactions Not Requiring Court Approval Federal Rule of Civil Procedure 5.2 describes sensitive information that must be redacted from public court filings without seeking prior permission from the Court. Such sensitive information includes: Social Security numbers; names of minor children; dates of birth; and financial account numbers.

Other information that should be treated with caution and may warrant a motion for approval of sealed or redacted filing includes: personal identifying numbers (PIN numbers); medical records, treatment and diagnosis; employment history; individual financial information; proprietary or trade secret information; home addresses; and information regarding an individual's cooperation with the government.

Sensitive information and information requiring caution must not be included in any document filed with the Court unless such inclusion is necessary and relevant to the case. If such information must be included, personal identifiers must be partially redacted in accordance with the above-cited rules and policies in order to protect any privacy interest.

B. Sealing/Redaction Requiring Court Approval Motions or Letter Motions for approval of sealed or redacted filings in civil and miscellaneous cases and the subject documents, including the proposed sealed document(s), must be filed electronically through the court's ECF system in conformity with the court's standing order, 19-mc-00583, and ECF Rules & Instructions, section 6.

The motion must be filed in public view, must explain the particular reasons for seeking to file that information under seal and should not include confidential information sought to be filed under seal. Supporting papers must be separately filed electronically and may be filed under seal or redacted only to the extent necessary to safeguard information sought to be filed under seal.

The proposed sealed document must be contemporaneously filed under seal in the ECF system and electronically related to the motion. The summary docket text, but not the sealed document, will be open to public inspection and should not include confidential information sought to be filed under seal.

Where the motion seeks approval to redact information from a document that is to be publicly filed, the filing party shall: (a) publicly file the document with the proposed redactions, and (b) electronically file under seal a copy of the unredacted document with the redactions highlighted. Both documents must be electronically filed through the ECF system and related to the motion.

To be approved, any redaction or sealing of a court filing must be narrowly tailored to serve whatever purpose justifies the redaction or sealing and must be otherwise consistent with the presumption in favor of public access to judicial documents. *See, e.g., Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006). In general, the parties' consent or the fact that information is subject to a confidentiality agreement between litigants is not, by itself, a valid basis to overcome the presumption in favor of public access to judicial documents. *See, e.g., In re Gen. Motors LLC Ignition Switch Litig.*, No. 14- MD-2543(JMF), 2015 WL 4750774, at *4 (S.D.N.Y. Aug. 11, 2015).

The party seeking leave to file sealed or redacted materials should meet and confer with any opposing parties (or third parties seeking confidential treatment of the information, if any) in advance to narrow the scope of the request. When a party seeks leave to file sealed or redacted materials on the ground that an opposing party or third party has requested it, that party shall notify the opposing party or third party that it must file, within three days, a letter explaining the need to seal or redact the materials.

Any party unable to comply with the requirement for electronic filing under seal through the ECF system, or who has reason to believe that a particular document should not be electronically filed, must move for leave of the Court to file in the traditional manner, on paper.

III. MEDICAL AUTHORIZATIONS

In any case involving allegations of personal injury – whether physical, psychological, emotional or otherwise – the plaintiff is to provide to the defendant all necessary medical authorizations within 10 days after an answer or other responsive pleading is filed.

IV. MOTIONS

A. Pre-Motion Conferences in Civil Cases Pre-motion conferences are required for the following motions: discovery motions, motions to amend pleadings, motions to file a third party complaint, motions for sanctions, transfer motions, summary judgment motions, Fed. R. Civ. P. 12 motions, Fed. R. Civ. P. 21 motions, and Fed. R. Civ. P. 42 motions. Pre-motion conferences are not otherwise required. To request a pre-motion conference, send the Court a letter of no more than 5 pages, describing the grounds for the proposed motion and whether the motion is on consent of all parties. If the motion is not on consent, any opposing party should

submit a letter setting forth its position, of no more than 5 pages, within 3 business days after the request is made. All pre-motion letters should be filed in accordance with Rule I(A) above. The submission of a pre-motion letter does not stay any future deadlines, except that submission of a pre-motion letter concerning a motion to dismiss will stay the defendant's time to answer or otherwise move with respect to the complaint. **A pre-motion conference is not required in pro se cases.**

B. Memoranda of Law Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 double-spaced pages, and reply memoranda are limited to 10 double-spaced pages. Memoranda of 10 pages or more shall contain a table of contents and a table of authorities. Both the text and footnotes must be in 12-point font.

C. Filing of Motion Papers (“Bundling Rule”) In all cases (except pro se cases), the moving party shall electronically file motion and reply papers on ECF only when the entire motion has been briefed. The responding party shall electronically file opposition papers only when noticed by the moving party that the motion and reply papers are being filed. Parties shall send one courtesy copy of any submission to Chambers at the time they are electronically filed. See Rule VI below regarding courtesy copies. Motions for reconsideration and motions in limine are not subject to the “bundling rule.”

- 1. Exception to the “Bundling Rule”** Upon notice to the court, a party may file a motion before briefing is completed if waiting to file until the motion is fully briefed could result in the loss of a right (such as by making it impossible to file a timely appeal). Nothing in these Individual Practices supersedes a specific time period for filing a motion specified by statute or Federal Rule – including but not limited to Fed. R. Civ. P. 50, 52, 54, 59, and 60, and Fed. R. App. P. 4 – where failure to comply with the specified time period could result in forfeiture of a substantive right.

D. Oral Argument on Motions Parties may request oral argument by letter at the time their moving, opposition, or reply papers are filed. Requests shall be filed in accordance with Rule I(A) above. The Court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

E. Discovery Disputes Unless otherwise directed, counsel should describe their discovery disputes in a single letter, jointly composed. Separate and successive letters will be returned, unread. Strict adherence to Fed. R. Civ. P. 37(a)(1), the “meet and confer” rule, is required, and should be described in the joint submission as to time, place, and duration, naming the counsel involved in the discussion. The joint letter shall describe concisely the issues in dispute and the respective position of each party, with citations for supporting authority. Letters regarding discovery disputes should be filed in accordance with Rule I(A) above. Where a formal discovery motion is necessary, follow Local Civil Rule 37.2.

F. Protective Orders Parties who wish to obtain a protective order shall consult the Court's Model Protective Order, which is available on the Court's website

(<https://nysd.uscourts.gov/hon-paul-g-gardephe>). The proposed protective order should be filed on ECF as an attachment to a cover letter in accordance with Rule I(A) above, and with Rule 18 of the Southern District of New York Electronic Case Filing Rules & Instructions, which is available at <https://nysd.uscourts.gov>. If the protective order proposed by the parties deviates from the Court's Model Protective Order, a blackline showing all deviations shall be provided as a separate exhibit.

G. Approval of FLSA Settlements Parties seeking judicial approval of a Fair Labor Standards Act ("FLSA") settlement shall submit a letter to the Court (1) explaining why the proposed settlement reflects a reasonable compromise of disputed issues, rather than a mere waiver of statutory rights, and (2) presenting the Court with sufficient evidence to determine whether the settlement represents a fair and reasonable resolution of the disputes. See Mosquera v. Masada Auto Sales, Ltd., No. 09-CV-4925 (NGG), 2011 WL 282327, at *1 (E.D.N.Y. Jan. 25, 2011). The Court will not approve an FLSA settlement without an explanation from counsel as to why the proposed settlement is fair and reasonable.

H. Failure of the Court to Schedule Argument or Decide a Motion If a motion is not decided within 90 days of the time it is fully submitted or of argument, counsel for the movant shall submit a letter to call this fact to the Court's attention.

V. SUMMARY JUDGMENT MOTIONS

A. Any party filing a motion for summary judgment (or partial summary judgment) shall submit with that motion a Local Civil Rule 56.1 Statement. Each numbered paragraph in the Rule 56.1 Statement must contain only one factual assertion. Each factual assertion must be followed by a supporting citation to the record, for example, "Ms. Jones visited Dallas, Texas on July 10, 1989. Smith Aff. ¶ 3; Hays Dep. Tr. 25:7-8."

B. The party opposing the motion must submit a response to the moving party's 56.1 Statement. The response must contain numbered paragraphs tracking those in the movant's 56.1 Statement, and must state in each paragraph specifically what is admitted and what is disputed, and the basis for any dispute, citing specific portions of the evidentiary record relied upon. Lack of relevance is not a valid reason for refusing to agree that a fact is not in dispute. Each assertion must be a factual assertion, not a legal assertion. Responsive 56.1 Statements must respond to all the allegations of the opponent's 56.1 Statement, and may go on to make additional factual allegations in paragraphs numbered consecutively to those of the moving party (i.e., do not begin re-numbering at 1). If additional factual allegations are made, the opponent must file a responsive 56.1 Statement of its own.

C. All record authority cited in a 56.1 Statement, such as affidavits, relevant deposition testimony, responses to discovery requests, or other documents containing such evidence, shall be separately filed and served as an appendix to the 56.1 Statement. Each appendix shall include a table of contents, and the relevant record authority shall be submitted in the form of sequentially numbered exhibits.

D. If multiple parties are submitting 56.1 Statements, they must coordinate their statements to provide for consecutive, non-overlapping, numbered paragraphs in their respective statements.

VI. COURTESY COPIES

A. ECF-Filed Documents Over Five Pages One courtesy copy of any document filed on ECF **longer than five pages** should be sent to Chambers. Courtesy copies of documents filed on ECF should be copies of the filed version of the documents printed from ECF with the automatically generated ECF header (e.g., “Case 1:13-cv-01234-PGG Document 100 Filed 09/3/13 Page 1 of 10”).

B. Delivery Method Courtesy copies should be sent via mail or hand delivery. If necessary, courtesy copies of less than 10 pages may be sent by fax at (212) 805-7986. **Hand delivery and mail are strongly preferred to fax.** Do not send courtesy copies via multiple delivery methods. For hard copies, spiral-bound or stapled copies are preferred over velo-bound copies.

C. Pleadings Courtesy copies of pleadings, marked as such, shall be submitted to chambers as soon as practical after filing. (Please refer to Rules 14 and 18 of the Southern District of New York Electronic Case Filing Rules & Instructions, available at <https://nysd.uscourts.gov>, for more information about filing pleadings.) Copies of initial pleadings should be sent to Chambers no later than seven business days before the parties’ initial conference. (See Rule VII(B) below.) Courtesy copies of amended pleadings should be accompanied by a blackline showing all changes from the previously filed pleading.

D. Motion Papers One set of courtesy copies of all motion papers, marked as such, shall be submitted to chambers at the time the papers are electronically filed.

E. Joint Pretrial Order One set of courtesy copies of the joint pretrial order **and all documents filed or served with the pretrial order** should be submitted to Chambers on the date of filing or service. Refer to Rule X below.

VII. CONFERENCES

A. Principal Trial Counsel The attorney who will serve as principal trial counsel must appear at all conferences with the Court.

B. Initial Case Management Conference The Court will generally schedule a Fed. R. Civ. P. 16(c) conference approximately 60 days following the filing of a Complaint. An ECF notification will be sent to plaintiff’s counsel (or defendant’s counsel in a case removed from state court), who will be responsible for distributing copies to all parties. As further instructed in the Notice, the parties shall submit a joint letter and proposed case management plan seven days before the initial conference. Please refer to the Model Case Management Plan available on the

Court's website (<https://nysd.uscourts.gov/hon-paul-g-gardephe>). The parties' joint letter should be filed on ECF in accordance with Rule I(A) above, with the proposed case management plan filed as an attachment. Courtesy copies of the pleadings should be delivered to Chambers in accordance with Rule VI above. **Please do not send courtesy copies of the joint letter and proposed case management plan.** Counsel are required to register for electronic filing and file a notice of appearance before the initial pretrial conference. Please consult the Southern District of New York Electronic Case Filing Rules & Instructions, available at <https://nysd.uscourts.gov>, for more information.

VIII. APPLICATIONS FOR ENTRY OF DEFAULT JUDGMENT

A party who wishes to obtain a default judgment must proceed by way of an order to show cause and use the procedure set forth in Attachment A.

IX. BANKRUPTCY APPEALS

The attention of all counsel is directed to Rules 8016 through 8018 of the Federal Bankruptcy Rules, which provide the dates within which briefs are to be served and filed. Counsel may extend these dates by stipulation submitted to the Court no later than two business days before the brief is due.

X. PRETRIAL PROCEDURES

A. Joint Pretrial Orders in Civil Cases Unless otherwise ordered by the Court, within 30 days from the date for the completion of discovery in a civil case or, if a dispositive motion has been filed, within 30 days of a decision resolving the motion, the parties shall submit to the Court for its approval a joint pretrial order setting forth the information required by Fed. R. Civ. P. 26(a)(3) and the following:

1. The full caption of the action.
2. The names, addresses (including firm names), and telephone numbers of trial counsel.
3. A brief statement by plaintiff as to the basis for 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.
4. A brief summary by each party of the claims and defenses that 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 that are not to be tried.

5. With respect to each claim remaining to be tried, a statement listing each element or category of damages sought with respect to such claim and a calculation of the amount of damages sought with respect to such element or category.

6. 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. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).

8. Any stipulations or agreed statements of fact or law that have been agreed to by all parties.

9. A statement by each party as to the witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. A party may not call as a witness an individual who is not listed in its portion of the witness list.

10. A designation by each party of deposition testimony to be offered in its case in chief, referencing page and line numbers, with any cross-designations and objections by any other party. If there is no objection or cross-designation, the Court will deem the opposing party to have waived any such objection or cross-designation. A party may not offer deposition testimony that is not listed in its portion of the designation.

11. A list by each party of exhibits to be offered in its case in chief. The opposing party must indicate what exhibits it objects to and the nature of the objection (*e.g.*, “authenticity,” “hearsay,” “Rule 403”). Any objection not listed shall be deemed waived. A party may not offer an exhibit that is not listed in its portion of the exhibit list. A copy of each hard copy exhibit should be appended to the motion.

B. Filings Prior to Trial in Civil Jury Cases Unless otherwise ordered by the Court, in jury cases, the following shall be filed with the proposed joint pretrial order:

1. All parties must prepare jointly three documents: (1) a list of voir dire questions to be asked of prospective jurors; (2) requests to charge; and (3) a proposed verdict sheet. To the extent a party objects to another party’s requested voir dire questions, requests to charge or proposed verdict sheet, that party should (1) set forth the grounds for that objection (or refer to the trial memorandum of law for a full discussion of the objection) and (2) propose an alternative. All requests to charge, all objections and all alternative proposals must include citation to supporting authority.

2. Each party must also file a trial memorandum of law addressing each issue of law that the party expects to arise at or before trial.

3. Each party must also file one set of the party’s documentary exhibits organized sequentially.

4. If the documents described in (i) through (iii) above are prepared on a computer, electronic copies must also be submitted on CD-ROM or via e-mail.

C. Filings Prior to Trial in Civil Non-Jury Cases Unless otherwise ordered by the Court, in non-jury cases, each party shall file the following with the proposed joint pretrial order:

1. Proposed findings of fact and conclusions of law.

2. A trial memorandum of law that identifies the issues, summarizes the relevant facts and applicable law, and addresses any evidentiary issues.

3. Affidavits constituting the direct testimony of each trial witness, except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a person for whom a party has requested and the Court has agreed to hear direct testimony during trial. Three business days after submission of such affidavits, counsel for each party shall submit a list of all affiants whom he or she intends to cross-examine at the trial. Only those witnesses who will be cross-examined need appear at trial. The original affidavits will be marked as exhibits at trial.

4. Copies of any designated deposition testimony that will be offered as substantive evidence, along with a one-page synopsis (with page references) of those excerpts for each deposition.

5. One set of the party's documentary exhibits organized sequentially.

6. If the documents described in subsections (i) through (v) above are prepared on a computer, electronic copies must also be submitted on CD-ROM or via e-mail.

D. Filings Prior to Trial in All Civil Cases

1. Each party must file and serve all motions in limine with the proposed joint pretrial order.

2. Within two weeks of filing the proposed joint pretrial order, each party must file and serve its opposition to any motion in limine.

E. Final Pretrial Conference The Court will schedule a pretrial conference approximately one week before trial. The Court will use the occasion to explore the prospects for settlement. Counsel must be prepared to engage in meaningful settlement discussions.

ATTACHMENT A: DEFAULT JUDGMENT PROCEDURE

1. Prepare an Order to Show Cause for default judgment and make the Order returnable before Judge Gardephe in Courtroom 705 of the United States Courthouse, 40 Foley Square. Leave blank the date and time of the hearing and the deadline for service, which Judge Gardephe will set when he signs the Order.
2. Attach the following papers to the Order to Show Cause:
 - a. An attorney's affidavit setting forth:
 - i. why a default judgment is appropriate, including a description of the method and date of service of the original summons and complaint;
 - ii. whether, if the default is applicable to fewer than all of the defendants, the Court may appropriately order a default judgment on the issue of damages prior to resolution of the entire action;
 - iii. the proposed damages and the basis for each element of damages including interest, attorneys' fees, and costs; and
 - iv. legal authority for why an inquest would be unnecessary.
 - b. A proposed default judgment.
 - c. Copies of all the pleadings.
 - d. A copy of the affidavit of service of the original summons and complaint.
 - e. If failure to answer is the basis for the default, a Certificate from the Clerk of the Court stating that no answer has been filed.
 - f. Be sure to include the attorney's name and contact information.
3. Take the Order to Show Cause with the attachments to the Orders and Judgments Clerk on the third floor of the 500 Pearl Street courthouse, Room 200, for approval.
4. After the Orders and Judgments Clerk approves the Order, bring the papers to 40 Foley Square and tell the Court Security Officers you have been directed to hand deliver an Order to Show Cause to Judge Gardephe's Chambers. The Court Security Officers will call Chambers, and someone will come to the lobby to meet you. Bring a courtesy copy of the supporting documentation for Chambers.
5. After the Judge signs the Order, Chambers staff will file it on ECF.

6. Serve one copy of the Order and supporting documents on the adverse party. Prior to the return date, file via ECF an affidavit of service of a conformed copy of the Order. Bring a courtesy copy of this affidavit to the hearing. Once you receive an email notice that the original Order has been filed with the Clerk's office, file the supporting documentation via ECF.
7. Prior to the return date, take the proposed judgment, separately backed, to the Clerk in Room 120, 500 Pearl Street, and get the Clerk's approval. The proposed judgment, including all damage and interest calculations, must be approved by the Clerk prior to the hearing and then brought to the hearing.

EMERGENCY INDIVIDUAL RULES AND PRACTICES IN LIGHT OF COVID-19

**Ronnie Abrams
United States District Judge**

Chambers Email:

Abrams_NYSDChambers@nysd.uscourts.gov

Unless otherwise ordered by the Court, these Emergency Individual Rules and Practices apply to *all* matters before Judge Abrams (whether criminal or civil and whether involving a *pro se* party or all counseled parties), and they are a supplement to Judge Abrams’s standard Individual Rules and Practices. If there is a conflict between these Rules and Judge Abrams’s standard Individual Rules and Practices, these Rules control.

1. No Paper Submissions Absent Undue Hardship

- A. No papers, including courtesy hard copies of any filing or document, may be submitted to Chambers. All documents must be filed on ECF or, if permitted or required under the Court’s Individual Rules and Practices, emailed to Abrams_NYSDChambers@nysd.uscourts.gov.
- B. In the event that a party or counsel is unable to submit a document electronically — either by ECF or email — the document may be mailed to the Court. To the maximum extent possible, however, this means of delivery should be avoided, as delivery of mail to the Court is likely to be delayed.

2. Conferences and Proceedings

- A. **In Civil Cases.** Unless otherwise ordered by the Court, all conferences and proceedings in civil cases will be held by telephone. Unless otherwise directed by the Court, the parties should call into the Court’s dedicated conference line at (888) 363-4749, and enter Access Code 1015508, followed by the pound (#) key.
- B. **In Criminal Cases.** To the maximum extent possible, all conferences and proceedings will be held by either telephone or video. No later than one week before a scheduled appearance, counsel must confer and submit a letter to the Court indicating their views on whether the Court can, consistent with the U.S. Constitution, Federal Rules of Criminal Procedure (*see, e.g.*, Rules 5(f), 10(b) & (c), and 43) and any other relevant law, conduct the matter by telephone or video and, if applicable, whether the Defendant either consents to appearing in that manner or to waiving his or her appearance altogether. Counsel should include the same information in any request for a conference or other proceeding.
- C. **Teleconferences Generally.** At least 24 hours before a scheduled teleconference, parties are directed jointly to email Chambers a list of counsel—no more than 2

attorneys per party, unless otherwise ordered—who may be speaking during the teleconference. The email should also set forth the telephone numbers from which counsel expect to join the call. To facilitate orderly teleconferences and the creation of an accurate transcript, counsel are *required* to identify themselves *every* time they speak during the call.

3. Communications with Chambers

- A. **Telephone Calls.** Telephone calls will not be answered but will go to voicemail; and there may be significant delays in responding to any voicemail messages. Thus, parties are encouraged to make **any** requests or inquiries to the Court through ECF or, if permitted or required under the Court’s Individual Rules and Practices, by email. If leaving a voicemail, a party should (1) briefly state the nature of the issue (including, if applicable, the case name and docket number); and (2) provide a call-back telephone number.
 - i. **Discovery Disputes.** Parties seeking to inform the Court of their intention to oppose a discovery dispute, pursuant to the Court’s Individual Rule 2(C), should email, rather than call, Chambers promptly to advise that a responsive letter will be forthcoming.
- B. **Urgent Matters.** For *urgent* matters requiring immediate attention, parties should send an email to Chambers that (1) includes the word “URGENT” in the subject line; (2) specifies the case name and docket number; (3) briefly describes the nature of the issue; and (4) provides a telephone number at which the party (and any other relevant parties) can be reached.
- C. **Faxes.** Faxes are *not* permitted for any purposes.
- D. **Hand Deliveries.** Nothing may be delivered to Chambers absent advance permission from the Court.
- E. **By Pro Se Parties.** *Pro se* parties are encouraged to (1) consent to electronic service (via ECF or email); or (2) seek the Court’s permission to file documents through the ECF system or by email to the Court. Unless the Court grants permission to file documents electronically, all communications with the Court by a *pro se* party must be mailed to the Pro Se Intake Unit, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007. Any questions should be directed to the Pro Se Intake Unit at (212) 805-0175.
- F. **In New Criminal Cases.** Upon assignment of a new criminal case to Judge Abrams, the Assistant United States Attorney must immediately email the Court to arrange for a prompt conference/arraignment.

4. Applications for Temporary Restraining Orders (“TROs”).

Parties intending to file applications for TROs or other emergency relief must send all of their papers (in text-searchable PDF format) to the Court by email. The email should

(1) include the word “URGENT” in the subject line; (2) provide a telephone number at which the party (and any other relevant parties) can be reached; and (3) provide the relevant parties’ availability for a telephone conference in the next few days. As noted above, parties should not hand-deliver any documents without advance permission.

5. Motions for Default Judgment.

Any party seeking a default judgment after March 19, 2019, must proceed by filing a motion for default judgment must proceed by filing a motion for default judgment on ECF pursuant to Federal Rule of Civil Procedure 55(b)(2) and Local Civil Rule 55.2(b). A party seeking a default judgment should *not* proceed by order to show cause. The motion must be supported by the following papers:

- A. An attorney’s affidavit or declaration setting forth:
 - i. the basis for entering a default judgment, including a description of the method and date of service of the summons and complaint;
 - ii. the procedural history beyond service of the summons and complaint, if any;
 - iii. whether, if the default is applicable to fewer than all of the defendants, the Court may appropriately order a default judgment on the issue of damages prior to resolution of the entire action;
 - iv. the proposed damages and the basis for each element of damages, including interest, attorneys’ fees, and costs; and
 - v. legal authority for why an inquest into damages would be unnecessary;
- B. a proposed default judgment;
- C. copies of all the operative pleadings;
- D. a copy of the affidavit of service of the summons and complaint; and
- E. if failure to answer is the basis for the default, a Certificate of Default from the Clerk of Court stating that no answer has been filed.

In order to obtain a Clerk’s Certificate of Default, **and before moving for a default judgment**, the party **must**: (1) file via ECF a Request to Enter Default, a supporting affidavit, and a proposed Clerk’s Certificate of Default, available at www.nysd.uscourts.gov/file/forms/clerks-certificate-of-default; and (2) otherwise comply with Section 16.1 of the SDNY’s ECF Rules & Instructions, available at www.nysd.uscourts.gov/ecf_filing.php.

The plaintiff must serve the motion for default judgment and supporting paperwork on the party against whom default judgment is sought and file an affidavit of service on ECF

within fourteen days of filing the motion for default judgment. The Court will not consider the motion for default judgment until such affidavit of service is filed. If more than fourteen days are required to complete service of the motion for default judgment and supporting papers, the plaintiff should file a letter on ECF explaining why additional time is necessary and when the plaintiff anticipates service will be completed.

6. Pro Se Clinic

The New York Legal Assistance Group's Pro Se Clinic has suspended all in-person client meetings until further notice. Limited-scope legal assistance will continue to be provided, **but only by appointment and only over the telephone**. To schedule an appointment, call (212) 659-6190 and leave a message **specifying a call-back number**.

March 19, 2020

INDIVIDUAL RULES & PRACTICES IN CIVIL CASES
VERNON S. BRODERICK, UNITED STATES DISTRICT JUDGE

Chambers

United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007
(212) 805-6165

Courtroom

United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 518
New York, NY 10007
Melissa Williams, Courtroom Deputy
(212) 805-0183

Unless otherwise ordered by Judge Broderick, these Individual Rules & Practices apply to all parties in all civil matters except for civil pro se litigants, who must send all papers and all communications with the Court to the Pro Se Office.

1. Communications with Chambers

- A. Letters.** Except as otherwise provided below, communications with the Court shall be by letter, **no longer than three pages**, filed on the Court’s Electronic Case Filing System (“ECF”).

Parties should not submit courtesy copies of letters filed on ECF.

Letters to be filed under seal or containing sensitive or confidential information may be emailed to the Court at BroderickNYSDCChambers@nysd.uscourts.gov as a .pdf attachment. All counsel must be copied on the email. The email shall state clearly in the subject line the following: (1) the caption of the case, including the docket number and lead party names; and (2) a brief description of the contents of the letter (*e.g.*, “14-cv-9999 – Jones v. Smith – Request to File Under Seal”). Parties shall not include substantive communications in the body of the email; substantive communications shall appear only in the body of the attached letter. Parties are directed to Rule 5.B for additional guidance for filing documents in redacted form or under seal.

Letters solely between parties or their counsel or otherwise not addressed to the Court may not be filed on ECF or otherwise sent to the Court (except as exhibits to an otherwise properly-filed document).

- B. Settlement.** The parties shall email chambers at BroderickNYSDCChambers@nysd.uscourts.gov immediately upon an agreement to settlement. The Court will not retain jurisdiction to enforce confidential settlement agreements. If the parties wish that the Court retain jurisdiction to enforce the agreement, the parties must place the terms of their settlement agreement on the public record. The parties may either provide a copy of the settlement agreement for the Court to endorse or

**Judge Broderick
Civil Rules & Practices**

include the terms of their settlement agreement in their stipulation of settlement and dismissal.

- C. Telephone Calls.** For docketing, scheduling, and calendar matters, call Courtroom Deputy Melissa Williams at (212) 805-0183. Otherwise, telephone calls to Chambers are permitted **only** for urgent matters. In such situations, call Chambers at (212) 805-6165.
- D. Faxes.** Faxes to Chambers are not permitted.
- E. Emails.** Except as otherwise noted in these Rules (*e.g.*, Rules 1.A, 1.B, and 6.B.i), parties and counsel may not send emails to Chambers without prior permission.
- F. Hand Deliveries.** Hand-delivered mail should be left with the Court Security Officers at the Worth Street entrance to 500 Pearl Street; it may not be brought directly to Chambers. Hand deliveries are continuously retrieved from the Worth Street entrance by Courthouse mail staff and then taken to Chambers. If the hand-delivered letter is urgent and requires the Court's immediate attention, however, ask the Court Security Officers to notify Chambers that an urgent package has arrived that needs to be retrieved by Chambers staff immediately.
- G. Requests for Adjournments or Extensions of Time.** All requests for adjournments or extensions of time must be made in writing and filed on ECF as letter-motions. (If such request contains sensitive or confidential information, it may be submitted by email as indicated in Rule 1.A above.) The letter-motion must state the following: (1) the original due date; (2) the number of previous requests for adjournments or extensions of time; (3) whether these previous requests were granted or denied; (4) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent; and (5) the specific reasons for the adjournment or extension of time.

If the requested adjournment or extension affects any other scheduled dates, including discovery deadlines, a proposed revised Scheduling Order, the template for which is available on the Court's website at <https://nysd.uscourts.gov/hon-vernon-s-broderick>, must be included.

If the request is for an adjournment of a court appearance, absent an emergency, the request must be made at least 48 hours prior to the scheduled appearance.

The Court will independently review all requests for extensions and adjournments and will not automatically grant stipulated agreements as to scheduling. Requests for an extension or adjournment that are not based upon good cause will be denied. Non-urgent proceedings in other matters, scheduled vacations, and other commitments known well in advance generally do not constitute good cause. Repeated requests for adjournments or extensions of time may require demonstration of extraordinary circumstances.

**Judge Broderick
Civil Rules & Practices**

2. Conferences

- A. Attendance by Principal Trial Counsel.** Absent prior authorization, the attorney who will serve as principal trial counsel must appear at all conferences with the Court.
- B. Attendance by Telephone.** Requests to appear at a conference by telephone must be made at least 48 hours prior to the scheduled appearance via letter filed on ECF explaining why counsel cannot appear in person.
- C. Initial Case Management Conference.** The Court will generally schedule a Fed. R. Civ. P. 16(c) conference within three months of the filing of the Complaint. The Notice of Initial Pretrial Conference will be made available on ECF, and plaintiff’s counsel will be responsible for distributing copies to all parties. This Notice will direct the parties to file on ECF one week prior to the conference date a joint letter to the Court containing the information set forth in the order scheduling the initial conference and a proposed Civil Case Management Plan and Scheduling Order, the template for which is available on the Court’s website at <https://nysd.uscourts.gov/hon-vernon-s-broderick>.

In accordance with the S.D.N.Y. ECF Rules and Instructions (“ECF Rules & Instructions”), counsel is required to register as ECF filers and enter an appearance in the case before the initial pretrial conference. The pertinent instructions are available at <https://nysd.uscourts.gov/rules/ecf-related-instructions>. Counsel must ensure that any contact information on ECF is up to date.

- 3. Discovery Disputes.** Unless otherwise directed, counsel should describe their discovery disputes in a single letter, jointly composed, **not to exceed five pages**. Separate and successive letters will not be read. Strict adherence to Fed. R. Civ. P. 37(a)(1), the “meet and confer” rule, is required, and should be described in the joint submission as to time, place, and duration, naming the counsel involved in the discussion. The joint letter shall set forth, with specificity, the requested discovery that each dispute involves and the respective position of each party, citing the applicable authority that the respective parties claim for support. As a general matter, affidavits or exhibits are **not** permitted in connection with discovery dispute letters without prior written request and permission. However, when the dispute concerns the refusal to respond to a specific written request, the parties shall attach that request. If an opposing party refuses to participate in writing a joint letter or does not provide its portion of a joint letter within 72 hours of a party’s request, a party may submit a letter without the opposing party’s contribution and shall attach a copy of the correspondence seeking the opposing party’s contribution.

4. Motions

- A. Pre-Motion Conferences.** Pre-motion conferences are not required, except for motions concerning discovery, which are governed by Section 3 above.

**Judge Broderick
Civil Rules & Practices**

- B. Memoranda of Law.** As a general matter, citations to cases should be in the body, rather than footnotes, of memoranda of law. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Requests for additional pages will not be granted absent demonstration of good cause. Memoranda of 10 pages or more shall contain a table of contents and a table of authorities and shall conform to Local Civil Rule 11.1. All memoranda shall be text-searchable, if possible. Sur-reply memoranda will not be accepted without prior permission of the Court.
- C. Unpublished Cases.** Westlaw citations shall be provided, if available, to cases not available in an official reporter. In pro se cases, parties represented by counsel shall provide a copy of all unpublished opinions to the pro se litigant. In all cases the parties' courtesy copies must contain paper copies and/or electronic copies on a CD, not on a memory stick, and not by email, of any unpublished cases that are not available on Westlaw.
- D. Affidavits and Exhibits.** Parties are limited to a total of five affidavits each in support of or in opposition to a motion. Affidavits may not exceed ten double-spaced pages. Parties may request leave, for good cause, to file additional or over-length affidavits. All exhibits shall be clearly labeled, tabbed, and indexed. For any hearing or deposition transcript submitted, the parties shall provide the Court with an electronic, text-searchable courtesy copy of the entire proceeding, if such copy is available, unless doing so would be unduly burdensome. (Parties shall provide these materials on a CD only, not on a DVD or memory stick, and not by email.)
- E. Courtesy Copies.** Two printed courtesy copies of all motion papers marked "Courtesy Copy," shall be submitted by the movant at the time the reply is served. All courtesy copies shall be doubled-sided, three-hole punched, tabbed, and placed in binders with a table of contents. The non-moving party shall provide the movant with an unbound set of its motion papers, double-sided and three-hole punched. If the parties have redacted or filed under seal any portion of the motion papers or exhibits in compliance with Rule 5.B below, courtesy copies are to be unredacted, but the portions redacted from public filings shall be highlighted and identified, so that the Court will know to refrain from quoting those passages in opinions and orders. If providing courtesy copies in this manner will be unduly burdensome, the parties shall so advise the Court via letter filed on ECF.
- F. Motions for Summary Judgment.** Except in pro se cases, the moving party shall provide all other parties with an electronic copy of the moving party's Statement of Material Facts Pursuant to Local Civil Rule 56.1. The opposing party must reproduce each entry in the moving party's Rule 56.1 Statement and set out its response directly beneath it.
- G. Letter Motions.** Letter-motions filed via ECF must comply with the S.D.N.Y. Local Rules ("Local Rules") and the ECF Rules & Instructions.

**Judge Broderick
Civil Rules & Practices**

- H. Default Judgments.** A plaintiff seeking a default judgment must proceed by way of an order to show cause pursuant to the procedure set forth in Attachment A.
- I. Proposed Stipulations and Orders.** In accordance with the Local Rules and the ECF Rules & Instructions, parties should file on ECF all proposed stipulations and orders that they wish the Court to sign, except for the following four categories of documents: (1) Consent to Proceed Before U.S. Magistrate Judge; (2) Preliminary Injunction with Temporary Restraining Order; (3) Judgment (Jury Trial); and (4) Clerk's Judgment. If parties wish the Court to sign any of those four categories of documents, parties should first e-mail the proposed stipulation or order to the Orders and Judgments Clerk at judgments@nysd.uscourts.gov in accordance with the ECF Rules & Instructions. Courtesy copies need not be sent to Chambers for any proposed stipulation or order.
- J. Oral Argument on Motions.** Parties may request oral argument by letter 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.

5. Other Pretrial Guidance

- A. Cases Removed from State Court.** Counsel for the party or parties that removed the case must, in addition to providing a copy of all process, pleadings, and papers served upon the defendants pursuant to 28 U.S.C. § 1446(a), provide the Court with a courtesy copy of any pleading filed or served while the case remained in State court. Counsel for all parties must file a notice of appearance in this Court promptly upon removal.
- B. Redactions and Filing Under Seal.**
- i. Redactions Not Requiring Court Approval.** The parties are referred to Rule 5.2 of the Federal Rules of Civil Procedure and the Southern District's ECF Privacy Policy ("Privacy Policy"). There are two categories of information that may be redacted from public court filings without prior permission from the Court: "sensitive information" and information requiring "caution." Parties should not include in their public filings, unless necessary, the five categories of "sensitive information" (i.e., social security numbers [use the last four digits only], names of minor children [use the initials only], dates of birth [use the year only], financial account numbers [use the last four digits only], and home addresses [use only the City and State]). Parties may also, without prior Court approval, redact from their public filings the six categories of information requiring caution described in the Privacy Policy (i.e., any personal identifying number, medical records [including information regarding treatment and diagnosis], employment history, individual financial information, proprietary or trade secret information, and information regarding an individual's cooperation with the government).
 - ii. Redactions and Sealed Filings Requiring Court Approval.** Except for redactions permitted by the previous Paragraph, all redactions or sealing of public court filings

**Judge Broderick
Civil Rules & Practices**

require Court approval. To be approved, any redaction or sealing of a court filing must be narrowly tailored to serve whatever purpose justifies the redaction or sealing and must be otherwise consistent with the presumption in favor of public access to judicial documents. *See, e.g., Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006). In general, the parties' consent or the fact that information is subject to a confidentiality agreement between litigants is not, by itself, a valid basis to overcome the presumption in favor of public access to judicial documents. *See, e.g., In re Gen. Motors LLC Ignition Switch Litig.*, No. 14-MD-2543 (JMF), 2015 WL 4750774, at *4 (S.D.N.Y. Aug. 11, 2015).

- iii. Procedures for Filing Sealed or Redacted Documents.** Any party seeking to file a document under seal or in redacted form shall proceed as follows:
- a. Meet and Confer.** The party seeking leave to file sealed or redacted materials should meet and confer with any opposing party (or any third party seeking confidential treatment of the information) in advance to narrow the scope of the request. When a party seeks leave to file a document under seal or in redacted form on the ground that an opposing party or third party has requested it, the filing party shall notify the opposing party or third party that it must file, within three days, a letter explaining the need to seal or redact the document.
 - b. Sealed Document(s).** The party shall electronically file a letter motion seeking leave to file a document under seal on ECF in accordance with Standing Order 19-MC-583 and Section 6 of the S.D.N.Y. Electronic Case Filing Rules and Instructions. The letter motion itself shall be filed in public view, should explain the reasons for seeking to file the document under seal, and should not include confidential information. The proposed sealed document shall be separately and contemporaneously filed under seal on ECF (with the appropriate level of restriction) and electronically related to the motion (or to the relevant Court order if the Court previously granted leave to file the document under seal). Note that the summary docket text, but not the document itself, will be open to public inspection and, thus, the summary docket text should not include confidential information sought to be filed under seal.
 - c. Redacted Document(s).** Where a party seeks leave to file a document in redacted form, the party shall electronically file a letter motion seeking leave to file a document in redacted form on ECF in accordance with Standing Order 19-MC-583 and Section 6 of the S.D.N.Y. Electronic Case Filing Rules and Instructions. The letter motion itself shall be filed in public view, should explain the reasons for seeking to file the document in redacted form, and should not include confidential information. At the same time, the party shall (1) publicly file on ECF and electronically relate to the letter motion a copy of the document with the proposed redactions;

**Judge Broderick
Civil Rules & Practices**

and (2) file under seal on ECF (with the appropriate level of restriction) and electronically relate to the motion an unredacted copy of the document with the proposed redactions highlighted.

- d. Submission by E-Mail.** Any party unable to comply with the requirement for electronic filing under seal through the ECF system, or who believes that a particular document should not be electronically filed at all, shall file a letter motion by e-mail, in accordance with Paragraph 1(A) above, seeking leave of the Court to file in a different manner.

C. Bankruptcy Appeals. Unless otherwise ordered, briefs must be submitted in accordance with Federal Rules of Bankruptcy Procedure 8015–8018. The appeal may be dismissed if the opening brief is not timely filed. Counsel may apply for an extension of the dates specified in Bankruptcy Rule 8018 by joint request but must do so at least two business days before the brief is due. The page limits in Bankruptcy Rule 8015 must be observed.

6. Trial Submissions

A. Joint Pretrial Order. Unless otherwise specified by the Court, within thirty days after the close of discovery or, if any dispositive motion is filed, within thirty days from the Court’s decision on such motion, the parties shall file on ECF a proposed joint pretrial order, which shall include the information required by Fed. R. Civ. P. 26(a)(3) and the following:

- i.** The full caption of the action.
- ii.** The names, law firms, business addresses, and telephone and fax numbers of trial counsel.
- iii.** A brief statement by the 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 the party asserts remain to be tried, including citations to any statutes on which the party relies. The summaries shall also identify all claims and defenses previously asserted which are **not** to be tried. The summaries should not recite any evidentiary matter.
- v.** A statement as to the number of trial days needed and as to whether the case is to be tried with or without a jury.
- vi.** A statement as to whether all parties have consented to trial by a magistrate judge, without identifying which parties do or do not consent.

**Judge Broderick
Civil Rules & Practices**

- vii.** Any stipulations or agreed statements of fact or law to which all parties consent.
- viii.** A list of all trial witnesses, in the order in which the parties anticipate they will be called, indicating whether such witnesses will testify in person or by deposition, and a brief summary of the substance of each witness's testimony.
- ix.** A designation by each party of deposition testimony to be offered in its case in chief, and any counter-designations and objections by any other party.
- x.** A list by each party of exhibits to be offered in its case in chief, with an indication by exhibit number as to whether any party objects to the exhibit. The party objecting must include a brief statement that makes clear the basis for its objection and must provide any necessary supporting authority.
- xi.** A statement of the damages claimed, and any other relief sought, including the manner and method used to calculate any claimed damages and a breakdown of the elements of such claimed damages.
- xii.** A statement as to whether the parties consent to less than a unanimous verdict.

B. Required Pretrial Filings. Each party shall file on ECF and serve with the joint pretrial order:

- i.** In **all** cases—motions addressing any evidentiary issues or other matters which should be resolved *in limine*. Any document that is the subject of an *in limine* motion should be submitted to the Court by email to BroderickNYSDChambers@nysd.uscourts.gov and served on opposing counsel but **not** filed on ECF.
- ii.** In **all** cases—a pretrial memorandum of law where a party believes it would be helpful to the Court.
- iii.** In **jury** cases—joint proposed voir dire questions, a verdict form, and jury instructions. These joint submissions shall consist of single documents, jointly composed, noting any areas of disagreement between the parties. The voir dire questions and jury instructions shall include both the text of any requested question or instruction as well as a citation, if relevant, to the authority from which it derives. These documents must also be submitted by email to BroderickNYSDChambers@nysd.uscourts.gov in Word format.
- iv.** In **non-jury** cases—proposed findings of fact and conclusions of law. The proposed findings of fact should be detailed and should include citations to the proffered trial testimony and exhibits, as there may be no opportunity for post-trial submissions. These documents must also be submitted by email to BroderickNYSDChambers@nysd.uscourts.gov in Word format.

**Judge Broderick
Civil Rules & Practices**

C. Additional Submissions in Non-Jury Cases. At the time the joint pretrial order is filed in a non-jury case, each party shall send to the Court by mail or hand delivery and serve on opposing counsel, but not file on ECF, the following:

- i. All deposition excerpts which will be offered as substantive evidence.
- ii. All documentary exhibits.

D. Filings in Opposition. Any party may file the following documents in opposition. These documents shall be filed no later than one week after the filing of the pretrial order or three days before the scheduled trial date, whichever comes first:

- i. Objections to another party's requests to charge or proposed voir dire questions.
- ii. Opposition to any motion *in limine*.
- iii. Opposition to any legal argument in a pretrial memorandum.

E. Courtesy Copies. Two courtesy copies of all documents identified in Rules 6.A, B, C.i, and D above shall be submitted to Chambers on the date on which they are to be served or filed. Only one set of documentary exhibits is required. Voluminous material may be organized either in binders or manila file folders, but in any event, the courtesy copies shall be separately arranged into two independent sets (except for documentary exhibits).

F. Exhibits. All exhibits must be pre-marked in advance of trial and two bound copies provided to the Court not later than the first day of trial. If counsel intend to distribute copies of documentary exhibits to the jury, they are to make a separate copy for each juror. Counsel shall make certain that they have custody of all original exhibits. The Court does not retain them, and the Courtroom Deputy is not responsible for them.

Counsel should communicate with Courtroom Technology/AV Services, available at (212) 805-0134, if any technological support is required.

G. Trial Schedule. Trials will generally be conducted Monday through Thursday from 10:00 a.m. to 5:30 p.m., with lunch from 12:45 p.m. to 2:00 p.m. However, any trial scheduled to last for approximately one week will be conducted Monday through Friday. Upon request, the Court will be available to meet with counsel from 9:00 a.m. to 9:30 a.m. Such requests **must** be made by 9:30 p.m. the evening before the requested meeting through (i) an email to Chambers, (ii) an email to the Law Clerk responsible for the case, and (iii) a call to Chambers.

7. Post-Trial Procedures. Counsel are responsible for promptly raising any issue concerning the accuracy of transcripts certified by the court reporter to be used for purposes of appeal. Counsel perceiving an error that is material shall stipulate to the appropriate correction or, if

**Judge Broderick
Civil Rules & Practices**

agreement cannot be reached, shall proceed by motion on notice. Non-material defects in syntax, grammar, spelling, or punctuation should be ignored.

8. Policy on the Use of Personal Electronic Devices and Other Electronic Equipment.

Attorneys' use of personal electronic devices within the Courthouse and its environs is governed by Standing Order M10-468 (Electronic Devices and General Purposes Computing Devices), available at <https://nysd.uscourts.gov/rules>. Any attorney wishing to bring a personal electronic device into the Courthouse, can obtain a Valid Service Pass issued by the District Executive's Office to an attorney who has been admitted to the Bar of this Court and presents a valid State Unified Court System Attorney Service Pass. A Valid Service Pass allows an attorney to bring in one personal electronic device into the courthouse and their environs for that attorney's own use. A Valid Service Pass by itself does not authorize an attorney to bring a General Purpose Computing Device into the Courthouse and their environs.

An attorney with a Valid Service Pass or any member of the Bar of any court may bring one or more Personal Electronic Devices or General Purpose Computing Devices into the Courthouse and their Environs for use in a particular trial or proceedings with prior written permission. Any party seeking to bring such equipment shall submit a letter with the standard Electronic Device Order (attached as Exhibit A to the Electronic Devices and General Purposes Computing Devices Standing Order) attached to Chambers at least ten business days in advance of the relevant trial or hearing requesting permission to use such equipment. The letter and order shall identify the type(s) of equipment to be used and the name(s) of the attorney(s) who will be using the equipment. Chambers will coordinate with the District Executive's Office to issue the Order and forward a copy to counsel. The Order must be shown upon bringing the equipment into the Courthouse.

Mobile phones are permitted inside the Courtroom, but must always be kept turned off . Non-compliance with this rule will result in forfeiture of the device for the remainder of the proceedings.

ATTACHMENT A

DEFAULT JUDGMENT PROCEDURE

1. Obtain a Certificate of Default for each defaulting defendant from the Clerk's Office pursuant to Federal Rule of Civil Procedure Rule 55(a) and Local Civil Rule 55.1.
2. Prepare an Order to Show Cause for default judgment and make the Order returnable before Judge Broderick in Courtroom 518. Leave blank the date and time of the conference. Judge Broderick will set the date and time when he signs the Order.
3. Provide the following supporting papers with the Order to Show Cause:
 - A. An attorney's affidavit setting forth:
 - i. The basis for entering a default judgment, including a description of the method and date of service of the summons and complaint.
 - ii. The procedural history beyond service of the summons and complaint, if any.
 - iii. Whether, if the default is applicable to fewer than all of the defendants, the Court may appropriately order a default judgment on the issue of damages prior to resolution of the entire action.
 - iv. The proposed damages and the basis for each element of damages, including interest, attorney's fees, and costs.
 - v. Legal authority for why an inquest into damages would be unnecessary.
 - B. A proposed default judgment.
 - C. Copies of all of the pleadings.
 - D. A copy of the affidavit of service of the summons and complaint.
 - E. A Certificate of Default from the Clerk of Court.
4. Electronically file the proposed Order to Show Cause and supporting papers via ECF, in accordance with the ECF Rules & Instructions, available at <https://nysd.uscourts.gov/rules/ecf-related-instructions>.
5. After the Orders and Judgments Clerk approves the Order to Show Cause on ECF, promptly contact Chambers at (212) 805-6165 to arrange for delivery of Order to Chambers for the Judge's signature. Also bring a courtesy copy of the supporting papers to leave with Chambers.

**Judge Broderick
Civil Rules & Practices**

6. The Court will review the motion for default judgment and, if appropriate, issue the Order to Show Cause setting a date and time for a default judgment hearing.
7. After the Judge signs the Order to Show Cause, serve a conforming copy of the Order and supporting papers on the defendant. Chambers will retain the original signed Order for docketing purposes, but will supply you with a copy. You may also print a copy of the signed Order from ECF after the Order has been docketed.
8. Prior to the return date, file through on ECF: (1) an Affidavit of Service, reflecting that the defendant was served with a conforming copy of the Order to Show Cause and supporting papers; and (2) the supporting papers. The signed Order itself will be scanned and docketed by Chambers.
9. Prior to the return date, file the proposed judgment on ECF for the Clerk's approval. The proposed judgment, including all damage and interest calculations, shall be approved by the Clerk prior to the conference and then brought to the conference for the Judge's signature.

EMERGENCY INDIVIDUAL RULES AND PRACTICES IN LIGHT OF COVID-19
William H Pauley III, Senior United States District Judge

Chambers Email:

PauleyNYSDChambers@nysd.uscourts.gov

Unless otherwise ordered by the Court, these Emergency Individual Rules and Practices apply to **all** matters before Judge Pauley (whether criminal or civil and whether involving a **pro se** party or all counseled parties), and they are a supplement to Individual Rules and Practices. If there is a conflict between these Emergency Rules and Individual Rules and Practices, these Emergency Rules control.

1. Conferences and Proceedings

- A. In Civil Cases.** Unless otherwise ordered by the Court, all conferences and proceedings in civil cases will be held by telephone. The Court will direct one of the parties to set up a conference line and provide dial-in information to the Court and all parties.
- B. In Criminal Cases.** To the maximum extent possible, all conferences and proceedings will be held either by telephone or video. No later than one week before a scheduled appearance, counsel must confer and submit a letter to the Court indicating their views on whether the Court can, consistent with the U.S. Constitution, Federal Rules of Criminal Procedure (see, e.g., Rules 5(f), 10(b) & (c), and 43) and any other relevant law, conduct the matter by telephone or video and, if applicable, whether the Defendant either consents to appearing in that manner or to waiving his or her appearance altogether. Counsel should include the same information in any request for a conference or other proceeding.

2. Communications with Chambers

- A. Telephone Calls.** Telephone calls will not be answered but will go to voicemail; and there may be significant delays in responding to any voicemail messages. Thus, parties are encouraged to make any requests or inquiries to the Court through ECF. If leaving a voicemail, a party should (1) briefly state the nature of the issue (including, if applicable, the case name and docket number); and (2) provide a call-back telephone number.
- B. Urgent Matters.** For urgent matters requiring immediate attention, parties should send an email to Chambers that (1) includes the word “URGENT” in the subject line; (2) specifies the case name and docket number; (3) briefly describes the

nature of the issue; and (4) provides a telephone number at which the party (and any other relevant parties) can be reached.

C. Hand Deliveries. Nothing may be delivered to Chambers without prior permission of the Court.

D. Pro Se Parties. Pro se parties are encouraged to (1) consent to electronic service (via ECF or email); or (2) seek the Court's permission to file documents through the ECF system or by email to the Court. Unless the Court grants permission to file documents electronically, all communications with the Court by a pro se party must be mailed to the Pro Se Intake Unit, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007. Any questions should be directed to the Pro Se Intake Unit at (212) 805-0175.

E. New Criminal Cases. When a new criminal case is wheeled out to Judge Pauley, the Assistant United States Attorney must notify the Court promptly by email.

3. Applications for Temporary Restraining Orders (“TROs”).

Parties intending to file applications for TROs or other emergency relief must send all of their papers (in text-searchable PDF format) to the Court by email. The email should (1) include the word “URGENT” in the subject line; (2) provide a telephone number at which the party (and any other relevant parties) can be reached; and (3) provide the relevant parties’ availability for a telephone conference in the next few days. Parties should not hand-deliver any documents without prior permission of the Court.

4. Pro Se Clinic

The New York Legal Assistance Group’s Pro Se Clinic has suspended all in-person client meetings until further notice. Limited-scope legal assistance will continue to be provided, **but only by appointment and only over the telephone.** To schedule an appointment, call (212) 659-6190 and leave a message **specifying a call-back number.**