

UNITED STATES DISTRICT COURT
Southern District of New York
40 Foley Square
New York, New York 10007
Judge Richard Owen
Chambers 2903
Telephone: (212) 805-6155
Secretary: Frances M. Monfiletto
Law Clerks: Justina L.M. Geraci and S. Ethan Bowers
Courtroom Deputy Clerk: June Hummel
Courtroom 1106 - Telephone: (212) 805-6162

RULES

GENERAL MATTERS

For questions concerning trials, call June Hummel, Courtroom Deputy Clerk at (212) 805-6162.

General requests are preferred in writing.

PRETRIAL PROCEDURE

Pretrial orders generally are not required.

In jury cases, requests to charge and trial memoranda, if any, should be submitted to Chambers in the week prior to going trial.

In non-jury cases, proposed findings of facts and conclusions of law should be submitted to Chambers in the week prior to trial.

DISCOVERY

Discovery conferences are not required.

For complaints regarding abuse of discovery, conferences may be requested or motions filed.

SETTLEMENT AND ADJOURNMENT OF TRIAL

There is no time limitation on reaching settlement; however, counsel are advised to consult Local Rule 22, which may apply.

Applications regarding trial dates and adjournment of trial may be made by telephone to the Courtroom Deputy Clerk. All applications for adjournments should be made on reasonable notice and after consultation with opposing counsel.

MOTIONS PRACTICE

Pre-motion conferences are not required.

Motions before Judge Owen, unless brought on by an order to show cause, may be made returnable any Friday at 2:30 p.m. The return date may, however, be rescheduled at the convenience of the Court.

All moving, answering and reply papers must be submitted to the Court no later than 12:00 noon on the Friday before the return date. The attorneys should agree among themselves as to when to submit papers to each other. Kindly furnish Chambers with courtesy copies.

Oral argument ordinarily is expected, except on motions for reargument, motions for JNOV, motions pursuant to Fed. R. Crim. P. 35, motions in pro se cases, and appeals from Magistrate Judge's rulings.

All applications for adjournments must be made on reasonable notice and after consultation with opposing counsel.

August 2005

LAW JOURNAL

JUDGE OWEN

CHAMBERS (212) 805-6155

COURTROOM 1106 (212) 805-6162

For questions concerning trials call June Hummel.

Courtroom Deputy Clerk, at above courtroom number.

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United States District Court
Southern District of New York

Procedures for Electronic Case Filing

March 6, 2003

Procedures for Electronic Case Filing

Procedures for Electronic Case Filing

The Court will accept for filing documents submitted, signed or verified by electronic means that comply with the following procedures.

1. Scope of Electronic Filing

(a) The Court will designate which cases will be assigned to the Electronic Filing System. Except as expressly provided and in exceptional circumstances preventing a Filing User from filing electronically, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the Court in a case assigned to the Electronic Filing System must be filed electronically. A paper may be filed electronically (i) from a remote location, (ii) by bringing it to the Clerk's office during regular business hours, in a form or electronic format prescribed by the Clerk, for input into the System, or (iii) where permitted by the Court, by bringing the paper to the Clerk's office during regular business hours to be scanned into the System.

(b) Unless limited by their terms to civil cases, the provisions of these procedures relating to electronic filing apply in criminal cases that are initiated by the filing of an indictment or information. Electronic filing procedures shall not apply to applications for arrest, search or electronic surveillance warrants; for other orders in aid of or ancillary to a criminal investigation; or to proceedings relating to the grand jury.

(c) Electronic filing procedures shall not apply to Social Security Cases.

(d) The filing and service of the initial papers in a civil case, including the complaint, the issuance of the summons and the proof of service of the summons and complaint, as well as service of non-party subpoenas, will be accomplished in the traditional manner on paper in accordance with the Federal Rules of Civil Procedure and applicable Local Rules governing service, rather than electronically. In a criminal case, the indictment or information, including any superseders, shall also be filed and given to the defendant in the traditional manner on paper in accordance with the Federal Rules of Criminal Procedure and applicable Local Rules rather than electronically; in addition, service of subpoenas shall be made in the traditional manner on paper in accordance with the Federal Rules of Criminal Procedure and applicable Local Rules. In a case assigned to the Electronic Filing System after it has been opened, parties must promptly provide the Clerk with electronic copies of all documents previously provided in paper form. All subsequent documents must be filed electronically except as provided in these procedures or as ordered by the Court.

2. Eligibility, Registration, Passwords

(a) Attorneys admitted to the bar of this Court, including those admitted pro hac vice and attorneys authorized to represent the United States, may register and may be required to register as Filing Users of the Court's Electronic Filing System. Unless excused by the Court, attorneys not already Filing Users appearing in cases assigned to the Electronic Filing System must register as Filing Users forthwith upon the case being so designated. Registration is in a form prescribed by the Clerk and requires the Filing User's name, address, telephone number, Internet e-mail address, and

a declaration that the attorney is admitted to the bar of this Court or authorized to represent the United States.

(b) If the Court permits or requires, a party to a pending civil action who is not represented by an attorney may register as a Filing User in the Electronic Filing System solely for purposes of the action. Registration is in a form prescribed by the Clerk and requires identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. If, during the course of the proceeding, the party retains an attorney who appears on the party's behalf, the attorney must advise the Clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

(c) Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the Clerk if they learn that their password has been compromised. Users may be subject to sanctions for failure to comply with this provision.

(d) In a civil action, the Clerk will enter, as Filing Users to whom Notices of Electronic Filing will be transmitted, (i) each attorney identified on the Civil Cover Sheet, as well as (ii) each additional attorney who subsequently appears in the action and files a Request for Electronic Notification (which may be filed electronically). In a criminal case, the Clerk will enter, as Filing Users to whom Notices of Electronic Filing will be transmitted and who will be granted access to electronically file and retrieve documents in the case, the attorney(s) for the United States identified on the Criminal Designation Form or subsequently identified as representing the United States in the case and each attorney filing a Notice of Appearance on behalf of a defendant. Notices of Appearance on behalf of a criminal defendant will be filed in the traditional manner on paper.

(e) An attorney of record may, by written or electronic request to the Clerk, have transmission of Notices of Electronic Filing to another attorney in his or her firm terminated.

3. Consequences of Electronic Filing

(a) Except as otherwise provided in Procedure 4 herein, electronic filing of a document in the Electronic Filing System consistent with these procedures, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Local Rules of this Court and constitutes entry of the document on the docket kept by the Clerk under Fed.R.Civ.P. 58 and 79 and Fed.R.Crim.P. 49 and 55.

(b) When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court (subject to the exception set out in Procedure 4 below), and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically under Procedure 1, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

(c) Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.

(d) Individual judges' practices should continue to be followed with respect to delivery of courtesy copies.

4. Entry of Court Orders

(a) All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these procedures and entered on the docket kept by the Clerk under Fed.R.Civ.P. 58 and 79 and Fed.R.Crim.P. 49 and 55. Each document signed by a judge shall be scanned so as to contain an image of the judge's signature and shall be filed electronically by the Court, and the manually signed original shall be filed by the Clerk of the Court. In the event of a discrepancy between the electronically filed copy and the manually signed original, the manually signed original shall control.

(b) A Filing User submitting a document electronically that requires a judge's signature must promptly deliver the document in such other form as the Court requires, if any.

5. Attachments and Exhibits

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits paper filing. A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are relevant to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this procedure do so without prejudice to their right to file timely additional excerpts or the complete document. Responding parties may file timely additional excerpts that they believe are relevant or the complete document. A party may move for permission to serve and file in hard copy documents that cannot reasonably be scanned. In cases where the record of an administrative or other prior proceeding must be filed with the Court, such record may be served and filed in hard copy without prior motion and order of the Court.

6. Sealed Documents

Documents ordered to be placed under seal may not be filed electronically unless specifically authorized by the Court. A motion to file documents under seal should be filed electronically unless prohibited by law; however, a motion to file under seal that includes a statement of why the filing should not be made electronically may be made in paper copy. The order of the Court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. A paper copy of the order must be attached to the documents under seal and be delivered to the Clerk.

7. Retention Requirements

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until one year after all time periods for appeals expire, except that affidavits, declarations and proofs of service must be maintained in

paper form by the Filing User until five years after all time periods for appeals expire. On request of the Court, the Filing User must provide original documents for review.

8. Signatures

(a) The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of the Federal Rules of Civil Procedure, including Rule 11, the Federal Rules of Criminal Procedure, the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court. Each document filed electronically must indicate that it has been electronically filed. Electronically filed documents must include a signature block and must set forth the name, address, telephone number and (except in criminal cases) the attorney number, all in compliance with Local Civil Rule 11.1. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "'s/'" typed in the space where the signature would otherwise appear.

(b) No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

(c) A document requiring the signature of a defendant in a criminal case may be electronically filed only in a scanned format that contains an image of the defendant's signature.

(d) Documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; (3) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or (4) in any other manner approved by the Court.

9. Service of Documents by Electronic Means

Transmission of the Clerk's Notice of Electronic Filing of a document shall constitute service of such document upon any Filing User in that case. It remains the duty of the attorney for a party to review regularly the docket sheet of the case. Attorneys and pro se parties who are not Filing Users shall be served with a paper copy of any electronically filed pleading or other document. Service of such paper copy must be made according to the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Local Rules.

10. Notice of Court Orders and Judgments

Immediately upon the entry of an order or judgment in a proceeding assigned to the Electronic Filing System, the Clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed.R.Crim.P. 49(c) and Fed.R.Civ.P. 77(d). **It remains the duty of the attorney for a party to review regularly the docket sheet of the case.** The Clerk must give notice in paper form to a person who is not a Filing User in accordance with the Federal Rules of Civil Procedure or the Federal Rules of Criminal Procedure.

11. Technical Failures

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court.

12. Public Access

A person may review at the Clerk's office filings that have not been sealed by the Court. A person also may access the Electronic Filing System at the Court's Internet site www.nysd.uscourts.gov by obtaining a PACER log-in and password. A person who has PACER access may retrieve docket sheets in civil and criminal cases and documents in a civil case, but only counsel for the government and for a defendant may retrieve documents in a criminal case. Only a Filing User under Procedure 2 herein may file documents.

United States District C
Southern District of New York



Guidelines for Electronic Case Filing

Below are a few frequently asked questions (FAQ's) about Electronic Case Filing (ECF).

[ECF Home](#)

[Attorney
Registration](#)

[Policies &
Procedures](#)

[Training](#)

[POC](#)

[System
Requirements](#)

- [What is the web address for the SDNY ECF system?](#)
- [Should I use Netscape Navigator or Internet Explorer to use ECF?](#)
- [Is there a limit to the size of a document that can be filed on ECF?](#)
- [Can I file documents that originate on paper and are then scanned to create a pdf file?](#)
- [Who can file documents on ECF?](#)
- [Can an attorney admitted Pro Hac Vice file documents electronically?](#)
- [Will I need a password to use ECF?](#)
- [Can I view both civil and criminal dockets over the Internet?](#)
- [How can I sign up other attorneys in my firm to receive electronic notices in my case?](#)
- [Must the caption of the document indicate it has been](#)

electronically filed?

- How will I know if I have successfully filed a document electronically?
- What if I file the wrong document, or file in the wrong case?
- How do I sign an electronically filed document?
- Will older cases be assigned to the ECF system?
- Which cases will be ECF cases?
- Which Judges will entertain ECF cases?
- How do I view a document in an ECF case?
- Does filing electronically affect the filing deadline?
- How do I open an ECF case?
- Must I serve a copy of the assigned Judge's Individual Rules with the complaint?
- Must I file a paper Summons and Affidavit of Service for the Complaint?
- Must I file a paper Affidavit of Service for other documents in the case?
- How do I serve my adversary who has not registered to be an ECF Filing User?
- When filing a motion, should the supporting affidavit be

attached or filed separately?

- How should I submit exhibits not attached to a motion?
- How do I file a proposed order, judgment or stipulation?
- How do I file an Order to Show Cause?
- How do I file a default judgment?
- How do I submit a letter?
- Will sealed documents be filed electronically?
- How do I file a Notice of Appeal?
- Which is the "original" document, the paper or the ECF version?
- Must I keep paper originals of documents I electronically file?
- Should I continue to submit courtesy copies?
- When an attorney leaves a firm, how do we change the attorney's ECF Registration information?
- Will there be an ECF Help Desk?
- How can I stay up to date with future ECF news and developments?
- How can I learn how to use ECF?

[Home](#) | [Course List](#) | [Course Schedules](#) | [WBT](#) | [CBT](#)

3rd Amended Instructions for Filing an Electronic Case or Appeal

Important - your new case is an electronically filed case (ECF case) and you will be **required** to file documents electronically instead of on paper (with certain exceptions listed below). If you don't have your ECF password yet, you should **register now** (no fee required) on the CM/ECF page of the Court's website at www.nysd.uscourts.gov Please follow the instructions below.

ECF Judges:

Baer ***	Castel **	Griesa **	Knapp ***	McMahon *	Preska *	Stein *
Batts *	Cedarbaum***	Haight **	Koehl *	Motley ***	Rakoff **	Swain **
Berman **	Chin **	Hellerstein **	Kram ***	Mukasey *	Robinson *	Sweet *
Briant *	Conner *	Holwell **	Leisure **	Owen ***	Sand ***	Wood **
Buchwald **	Cote **	Jones **	Lynch **	Patterson ***	Scheidlin **	Magistrate-
Carter ***	Daniels **	Kaplan *	Marrero **	Pauley **	Sprizzo ***	Judges *
Casey **	Duffy ***	Keenan **	McKenna ***	Pollack **	Stanton ***	

* ECF Wave 1 Judge, assigning new cases filed on or after December 2, 2003 to the ECF system.

** ECF Wave 2 Judge, assigning new cases filed on or after March 1, 2004 to the ECF system.

*** ECF Wave 3 Judge, assigning new cases filed on or after June 7, 2004 to the ECF system.

Important note on non-ECF cases: Older cases filed prior to the above dates, as well as Pro Se cases, Habeas Corpus cases, Social Security cases, and Multi-District Litigation will not be electronically filed and should be filed on paper. Do not file documents electronically in cases that are not assigned to the ECF system.

Instructions

- (1) Electronic cases are opened and service of the initiating documents (complaint, notice of removal, etc.) is accomplished in the traditional manner, on paper.
- (2) **Important** - In addition to serving the initiating documents in the traditional manner, on paper, you are also required to deliver paper copies of the following documents to all other parties (copies available at the courthouse, & on our website):
 - (a) The assigned Judge's Individual Rules
 - (b) USDC/SDNY Instructions for Filing an Electronic Case or Appeal (this document)
 - (c) USDC/SDNY Procedures for Electronic Case Filing
 - (d) USDC/SDNY Guidelines for Electronic Case Filing.
- (3) Within 24 hours of the assignment of a case number, you are required to email to the Clerk of Court the initiating documents in Adobe Acrobat pdf format only. Failure to do so within 24 hours will delay adding your case to the computerized ECF docket. Include a F.R.C.P. Rule 7.1 Statement (if applicable) and any exhibits. The case number, the Judge's initials, and "ECF CASE" must appear in the document's case caption. Each document must be in a separate pdf file no larger than 2.5 megabytes (separate large computer files into smaller parts if necessary, and label accordingly). When sending email, the subject line of the email & the file name of the pdf should list only the case number followed by a document description (ex. "Re: 01cv1234-complaint"). Send the email (do not file on the ECF system) to:

(a) For new civil cases assigned to a Manhattan Judge, email a pdf copy of the documents to

case_openings@nysd.uscourts.gov

(b) For new civil cases assigned to a White Plains Judge, email a pdf copy of the documents to

wpclerk@nysd.uscourts.gov

- (4) File the Affidavit of Service for the initiating document (complaint, notice of removal, etc.) in the following manner:
- (a) electronically file the Affidavit of Service for the initiating document on the ECF system (do not send by email),
 - (b) file the original Affidavit of Service with summons attached in the traditional manner, on paper with the Clerk.
- (5) All subsequent documents, including the Defendant's Answer, must be filed electronically on the ECF system at ecf.nysd.uscourts.gov. Electronic filing involves using your ECF password to docket the item directly into the ECF system. Electronic filing is not the same as email to the Clerk. Read the Judge's Individual Rules to determine if courtesy copies (on paper) are required.
- (6) Appeals will be assigned to the ECF system only if the original case was also electronically filed. File the appeal in the traditional manner, on paper. Then within 24 hours of filing the paper copy of your Appeal at the courthouse, you are required to email to the Clerk of Court an electronic copy of the Appeal in pdf format. Include any exhibits. Each document must be in a separate pdf file no larger than 2.5 megabytes. The District Court case number, the Judge's initials, and "ECF CASE" must appear in the document's case caption.

When sending email, the subject line of the email should always list the case number followed by a document description (ex. "Re: 01cv1234-appeal"). Send the email (do not file on the ECF system) to:

- (a) For appeals from an ECF case assigned to a Manhattan Judge, email a pdf copy of the appeal to

appeals@nysd.uscourts.gov

- (b) For appeals from an ECF case assigned to a White Plains Judge, email a pdf copy of the appeal to

wpclerk@nysd.uscourts.gov

- (7) Follow all the rules for Electronic Case Filing (available at www.nysd.uscourts.gov):

- (a) SDNY Procedures for Electronic Case Filing
- (b) SDNY Guidelines for Electronic Case Filing
- (c) Individual Rules of the Assigned Judge
- (d) Local Rules of this Court, and
- (e) Federal Rules of Civil Procedure

✓ Learn More About Electronic Case Filing at www.nysd.uscourts.gov

- ✓ Click on the "[CM-ECF](#)" page for the official ECF filing rules, training information, computer requirements, and more.
- ✓ Attorneys should use the "[Attorney Registration](#)" page to register on-line for a SDNY ECF password (no fee). Your ECF password will be sent to you by email. You must have an ECF password from SDNY District Court to file documents electronically.
- ✓ Sign up now for a SDNY PACER account if you don't already have one. Call (800) 676-6856, or go to <http://pacer.psc.uscourts.gov>
- ✓ Electronically file documents in ECF cases over the Internet at ecf.nysd.uscourts.gov
- ✓ Don't have a computer or scanner? Bring your ECF password and the paper documents to the courthouse, and you can use our public computers to electronically file your documents. Call the ECF Help Desk for more information.
- ✓ The ECF Help Desk is available to answer your ECF questions from 8:30 AM to 7:00 PM at (212) 805-0800, and from 8:30 AM to 5:00 PM at (914) 390-4204, and by email at help_desk@nysd.uscourts.gov

WWW.NYSD.USCOURTS.GOV

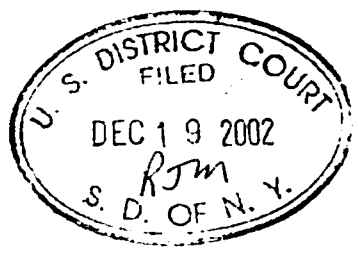
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

23

----- X
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IN RE: LOCAL CIVIL RULE 5.2 :
ELECTRONIC FILING OF DOCUMENTS :
:
----- X

STANDING
ORDER

M110-468



At its meeting of December 18, 2002 the Board of Judges approved the following local civil rule as required by Federal Rule of Civil Procedure 5(e) for the implementation of electronic filing.

Local Civil Rule 5.2 - Electronic Filing of Documents

A paper filed by electronic means in accordance with procedures promulgated by the Court is, for purposes of Federal Rule of Civil Procedure 5(e), filed in compliance with the local civil rules of the Southern and Eastern Districts of New York.

SO ORDERED.

Michael B. Mukasey
Chief Judge

Dated: New York, New York
December 18, 2002

M I C R O F I L M
DEC 19 2002 11:00 PM

U.S. District Court Southern District of New York

May 9, 2005

INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE GABRIEL W. GORENSTEIN

Matters before Judge Gorenstein shall be conducted in accordance with the following rules unless otherwise ordered.

1. Communications with Chambers

A. Letters. Letters to the Court are permitted and should be addressed to: 40 Centre Street, New York, NY 10007. If delivered by hand, they should be brought to the mail room at 40 Centre Street. Copies must be simultaneously delivered to all counsel. Letters may not be submitted by means of the Electronic Case Filing ("ECF") system.

The Court will not consider any letter that fails to comply with any applicable requirement contained in these Individual Practices. 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.

C. Faxes. Letters to Chambers sent by facsimile telecopier 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 follow with a hard copy. The fax number is (212) 805-4268.

D. Docketing and Calendar Matters. For docketing and calendar matters, call Sylvia Gonzalez, the Deputy Clerk, at (212) 805-4260 between 9:00 A.M. and 5:00 P.M.

E. Requests for Extensions of Time. All requests for extensions of deadlines must state (1) the date or dates sought to be extended, (2) the number of previous requests for extensions, (3) the reason for the extension, and (4) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent. To the extent a request to extend a particular date requires a change in other scheduled dates, the request must list the proposed change for all such other dates. A request may be made either by letter or by a joint stipulation that reflects the required information.

F. Requests for Adjournments 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). Prior to making such a request, the party intending to so request should contact the Deputy Clerk, Sylvia Gonzalez ((212) 805-4260), to determine an alternative date for which the Court is available for a rescheduled court appearance. The requesting party should then contact all other parties to determine their availability for that date. The requesting party must then make a written request to the Court for an adjournment by letter stating the date and time that is being requested. The letter, which may be sent by fax, must be copied to all parties and include a statement as to the other parties' positions on the change in date. The appearance is not adjourned unless counsel are thereafter informed by the Deputy Clerk that the written application has been granted.

2. Motions

A. Pre-Motion Conferences in Civil Cases. As described below, pre-motion conferences are required in all instances where the proposed motion is returnable before Judge Gorenstein. No pre-motion conference is required, however, for motions for admission pro hac vice, motions for reconsideration or reargument, motions listed in Fed. R. App. P. 4(a)(4)(A), motions for attorney's fees and applications made by order to show cause.

Discovery Motions. No application relating to discovery (that is, any dispute arising under Rules 26 through 37 or Rule 45 of the Federal Rules of Civil Procedure) shall be heard unless the moving party has first conferred in good faith by telephone or in person with all other relevant parties in an effort to resolve the dispute. If the conference with the relevant parties has not resolved the issue or issues raised, the moving party must inform the parties during the conference that the moving party intends to seek relief from the Court on such issue or issues. The moving party must thereafter promptly request a conference with the Court. See Local Civil Rule 37.2. To request a conference with the Court, the moving party shall submit a letter (normally not more than five pages) setting forth the basis of the discovery dispute and the need for the anticipated motion. The letter must certify that the required in-person or telephonic conference took place between counsel and the relevant parties. The letter must also state the date of such conference and provide the adversary's position as to each issue being raised (as stated by the adversary during the in-person or telephonic conference). None of these requirements may be satisfied by attaching copies of correspondence between counsel. The party opposing the requested relief should submit a letter to the Court in response as soon as practicable.

Motions other than Discovery Motions. To arrange a pre-motion conference for non-discovery matters, the moving party shall submit a letter setting forth briefly (normally not more than one or two pages) the nature of the anticipated motion.

B. Briefing Schedule on Motions. In instances where the Court has ordered a briefing schedule on a motion, that schedule applies. In all other instances, the parties are encouraged to agree on a reasonable schedule, which shall be set forth in a letter to the Court that accompanies the courtesy copies of the initial motion papers. In the rare instance where the parties cannot agree on a schedule, the parties should follow Local Civil Rule 6.1(a) and any required extension may be sought in accordance with Paragraph 1(E) above. No return date need be stated in the Notice of Motion but reference should be made in the Notice to the due date for opposition and reply papers.

Where no Court order as to a briefing schedule is in effect, leave of the Court is not required to effectuate an agreement between the parties to extend the deadlines for filing papers. Such agreements, however, must be disclosed to the Court in a letter.

When the motion is fully submitted, the party making the initial motion shall send a letter informing the Court of such with copies to all other parties.

C. Courtesy Copies. Courtesy copies of all motion papers, marked as such, must be submitted to Chambers (by mail or delivery to the mailroom at 40 Centre Street) at the same time they are served on opposing counsel. Courtesy copies may not be submitted through the ECF system.

D. Memoranda of Law. A memorandum of law must accompany all motions and oppositions thereto. See Local Civil Rule 7.1. The Court does not impose any page limitations but it is recommended that memoranda of law consist of fewer than 25 pages (10 pages for reply memoranda) and that footnotes be kept to a minimum. Memoranda of more than 10 pages shall contain a table of contents. A memorandum of law shall not incorporate by reference any accompanying declarations or affidavits. Instead, the memorandum must contain a fact section that sets forth all facts relevant to the motion and, for each factual statement, contains one or more citations to the declarations, affidavits or other evidence in the record.

E. Filing of Motion Papers. Motion papers shall be filed with the Clerk's Office promptly following service on the parties. Courtesy copies must be sent to Chambers in accordance with 2(C) above.

F. Confidential Materials. To the extent motion papers or other submissions to the Court contain confidential material that has been filed under seal (for which permission must be granted) or that is subject to a confidentiality order, each page that contains such material and only such pages shall be prominently stamped "Confidential." In addition, the margins of such pages shall be marked to indicate the confidential material contained therein. Only pages marked confidential shall be filed under seal.

G. Oral Argument on Motions. Judge Gorenstein normally does not hear oral argument on motions. The parties may request oral argument by letter. If the Court determines that argument will be heard, it will so advise counsel.

H. Requirements for Summary Judgment Motions. Any motion for summary judgment must comply with Local Civil Rule 56.1. Where a party seeks summary judgment against a pro se litigant, that party is reminded to comply with the notice requirements of Local Civil Rule 56.2.

3. Pretrial Procedures

Note: The following additional procedures apply only to those cases where the parties have consented under 28 U.S.C. § 636(c) to have all proceedings, including trial, before Judge Gorenstein.

A. Pretrial Disclosure. The parties are reminded of their obligations to make certain disclosures regarding expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and to make disclosure regarding evidence that may be presented at trial pursuant to Fed. R. Civ. P. 26(a)(3). Failure to comply with these requirements may result in preclusion or other sanctions.

B. 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, the parties shall submit to the Court for its approval a joint pretrial order, which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone (including cellular phone if available) and fax numbers of trial counsel.

iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant jurisdictional facts, such as citizenship and jurisdictional amount.

iv. A brief summary by each party of the claims and defenses that party has asserted that remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on.

v. 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, if appropriate, a calculation of the amount of damages sought with respect to such element or category.

vi. 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.

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

viii. A statement by each party as to the witnesses whose testimony is to be offered in its case, 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 this statement.

ix. A designation by each party of deposition testimony to be offered in its case, 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.

x. A list by each party of exhibits to be offered in its case. Each exhibit shall be pre-marked (plaintiff to use numbers, defendant to use letters). For any exhibit as to which there is an objection, the party objecting must briefly specify, next to the listing for that exhibit, the nature of the party's 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 list.

C. Filings Prior to Trial in Civil Cases. Unless otherwise ordered by the Court, each party shall file -- 15 days before the date of commencement of trial if such a date has been fixed or 30 days after the submission of the final pretrial order if no trial date has been fixed, whichever is earlier -- the following:

i. In jury cases, all parties must prepare jointly three separate 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 authority. If the voir dire questions, requests to charge and/or verdict sheets are prepared on a computer, electronic copies must also be submitted on disk, CD-ROM, or via e-mail, preferably in

WordPerfect format. Counsel should contact Ms. Gonzalez for instructions on how to submit such materials by e-mail.

Each party must also file a Trial Memorandum of Law addressed to each issue of law that the party expects to arise at or before trial.

ii. In nonjury cases, the parties are required to submit proposed findings of fact and conclusions of law. The parties must also submit trial memoranda of law that identify the issues, summarize facts and applicable law, and address any evidentiary issues. If prepared on a computer, these materials should also be submitted on disk, CD-ROM, or via e-mail, preferably in WordPerfect format. Counsel should contact Ms. Gonzalez for instructions on how to submit such materials by e-mail.

D. Submissions to the Court Prior to Trial in Civil Cases. At or before the time the materials set forth in paragraph 3.C above are filed, the parties shall deliver to the Court in a looseleaf notebook (with a copy to their adversary): (1) a copy of each of the party's pre-marked exhibits, see paragraph 3.B.x above, and (2) a copy of any deposition testimony designated in paragraph 3.B.ix above.

E. Witnesses at Trial. When a party's case commences, that party is expected to have witnesses available to fill the trial day, which runs from 9:15 a.m. to 5:00 p.m. with a one hour lunch break. The parties are warned that if a party does not have a witness available to testify, the Court may deem that party to have rested. Any requests to schedule a witness out of order and/or for a particular day must be made by a letter application that states the opposing party's position and that is sent (1) prior to trial and (2) as soon as counsel is aware of the limited availability of that witness. Untimely applications will be denied.