

**Individual Practices and Rules of
Magistrate Judge Clay H. Kaminsky**

Effective January 9, 2026

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

Courtroom 504 North

Courtroom Deputy:
Shannon Hernandez
(718) 613-2174

Chambers 505 North

(718) 613-2170
Kaminsky_Chambers@nyed.uscourts.gov

Note on Consent Jurisdiction: If the parties wish to consent to having Judge Kaminsky preside over their case for all purposes, the necessary form is available at <https://www.nyed.uscourts.gov/sites/default/files/uploads/mjconsentform.pdf>.

I. COMMUNICATIONS WITH CHAMBERS

- A. ECF Generally Required.** Except as provided below, communications with Chambers should be by ECF, using the appropriate event type and a brief description of the document. When filing a letter asking the Court to take an action, the appropriate event type is typically “Motion,” not “Letter.”
- B. *Pro se* litigants** are exempt from ECF requirements but may request permission to file documents and receive notices electronically.¹ *Pro se* litigants should file documents by hand delivery or U.S. mail to the designated “*Pro Se* Clerk” in the Clerk’s office. Unless the Court orders otherwise, all communications with the Court will be docketed upon receipt; such docketing shall constitute service on any user of the ECF system. Counsel representing parties in cases involving *pro se* litigants must send copies of documents filed by ECF to the *pro se* party and must file proof of service on ECF. *Pro se* litigants must keep current contact information on file with the Court.

¹ Instructions and eligibility requirements are available at <https://www.nyed.uscourts.gov/pro-se-document-submission-and-consent-notifications>.

C. Requests for Adjournments, Extensions, and Changes to Conferences.

All requests for the adjournment of a court date or any other change to a court conference (such as a request to appear by telephone) or for the extension of a court-ordered deadline must be by letter motion filed on ECF as a “**Motion**,” not as a “Letter” or “Status Report.” Absent an emergency, the motion must be made at least *three business days prior* to the conference.

Each such motion must state:

- (1) the original date and the number of previous requests;
- (2) the reason for the request, which must demonstrate “good cause” if the request is for an extension of discovery, *see* Fed. R. Civ. P. 16(b)(4); and
- (3) whether the request is on consent and, if not, the reasons given for withholding consent.

If appropriate, the parties should indicate whether the request affects other scheduled dates or propose mutually convenient dates for a re-scheduled conference.

D. No courtesy copies of electronic filings should be sent to Chambers absent a specific request from the Court.

E. Telephone calls to Chambers are permitted only in emergency situations requiring same-day attention. Counsel may contact the **Courtroom Deputy** at **(718) 613-2174** with questions about scheduling matters, but all adjournment requests must be in writing and will not be considered telephonically. Parties themselves may not call Chambers. *Pro se* parties may call the Court’s **Pro Se Office** with case-related questions at **(718) 613-2665**.

F. Emails to Chambers (Kaminsky_Chambers@nyed.uscourts.gov) are permitted only as provided in these Rules or as otherwise directed by the Court.

G. Required Notification to Chambers. A party or the parties must immediately notify Chambers by email if any party has reason to believe Judge Kaminsky should be recused from any pending action.

II. CONFERENCES

A. Appearance by Counsel of Record. Attorneys appearing before the Court must first enter a notice of appearance on ECF prior to their first appearance. Only a party's counsel of record, or an attorney personally authorized to appear by a party (and not simply by the party's counsel of record) may appear on behalf of a party.

B. Courtroom Opportunities for Relatively Inexperienced Attorneys. The Court encourages opportunities for law students and junior attorneys to appear and to argue in Court, when accompanied and supervised by counsel of record. Requests for leave for law students to argue in Court will be freely granted, and the Court will permit multiple attorneys to argue for one party if this creates an opportunity for junior attorneys to participate.

C. Initial Conferences.

1. Initial Conferences will typically be held in person absent a compelling reason to proceed remotely.
2. Pursuant to Fed. R. Civ. P. 26(f), the parties must meet and confer prior to the Initial Conference to discuss their claims and defenses, the possibilities for a prompt settlement, and a proposed discovery plan.
3. To assist the parties, the Court will provide the parties with a proposed Discovery Plan and Scheduling Order prior to the Initial Conference.² The parties must file their joint proposed discovery plan on ECF at least one week before the Initial Conference. In the event the parties are unable to reach agreement on any of the deadlines in the proposed Discovery Plan and Scheduling Order, the parties should note any areas of disagreement in a joint letter.
4. Once a Discovery Plan and Scheduling Order has been so ordered by the Court, its deadlines may be amended only upon a showing of good cause.

² The Proposed Discovery Plan and Scheduling Order may also be downloaded from this Court's website: <https://www.nyed.uscourts.gov/magistrate-judge-clay-h-kaminsky>.

D. Settlement Conferences.

1. Each party, or someone with full settlement authority for each party (other than counsel), must be present at the conference unless a motion has been granted giving the client permission to participate by telephone. Governmental parties are exempt from this requirement.
2. The parties must exchange a good-faith demand and a good-faith offer before the Settlement Conference and before submitting their confidential *ex parte* settlement statements, described immediately below.
3. Confidential *ex parte* settlement statements must be emailed to Chambers at least one week before the conference, except as otherwise directed by the Court. Each settlement statement must contain the last demand and offer made, a realistic assessment of the strengths and weaknesses of the case, information on what is important to the client, any barriers to settlement, and anything else that will assist the Court in helping the parties reach an agreement.³ After receiving the parties' settlement statements, the Court may contact counsel for each party individually ahead of the conference.

III. DISCOVERY

A. Discovery Motions.

1. Parties must make a good-faith effort to resolve disputes before making any discovery motion. *See* Fed. R. Civ. P. 37(a)(1).
2. Informal Discovery Conferences. If the parties are unable to resolve a discovery dispute themselves, the parties must write to the Court and describe their dispute in a **single, joint letter**, filed on ECF as a “**Motion for an informal discovery conference**.” *See* Local Civil Rule 37.2. The letter shall begin with a brief statement of the claims and defenses at issue in the case and must describe the parties' efforts to confer and resolve the dispute without court intervention as required by Fed. R. Civ. P. 37(a)(1). Each party's portion of the joint submission shall be limited to two pages. If the parties' dispute relates to a specific discovery request or requests, the

³ The parties may, but need not, submit a small number of especially significant exhibits with their settlement statements. Digital media files may be submitted using the following link: <https://evidence.nyed.uscourts.gov/>.

parties should attach the request or requests to their joint letter. If the parties are unable to agree upon a single, joint letter, the parties may submit separate letters but must demonstrate good cause as to why they were unable to submit a joint letter. The Court will then schedule a conference to discuss the dispute, usually over the telephone.

3. Formal Discovery Motions. If the dispute cannot be resolved informally, the Court may order the parties to brief a motion to compel or for a protective order. Litigants are reminded that, for such motions, cost-shifting is presumptively mandatory under Fed. R. Civ. P. 37(a)(5).
4. The parties should not file any discovery materials on ECF unless necessary for the joint letter or Court-ordered discovery motion.

B. Disputes During Ongoing Depositions. If a dispute arises during a deposition that the parties cannot resolve themselves despite their best efforts, the parties must contact Chambers immediately by email and by telephone. The email should include a brief description of the dispute and a callback number. The parties must have the court reporter mark the transcript where the dispute arose and must move on to other issues in the deposition until such time as the Court can call to address the dispute. When the Court calls, the court reporter must be present on the call to record any rulings. The parties must not discontinue the deposition while waiting for the Court to return the call.

C. Confidentiality Orders. To assist the parties, the Court has provided a form Confidentiality Order that the parties may submit to the Court for approval to protect the confidentiality of information exchanged in discovery.⁴ If necessary, the parties may submit to the Court both a redlined version identifying the proposed changes, the reason for the changes, and a clean version of the proposed confidentiality order for the Court to adopt.

⁴ The Proposed Discovery Plan and Scheduling Order may be downloaded from this Court's website: <https://www.nyed.uscourts.gov/magistrate-judge-clay-h-kaminsky>.

IV. MOTION PRACTICE

A. Non-Dispositive Motions

Unless otherwise directed by the presiding District Judge, all non-dispositive pretrial motions (*e.g.*, motions to amend pleadings, stay discovery, conditionally certify a collective action, etc.) should be made to Judge Kaminsky.

Parties should generally make such applications as letter motions in compliance with Local Civil Rule 7.1(e). If necessary, after submission of the letter motion, the Court may advise the moving party to file a formal motion pursuant to Local Civil Rules 6.1 and 7.1.

B. Dispositive Motions

Dispositive motions, such as motions to dismiss and motions for summary judgment, must be made to the presiding District Judge, in accordance with the District Judge's Individual Practices and Rules, unless the parties have consented to Judge Kaminsky's jurisdiction in accordance with 28 U.S.C. § 636(c)(1).

Where the parties have consented to Judge Kaminsky, the parties may file their dispositive motions in compliance with the Federal Rules of Civil Procedure and the Local Civil Rules. The moving party need not request a pre-motion conference or hold motion papers until all papers are complete (*i.e.*, Judge Kaminsky does not follow a "bundling rule"). Memoranda of law should conform to the length and formatting requirements of Local Rule 7.1.

V. PRETRIAL PROCEDURES

The parties must file a joint proposed pretrial order in the format prescribed by the presiding District Judge on or before the deadline set by the Court or as set forth in the presiding District Judge's Individual Practices and Rules.

Where the parties have consented to have Judge Kaminsky preside over the trial, the Court will set a firm trial date after the close of discovery and file a Scheduling Order containing instructions for the parties' Proposed Joint Pretrial Order at that time.