Individual Rules for Civil and Criminal Cases
Judge Nusrat J. Choudhury

Updated October 27, 2025

United States District Court for the Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Courtroom 1040

Chambers Email: Choudhury_Chambers@nyed.uscourts.gov

Courtroom Deputy: Bryan Morabito

Rules at a Glance

Topic	Issue	Rule Summary
Court filings	Electronic Case Filing	1.1. Mandatory, except for *pro se* litigants.
	Filing under seal	1.2. **See full rule** and refer to Local Rules.
	Courtesy copies	1.3. **See full rule.** Send the Court one (1) courtesy hard copy of filings that are fifty (50) pages or more, including exhibits or attachments.
	Word-processing files	1.4. Mandatory for proposed orders, jury instructions, and similar filings.
	Text-searchable submissions	1.5. Mandatory, except for *pro se* litigants.
	Filings styled as letters	1.6. Identify addressee and subject matter in ECF header.
	Requests for adjournment	1.7. Provide at least three (3) business days' notice.
	Labeling	1.8. Include the docket number and initials of the District Judge (NJC) and assigned Magistrate Judge on all papers.
	Evidentiary filings	1.9. Include only the relevant pages of the transcript and highlight the relevant text.
	Diversity jurisdiction cases	1.10. Within thirty (30) days of the filing of the litigation or its removal to federal court from state court, file a two (2) page explanation of basis for jurisdiction.
Communi-cations with cham-bers	Written communications	2.1. All communications should be in writing and filed on ECF unless they concern urgent matters or scheduling issues.
	Urgent communications	2.2. Contact Chambers by email and indicate in the subject line that the matter is time-sensitive.
	Matters referred	3.1. **See full rule.**

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Magistrate judges	Appeals of an order of release or order of detention	3.2. Include a copy of the transcript before the Magistrate Judge with motion, if available.
	Appeals of discovery determinations	3.3. Challenge within fourteen (14) days of the determination in the form of a letter not exceeding three (3) pages.
Appearance of attorneys	Preparation and authority consistent with proceeding	4.1. All attorneys who appear must have authority consistent with the proceeding and should be prepared to address any matters likely to arise. **See full rule**.
	Participation of lawyers	4.2. Less experienced attorneys are encouraged to participate in court proceedings, including any oral argument.
	Notices of appearance	4.3. Any attorney appearing before the Court must enter a notice of appearance on ECF.
Civil cases: motion practice	Pre-motion conferences	5.1. A moving party represented by counsel (except *habeas corpus* petitions, and Social Security and bankruptcy appeals) must request a pre-motion conference with the Court before making any motion: **(i)** pursuant to Fed. R. Civ. P. 12 or 56, **(ii)** to amend pleadings pursuant to Fed. R. Civ. P. 15 if leave of the Court is required, **(iii)** for a change of venue, **(iv)** to compel arbitration, **(v)** to remand a removed case to State court, and **(vi)** to challenge expert testimony. **See full rule**.
	Briefing schedule	5.2. **See full rule**. If the Court does not set a briefing schedule, the parties shall submit, when possible, a mutually agreed upon schedule for the Court's approval. With some exceptions, **the Court requests that the parties file motion papers when the motion has been fully briefed.**
	Memoranda of law	5.3. Without prior permission, memoranda of law in support of or in opposition to motions are limited to twenty-five (25) double-spaced pages,

Topic	Issue	Rule Summary
		and reply memoranda are limited to ten (10) double-spaced pages. These limits exclude exhibits, appendices, and attachments. Use Times New Roman 12-point font for all text, including footnotes, and one-inch margins on all sides.
	Evidentiary Citations	5.4. Citations, including transcript pages, required whenever citing record material.
	Motions for summary judgment	5.5. Parties must follow the Court's formatting and filing rules for Local Rule 56.1 statements and evidentiary hearings.
	Motions *in limine*	5.6. Parties must attach any evidence referenced within the motion as a clearly labeled exhibit.
	Oral arguments	5.7. Parties may request oral argument by writing "Oral Argument Requested" on the Notice of Motion or the first page of its opposing memorandum. The Court may be inclined to grant a request for oral argument and/or permit more than one lawyer representing a party to argue when doing so would afford the opportunity for a lawyer described in Practice Rule 4.2.
	Default Judgments	5.8. Follow the procedure in "Attachment A."
	Temporary Restraining Orders	5.9. The moving party must confer with their adversary prior to filing a TRO unless the requirements of Fed. R. Civ. P. 65(b)(1) have been satisfied. In the TRO motion, the movant must state whether their adversary consents to the restraining order or set forth the reasons why no notice is required under Rule 65(b). **See full rule.**
Criminal cases	Initial matters	6.1. Initial arraignments are referred to the assigned Magistrate Judge. Parties shall immediately arrange with the Courtroom Deputy for a prompt initial conference. AUSA will provide to Chambers a courtesy copy of the indictment or information, and the complaint, if one exists.

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	Status conferences	6.2. Counsel shall confer before status conferences about anticipated motion practice and any discovery matters, including but not limited to the Government's ongoing duty to timely disclose *Brady* material.
	Filings	6.3. In a multi-defendant case, all filings must designate the defendant(s) and only the defendant(s), as to whom the filing pertains.
	Guilty pleas	6.4. Barring exceptional circumstances, plea agreements and any accompanying information shall be filed with the court at least seventy-two (72) hours before the change-of-plea hearing.
	Sentencing	6.5. Sentencing memorandum is due one (1) month before sentencing for defendants and fourteen (14) days before sentencing for the Government. Barring exceptional circumstances, applications regarding adjournments are due at least five (5) business days before the date of sentencing.
	Motions	6.6. Individual Rules 5.2–5.4 apply to motions in criminal cases, except that Individual Rule 5.2.6 does not apply to criminal cases.
	Oral arguments	6.7. Requests for oral argument on a motion will typically be granted and heard on a date set by the Court.
Civil cases: Pre-trial procedures	Joint Pre-trial Orders	7.1. Parties shall submit a Joint Proposed Pre-trial Order within sixty (60) days of the completion of discovery.
	Pre-trial filings	7.2. At the time the JPTO is submitted, parties shall submit: motions *in limine*, pre-trial memoranda of law (if useful), and proposed exhibits. Any responses to the motions *in limine* or memoranda of law are due within one (1) week of the filing of the JPTO. One (1) week before the final pre-trial conference, the parties shall submit

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		proposed jury instructions, verdict sheets, and proposed jury selection questions. **See full rule.**
	Non-jury cases	7.3. Additional submissions are due at the time the joint pre-trial order is filed. **See full rule**.
Criminal cases: Pre-trial procedures	Motions *in limine*	8.1. *Daubert* Motions are due forty-five (45) days before trial. All other motions *in limine* are due thirty (30) days before trial. Responses are due seven (7) days after the motion is filed. **See full rule.**
	Exhibits	8.2. The prosecution shall provide the Court with proposed witness lists, exhibits and exhibit lists, and Section 3500 material within fourteen (14) days of trial. **See full rule.**
	Jury charge, verdict sheets, and *voir dire* questions	8.3. The parties shall submit proposed jury instructions, verdict forms, and voir dire questions no later than fourteen (14) days before jury selection begins. **See full rule.**
Trial procedures in civil and criminal cases	Voir dire	9.1. The Court will conduct all *voir dire*.
	Witnesses	9.2. No later than the end of each trial day, counsel must notify each other and the Court of witnesses to be called the following trial day.
	Electronic equipment	9.3. Unless parties have previously used the Court's electronic equipment, all parties must meet with the Courtroom Deputy at least twenty (20) days prior to trial to review the available equipment for the presentation of digital evidence.
	Exhibits	9.4. Counsel shall have copies of exhibits a witness will refer to or to provide to the jury. **See full rule.**
	Trial schedule	9.5. Jury trials will be scheduled Mondays through Thursdays from 10 am to 4:30 pm.

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	Post-trial procedures for bench trials	9.6. Parties shall file proposed findings of fact and conclusions of law no later than ten (10) days after the conclusion of trial. Responses to submissions are permitted only with leave of the Court.
Settlement	Settlement conferences	10.1 Settlement conference required before issuance of a briefing schedule on a motion under Fed. R. Civ. P. 56 or a conference concerning the JPTO. **See full rule.**
	Settlement agreements	10.2 The Court will not retain jurisdiction to enforce confidential settlement agreements. **See full rule.**
Appeals	Bankruptcy Appeals	11.1. Comply with Federal Rule of Bankruptcy Procedure §§ 8009 and 8010.
***Pro se* litigants**	Responsibilities of *pro se* litigants	12.1. Communicate with the Court in writing and ensure contact information is current.
	Responsibilities of counsel in matters involving *pro se* litigants	12.2. Ensure adherence to and compliance with all applicable rules, including service of paper copies on *pro se* litigant.
	Habeas petitions	12.3. Serve the record on the petitioner.
Electronic Devices	13. Comply with Administrative Order 2025-02 and Local Civil Rule 1.8.	
Pronouns and honorifics	14. Parties and counsel may advise the Court if they would like to be addressed with a particular pronoun and/or honorific.	

1. Court filings

1.1. Electronic Case Filing (ECF)

1.1.1. *Pro se* parties are exempt from electronic filing. Nevertheless, a party represented by counsel in a case involving a *pro se* litigant must still file all documents electronically on ECF and must also mail a hard copy of all documents to the *pro se* litigant. *See* Individual Rule 12 (governing *pro se* litigants).

1.1.2. Orders will be posted electronically and will not otherwise be mailed or provided to litigants (except in the case of *pro se* litigants not registered for electronic filing).

1.1.3. Chambers staff cannot help with filing via ECF. For ECF assistance, please call the ECF helpline at (718) 613-2610 or consult the EDNY CM/ECF User Guide.

1.2. Filing under seal

Any party seeking to file a submission under seal shall file the proposed sealed document(s) and sealing motion on ECF in accordance with the instructions on the E.D.N.Y. website at:

Civil filings:
https://www.nyed.uscourts.gov/sites/default/files/uploads/efilingsealedcv.pdf
Criminal filings:
https://www.nyed.uscourts.gov/sites/default/files/uploads/efilingsealedcr.pdf

Additional instructions for filing submissions under seal can also be found in the resources located on the E.D.N.Y. website at: https://www.nyed.uscourts.gov/cmecf-nextgen-information.

Parties must also comply with Administrative Order No. 2025-13, *In Re: Requests to File Documents Under Seal in Criminal Cases* (E.D.N.Y. Sept. 23, 2025), which can be found at https://www.nyed.uscourts.gov/sites/default/files/uploads/adminorder2025-13.pdf. To the extent it is not superseded by Administrative Order 2025-13, parties should also follow Administrative Order No. 2025-10, *In Re: Requests to File Documents Under Seal in Criminal Cases* (E.D.N.Y. Aug. 8, 2025), which can be found at https://www.nyed.uscourts.gov/sites/default/files/uploads/adminorder2025-10.pdf.

1.3. Courtesy copies to be filed

1.3.1. Parties shall deliver to Chambers two (2) courtesy hard copy of all written submissions filed on ECF that are twenty (20) pages in length or more, including any exhibits or attachments. Generally, parties must deliver the courtesy hard copy to Chambers within one (1) week of filing on ECF. If the submission is a preliminary injunction or temporary restraining order, however, the courtesy copy must be delivered immediately following the ECF filing.

1.3.2. The courtesy copy should be a reproduction of the document as filed on ECF, with the ECF numbering appearing at the top of the page. If not, it should be prominently labeled "*Courtesy Copy - Original was electronically filed and assigned document number X.*"

1.3.3. The emailing of PDF submissions to Chambers or the Courtroom Deputy, or the provision of such submissions in electronic format, *e.g.*, on a flash drive, does not satisfy this requirement.

1.3.4. Courtesy copies must additionally comply with the following requirements:

- Parties shall use double-sided printing and bind submissions on the left side.
- All documents comprising a submission (*e.g.*, memorandum, declarations, exhibits, etc.) must be submitted together, in **a single three-ring binder with appropriately labeled tabs**. For example, all exhibits must be identified and separated by corresponding numbered or lettered tabs.
- Binders must be appropriately sized for their contents—0.5, 1, 1.5, or 2 inches—**but must not exceed two (2) inches**. If the parties' submissions do not fit in a single two-inch binder, the parties may submit additional binders.
- Binder covers **and spines** must identify the case name, docket number, and the binder's contents.

1.3.5. Parties proceeding *pro se* are exempt from these requirements but should make every effort to clearly mark exhibits and present **well-organized** papers.

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

Proposed orders, jury instructions, and other writings that a party requests that the Court adopt shall be filed on ECF and emailed, in PDF and word-processing[1] format, to Choudhury_Chambers@nyed.uscourts.gov. Parties need not submit word-processing files of stipulations of dismissal, of settlement, or of motions for extensions of time unless requested by the Court.

1.5. Text-searchable submissions

All written submissions and supporting materials, except those filed by *pro se* litigants, must be text-searchable to the extent practicable. In a case removed from state court, the removing party shall endeavor to file the state court documents in a text-searchable form.

1.6. Filings styled as letters

Any filing styled as a "Letter" shall identify in its ECF header: **(i)** the addressee and **(ii)** the subject matter. *E.g.*, "Letter to Judge Choudhury re: Pre-Motion Conference Request."

1.7. Requests for adjournments or extensions of time

1.7.1. All requests for adjournments or extensions of time relating to matters not referred to a Magistrate Judge (*see* Individual Rule 3) must be in writing and state: **(i)** the reason for the request; **(ii)** the original date; **(iii)** the number of previous requests for adjournment/extension; **(iv)** whether any previous requests were granted or denied; **(v)** whether the adversary consents, and, if not, the reasons provided for refusing to consent; and **(vi)** three (3) proposed date(s) for adjournment or extension of time that are mutually convenient to the parties. The consent of the adverse party is not a sufficient ground for an extension or adjournment.

1.7.2. If the requested adjournment or extension affects any other scheduled dates, the party seeking the modification should propose revisions of the additional affected dates.

1.7.3. Absent an emergency, requests to adjourn court appearances and to extend

[1] This includes .docx and other file formats from Microsoft Word.

filing deadlines shall be made at least three (3) business days prior to the scheduled dates.

1.8. Labeling

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

1.9. Evidentiary filings

1.9.1. Parties shall file only the pages of transcripts containing relevant testimony cited in the memoranda of law or affidavits. All excerpts must comply with Federal Rule of Evidence 106. Parties shall include the portion of the transcript necessary for completeness and highlight the relevant sections. If the transcript contains a discussion of a matter, the whole discussion should be included.

1.10. Diversity jurisdiction cases

In any action in which subject matter jurisdiction is founded on diversity of citizenship pursuant to 28 U.S.C. § 1332, the party asserting the existence of such jurisdiction shall, within thirty (30) days of the filing of the action or its removal from state court to federal court, file on ECF a letter no longer than two (2) pages explaining the basis for that party's belief that diversity of citizenship exists, addressing the citizenship of each party to the litigation. Where any party is a corporation, the letter shall state both the place of incorporation and the principal place of business. In cases where any party is a partnership, limited partnership, limited liability company or trust, the letter shall state the citizenship of each of the entity's members, shareholders, partners, and/or trustees.

2. Communications with chambers

2.1. Written communications

All communications with Chambers shall be in writing and filed on ECF, with copies simultaneously delivered to all parties who do not receive automatic notification through ECF. Copies of correspondence between counsel shall not be sent to the Court. Parties may not send faxes to the Court without prior authorization.

2.2. Urgent communications

The Court will generally review ECF submissions the business day after they are filed. If a submission requires immediate attention, please file on ECF and email Chambers at Choudhury_Chambers@nyed.uscourts.gov, indicating in the subject line that the email pertains to a time-sensitive matter.

3. Matters referred to Magistrate Judges

3.1. Matters referred

Unless the Court directs otherwise, all non-dispositive motions—except class certification petitions and motions related or attached to dispositive motions—are referred to the assigned Magistrate Judge, including:

- Motions to extend time to serve, answer, or file amended pleadings;
- Motions for a request to stay discovery for less than three (3) months;
- Motions to withdraw, substitute, or disqualify counsel;
- Motions to stay discovery or extend deadlines for discovery or filing of Joint Pre-Trial Order;
- Motions to request adjournment or extension of time in mediation proceedings;
- Motions for admission *pro hac vice*;
- Motions for confidentiality or protective orders;
- Stipulated motions to amend pleadings and transfer venue;
- Confidentiality and protective orders;
- Issuance of subpoenas and motions to quash subpoenas;
- Issuance of sealing and unsealing orders; and
- Conditional certification of collective actions.
- Ensuring parties' compliance with Judge Choudhury's Individual Rule 7.1 governing the contents required for the Joint Pretrial Order.

- Ensuring parties' compliance with Judge Choudhury's Individual Rule 7.2 governing the timing of filing any Motions *in Limine*.

3.2. Appeals of a Magistrate Judge's Order of Release or Order of Detention

Any party appealing a Magistrate Judge's Order of Release or Order of Detention shall include a copy of the transcript before the Magistrate Judge with their motion, if the transcript is available.

3.3. Appeals of discovery determinations by Magistrate Judges

3.3.1. *Timing*: Unless otherwise ordered by the Court, any appeal of a Magistrate Judge's discovery determination must be served upon all parties and filed with the Court within fourteen (14) days of the challenged determination. Any party opposing such an appeal shall file its opposition, if any, within fourteen (14) days of service of any appeal. Parties are not permitted a reply as of right. Should the Court desire a reply letter or additional briefing, the Court shall inform the parties.

3.3.2. *Format*: Any appeal of a Magistrate Judge's discovery determination must be in the form of a letter not exceeding three (3) pages in length. Such letter must set forth the specific aspects of the Magistrate Judge's determination that are being challenged.

4. Appearance of attorneys

4.1. Preparation and authority consistent with proceeding

In any appearance, all attorneys must have authority consistent with the proceeding and should be prepared to address any matters likely to arise. For example, an attorney attending a pre-motion conference should have the authority to commit their party to a motion schedule and be prepared to address (1) the party's willingness to participate in a settlement conference with the assigned Magistrate Judge, (2) the facts and law at issue in the anticipated motion, and (3) the procedural posture of the case.

4.2. Participation of lawyers

The Court encourages the participation in court proceedings by less experienced

attorneys, particularly where that attorney played a substantial role in drafting the underlying filing or in preparing the relevant witness.

4.2.1. For the purposes of this rule, the Court considers a "less experienced attorney" to be a lawyer with six (6) or less years of experience, exclusive of any time after bar admission that the attorney has been employed as a judicial clerk, has been on family or medical leave, or was otherwise not actively engaged in the practice of law.

To facilitate participation of less experienced attorneys, the Court may permit multiple attorneys to argue different issues for each party.

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

4.3. Notices of appearance

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

5. Civil cases: motion practice

5.1. Pre-motion conferences

5.1.1. In all cases in which the moving party is represented by counsel (except *habeas corpus* petitions and Social Security and bankruptcy appeals), the moving party must request a pre-motion conference with the Court before making any motion: **(i)** pursuant to Fed. R. Civ. P. 12 or 56, **(ii)** to amend pleadings pursuant to Fed. R. Civ. P. 15 if leave of the Court is required, **(iii)** for a change of venue, **(iv)** to compel arbitration, **(v)** to remand a removed case to state court, and **(vi)** to challenge expert testimony under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).

- All parties **must meet and confer** with their adversaries prior to filing a motion or a request for a pre-motion conference.

- **Requirement of Pre-Motion Settlement Conference. Effective October 1, 2025,** except in cases exempted from Rule 16 scheduling orders under Local Rule 16.1, **the Court will not grant any party's request for a pre-motion conference concerning a motion pursuant to Fed. R. Civ. P. 56 and will not set a briefing schedule for any such motion unless the parties have**

participated, in good faith, in a settlement conference with the assigned magistrate judge. Failure to request and attend such a conference precludes a party from filing a motion pursuant to Fed. R. Civ. P. 56.

A party opposing a motion pursuant to Fed. R. Civ. P. 56 may not decline to participate in a settlement conference requested by the moving party, and doing so is grounds for sanctions. *See United States v. U.S. Dist. Ct. for N. Mariana Islands*, 694 F.3d 1051, 1057 (9th Cir. 2012) ("[T]he district court has broad authority to compel participation in mandatory settlement conference."); *Bulkmatic Transp. Co. v. Pappas*, No. 99-cv-12070, 2002 WL 975625, at *2 (S.D.N.Y. May 9, 2002) ("[I]t is well established that a court can require parties to appear for a settlement conference, and impose sanctions pursuant to Rule 16(f) if a party fails to do so.") (collecting cases).

Attending a private mediation or mediation arranged through the EDNY's mediation program does not satisfy this requirement.

The assigned magistrate judge is empowered to hold the conference **in-person or via video (telephone conferences do not comply with this requirement)**.

Parties with full and complete settlement authority are required to attend. **There is no exception to this requirement**.

The parties must exchange written settlement proposals prior to the conference.

The parties are required to plan ahead and to ensure that this settlement conference occurs **before** any deadline set by the assigned magistrate judge or the district judge for filing a motion pursuant to Fed. R. Civ. P. 56.

5.1.2. To request a pre-motion conference, the moving party shall file and serve a letter motion not to exceed three (3) single-spaced pages in length setting forth the basis for the anticipated motion. The letter motion should be filed using the "motion" event via ECF. If the letter relates to filing a motion made pursuant to Fed. R. Civ. P. 56, the moving party must also submit a Local Rule 56.1 statement along with their letter requesting a pre-motion conference. The Local Rule 56.1 statement must comport with Individual Rule 5.5.

- Parties shall indicate in their pre-motion letters whether they have participated in mediation and/or a settlement conference before the assigned magistrate judge.

- If the pre-motion letter concerns an anticipated motion under Fed. R. Civ. P. 56, the letter must provide the date on which the parties participated in a settlement conference with the assigned magistrate judge as required by Individual Rule 5.1.1. **If no such settlement conference took place, the letter must explicitly and clearly state so.**

5.1.3. Except for *pro se* litigants, all parties so served shall serve and file a letter response, not to exceed three (3) single-spaced pages within seven (7) days from service of the notification letter. Letter responses should be filed using the "letter" and **not** the "motion" event.

5.1.4. Service of the letter motion within the time requirements of Fed. R. Civ. P. 12 or 56, or any other applicable filing or service deadline, shall constitute timely service of a motion made pursuant to those provisions.

5.1.5. Pre-motion conference letters related to any proposed motions for summary judgment or motions to exclude the testimony of experts pursuant to Rules 702-705 of the Federal Rules of Evidence and the *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) line of cases shall be filed no later than ten business days after the completion of fact or expert discovery, whichever occurs later.

5.1.6. Similarly situated parties (i.e., multiple defendants moving to dismiss on overlapping grounds) should make reasonable efforts to consolidate their pre-motion conference letter to avoid duplication.

5.1.7. In many cases, it will be apparent to the Court from the letter motion that a conference will not be useful, and the Court will set a briefing schedule without a pre-motion conference. In other cases, the usefulness of a pre-motion conference will be clear based on the request. However, if a party advises the Court in its pre-motion letter request that an attorney with six (6) years or less of experience as a licensed attorney will be representing the party at the conference, the Court will likely schedule a pre-motion conference.

5.1.8. These provisions do not apply to motions other than those specifically enumerated. For example, letter motions requesting pre-motion conferences are not required for motions pursuant to Fed. R. Civ. P. 50, 59, or 60, and parties should be aware that the Court of Appeals will not accept an argument that compliance with district court motion rules should excuse noncompliance with Fed. R. App. P. 4. *See, e.g.*, *Bowles v. Russell*, 551 U.S. 205, 206-08 (2007) (holding no jurisdiction exists over appeal filed within time permitted by District Court but outside time provided by Fed. R. App. P. 4(a)(6)).

5.2. Briefing schedule

5.2.1. The Court may set a briefing schedule after holding a pre-motion conference or when it determines that a pre-motion conference will not be useful. However, as noted above, the Court will not grant any party's request for a briefing schedule for a motion pursuant to Fed. R. Civ. P. 56 unless the parties have participated, in good faith, in a settlement conference with the assigned magistrate judge. *See* Individual Rule 5.1.1.

5.2.2. If the Court does not set a briefing schedule, the parties shall confer on a proposed schedule and submit it to the Court for approval (by joint letter filed on ECF) within three (3) days of the pre-motion conference or upon the Court's notification to the parties that it has waived the pre-motion conference requirement. For motions not subject to the Court's pre-motion conference requirement (*see* Individual Rule 5.1.2.), the parties shall jointly submit a proposed briefing schedule for the Court to approve within three (3) days of the filing of the motion.

5.2.3. If the parties do not propose a briefing schedule within five (5) days of the pre-motion conference, absent a showing of good cause, the parties shall brief the motion under the timetables listed in Local Civil Rule 6.1(b).

5.2.4. If the parties cannot agree on a briefing schedule, then the moving party shall submit a proposed schedule to the Court with an accompanying letter explaining the parties' points of disagreement.

5.2.5. After a briefing schedule has been set, the parties may not modify it without Court approval. Any parties seeking to modify a briefing schedule shall file a request for an extension on ECF under the requirements of Individual Rule 1.7.

5.2.6. *"Bundling" procedure*: Parties are encouraged not to file their motion papers and submit courtesy copies until the motion has been fully briefed by all parties, unless doing so might cause a party to miss an applicable deadline.[2] When the parties elect to file motion papers after full briefing, the movant is responsible for the filing of all motion papers on ECF. Parties may file their motion papers prior to the motion being fully briefed, but the Court may be less likely in such instances to grant requests for adjournments or extensions of deadlines related to the motion.

5.2.7. If the parties elect to file their motion only once it is fully briefed, the notice of motion and all supporting papers are to be served on the other parties, along with a cover letter setting forth whom the movant represents and what papers are being served. Only a copy of the cover letter shall be filed on ECF in advance of the fully briefed motion, and it must be filed as a "letter," not as a "motion." On the day the motion is fully briefed, the movant (unless *pro se*) shall file all motion papers on ECF and shall submit a letter specifying each document submitted by either party.

5.2.8. The "bundling" procedure set forth above does ***not*** apply to:

- Motions for default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2);
- Post-trial and/or post-judgment motions under Federal Rule of Civil Procedure 50(b) (for judgment as a matter of law), 52(b) (to amend or make additional findings), 59 (for a new trial), or 60 (for relief from a final judgment, order, or proceeding);
- Motions for attorney's fees pursuant to Federal Rule of Civil Procedure 54(d)(2), if the motion is made before a notice of appeal has been filed and the Court has extended the time to appeal under Rule 58(e);
- Motions in Social Security appeals and *habeas* cases; and
- Motions filed by parties proceeding *pro se*.

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[2] *See Weitzner v. Cynosure, Inc.*, 802 F.3d 307, 314 n.8 (2d Cir. 2015); *see, e.g.*, *Bowles v. Russell*, 551 U.S. 205, 206-08 (2007) (holding no jurisdiction exists over appeal filed within time permitted by District Court but outside time provided by Fed. R. App. P. 4(a)(6)).

5.2.9. Parties moving pursuant to Federal Rules of Civil Procedure 50, 59, or 60 should be aware that the Court of Appeals will not accept compliance with these rules to excuse noncompliance with the time limits in Federal Rule of Appellate Procedure 4.

5.2.10. If any party concludes in good faith that delaying the filing of a motion to comply with any aspect of these individual practices will deprive the party of a substantive right or cause that party to miss a statutory deadline, the party may file the motion within the time required by the Federal Rules of Civil and/or Appellate Procedure, together with an explanation of the basis of that conclusion.

5.3. Memoranda of law

5.3.1. Unless the Court has granted permission, memoranda of law in support of and in opposition to motions are limited to twenty-five (25) double-spaced pages and reply memoranda are limited to ten (10) double-spaced pages. Memoranda of law in support of or in opposition to motions for reconsideration are limited to five (5) double-spaced pages. These limits exclude tables of contents, tables of authorities, exhibits, appendices, and attachments.

5.3.2. Requests to file memoranda exceeding these page limits must clearly state the basis for the request and will only be granted for good cause shown. Any such requests must be made in writing at least five (5) business days prior to the memorandum's due date, except with respect to reply briefs, in which case the request must be made at least two (2) days prior to the due date.

5.3.3. All memoranda of law shall be produced in 12-point Times New Roman font (including footnotes) and shall have one-inch margins on all sides. Any memorandum longer than ten (10) pages shall contain a table of contents and table of authorities. All memoranda must be filed in a text-searchable format and must have the date of service printed on the front cover. Caselaw citations shall be to official case reporters. For decisions not available in official reporters, the Court requests citations to the Westlaw electronic case database. Parties must attach as an exhibit decisions cited that are not available in official reporters or on Westlaw.

5.3.4. Notices of supplemental authority regarding decisions issued after the completion of briefing may be filed without leave of the Court and are limited to three (3)

double-spaced pages.

5.3.5. Sur-replies require prior Court authorization.

5.4. Evidentiary citations

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

5.5. Filings accompanying motions for summary judgment

5.5.1. Every letter motion in support of a pre-motion conference concerning a party's anticipated filing of a motion pursuant to Fed. R. Civ. P. 56 shall include a Local Rule 56.1 statement. A party opposing the request for such a pre-motion conference shall include an opposing Local Rule 56.1 statement with their letter response.

5.5.2. *Local Rule 56.1 statements*: A motion for summary judgment may be denied if the movant's Local Rule 56.1 statement does not conform with the requirements described in these Individual Rules, in addition to those set forth in Local Rule 56.1.

5.5.3. Except in *pro se* cases, the Local Rule 56.1 statement by a party opposing summary judgment shall quote verbatim the moving party's Local Rule 56.1 statement and shall respond to each allegation in the moving party's statement immediately beneath each allegation. The opposing statement also may, if necessary, include a separate section of additional material facts relevant to the motion. The party opposing summary judgment may obtain from the movant in electronic format a word processing version of the Local Rule 56.1 statement to facilitate compliance with this paragraph.

5.5.4. The moving party's Local Rule 56.1 statement may not exceed twenty-five (25) double-spaced pages without prior permission of the Court. The opposing statement may not exceed twice the length of the moving party's statement. If the opposing statement includes a separate section of additional material facts, that separate section may not exceed ten (10) double-spaced pages.

5.5.5. Each paragraph in the Local Rule 56.1 statement shall contain an assertion of a material undisputed fact, not a description of evidence. No statement of fact should be included in a Local Rule 56.1 statement unless it can be established by direct

admissible evidence. Factual contentions that parties believe are undisputed by circumstantial evidence should be argued in memoranda. For example: "John Smith testified at deposition that he crossed the street" is not a statement of fact. The statement of fact is: "John Smith crossed the street. (Citation to deposition)."

5.5.6. Any evidence cited in a moving or opposing party's Local Rule 56.1 statement must be attached as an exhibit to a declaration and filed with that party's statement. The attachment of transcripts must comport with Individual Rule 1.9 (Evidentiary Filings).

- The Court will not accept exhibits submitted via CD-rom or flashdrive. Any digital media exhibit shall be submitted through the Eastern District of New York's Digital Medial Exhibit Submission procedure, as detailed on the E.D.N.Y. website: evidence.nyed.uscourts.gov.

5.5.7. Parties shall not state or summarize the claims, defenses, matters apparent on the docket sheet, or timetable. No procedural history should be included in a Local Rule 56.1 statement unless relevant to the motion (for example, if the motion raises a statute of limitations issue). The Local Rule 56.1 statement should be limited to facts in the record relevant to the motion for summary judgment.

5.5.8. Parties shall not point out the absence of evidence to support an opponent's position in a Local Rule 56.1 statement. Any such argument should instead be set forth in the accompanying memorandum of law.

5.5.9. When considering any motion for summary judgment, the Court shall rely on the Local Rule 56.1 statements submitted in connection with the pre-motion conference. Accordingly, material facts in any pre-motion letter or memorandum of law in connection with a motion for summary judgment must cite to relevant paragraphs of Local Rule 56.1 statements.

5.5.10. Supplements to a Local Rule 56.1 statement are not permitted absent leave of the Court and a showing of good cause. Parties shall include a declaration identifying each of the exhibits and the page ranges of the exhibits within the compiled PDF.

5.5.11. The exhibits shall be designated on ECF with short titles. *E.g.*, "Ex. 1 – Doe Declaration," rather than "Ex. 1."

5.6. Filings accompanying motions *in limine*

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

5.7. Oral argument on motions

A party may request oral argument on a motion by writing "Oral Argument Requested" on the Notice of Motion or the first page of its opposing memorandum. The Court will determine whether argument is necessary and, if so, will advise counsel of the argument date.

The Court may be inclined to grant a request for oral argument and/or to permit more than one lawyer representing a party to argue when doing so would afford the opportunity for a lawyer described in Individual Rule 4.2 to gain courtroom experience. In those instances where the Court is inclined to rule on the submissions, a representation that the argument would be made by an attorney described in Individual Rule 4.2 will weigh in favor of hearing oral argument.

5.8. Default judgments

A plaintiff seeking a default judgment pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure must proceed by way of a Motion for Default Judgment pursuant to the procedure set forth in Attachment A.

5.9. Temporary restraining orders

As soon as a party decides to seek a temporary restraining order, that party must file a letter on ECF (under seal if proceeding ex parte) and state clearly: (1) whether and how it has notified its adversary and whether the adversary consents to temporary injunctive relief; or (2) why the requirements of Federal Rule of Civil Procedure 65(b)(1) are satisfied and no notice is necessary.

The moving party **must email Chambers** giving notice of the filing and the time frame requested for Court action. The moving party should then file a Motion for a Temporary Restraining Order, supporting documents, and a proposed order on ECF in accordance with ECF procedures. Where the motion is made on notice to the other parties, the moving party should simultaneously serve the documents on any party that will not receive electronic service via ECF. The moving party must deliver a courtesy copy immediately after filing under Individual Rule 1.3.

If a party's adversary has been notified but does not consent to temporary injunctive relief, the party seeking a restraining order must identify a time mutually agreeable to it and the adversary in which the Court may hear the application, so that the Court may have the benefit of advocacy from both sides in deciding whether to grant temporary injunctive relief.

6. Criminal cases

6.1. Initial matters

All initial arraignments in criminal cases are automatically referred to the assigned magistrate judge.

Upon assignment of a criminal case to Judge Choudhury, the parties shall immediately arrange with Courtroom Deputy Bryan Morabito for a prompt initial conference, at which the defendant will be present. The Assistant United States Attorney ("AUSA") shall provide to Chambers, as soon as practicable, a courtesy copy of the indictment or information, and a courtesy copy of the complaint, if one exists. The Government shall file a Federal Criminal Rule 12.4 disclosure statement before the first appearance, when applicable.

6.2. Status conferences

6.2.1. Prior to all status conferences, counsel for the Government and the defense shall confer with one another regarding pre-trial motions that either party anticipates it will file, as well as a proposed timeline for discovery and any other discovery matters that either party may seek to address at the conference.

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

6.2.3. At least two (2) business days prior to any status conference, including the initial conference described above, if a party will seek an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, it must provide the Court a letter setting forth facts sufficient to permit the Court to make an independent finding regarding the exclusion of time under the Act. Any adjournment request by a defendant awaiting trial should include a speedy trial waiver.

6.3. Filings

In a multi-defendant case, all filings must designate the defendant or defendants, and only the defendant or defendants, as to whom the filing pertains.

6.4. Guilty pleas

Absent exceptional circumstances, the parties shall provide the Court with a copy of any plea agreement at least seventy-two (72) hours before a change-of-plea hearing. If the defendant intends to waive the indictment and plead guilty to an information at the change-of-plea hearing, a copy of the information should also be provided to the Court at least seventy-two (72) hours before the hearing.

The plea agreement and information should be sent by email to Courtroom Deputy Bryan Morabito at Bryan_Morabito@nyed.uscourts.gov.

6.5. Sentencing

6.5.1. The defendant's sentencing memorandum, if any, is due one (1) month prior to sentencing. The Government's sentencing memorandum, if any, is due fourteen (14) days prior to sentencing. Each party shall file its sentencing submissions on ECF.

6.5.2. Absent exceptional circumstances, applications regarding sentencing adjournments shall be made in writing at least five (5) business days prior to the date of sentencing and must state the reason for the request and whether the opposing party consents. If the opposing party does not consent, the application for adjournment must provide the reasons given by the opposing party for declining to consent.

6.6. Motions

Individual Rules 5.2–5.4 apply to motions in criminal cases, except that Individual Rule 5.2.6 (the "bundling" rule) does not apply in criminal cases.

6.7. Oral arguments

Requests for oral argument on a motion will typically be granted and heard on a date set by the Court.

7. Pre-trial procedures in civil cases

7.1. Joint Pre-trial Orders

Unless otherwise ordered by the Court, the parties to a civil case shall submit a Joint Proposed Pre-trial Order ("JPTO") within sixty (60) days of the completion of discovery.

However, the Court will not meet with the parties to discuss the JPTO unless the parties have participated, in good faith, in a settlement conference with the assigned magistrate judge in compliance with Individual Rule 5.1.1. The parties' failure to participate in such a settlement conference is not a basis to request an extension of the deadline to file the JPTO.

The parties shall file the JPTO via CM/ECF and email a copy of the JPTO in a word-processing format to Choudhury_Chambers@nyed.uscourts.gov.

The JPTO will use Times New Roman 12-point font throughout. The JPTO shall be prepared under the supervision of the assigned Magistrate Judge in accordance with the schedule set by the Magistrate Judge. The parties are directed to cooperate with each other in the preparation of the JPTO. The JPTO controls the subsequent course of the action unless the order is modified by consent of the parties and the Court, or by order of the Court to prevent manifest injustice. The JPTO shall include:

7.1.1. *Caption*: The full caption of the action.

7.1.2. *Parties and counsel*: The names, addresses (including firm names), and telephone numbers of trial counsel.

7.1.3. *Jurisdiction*: A brief statement by each party explaining the basis or absence of subject-matter jurisdiction. These statements shall include citations to all: **(i)** statutes and legal doctrines relied on and **(ii)** relevant facts concerning citizenship and jurisdictional amount.

7.1.4. *Claims and defenses*: A brief summary by each party of the elements of its remaining asserted claims and defenses. These summaries shall include citations to all statutes relied on but should not recite evidentiary matters. Such summaries shall also identify all claims and defenses previously asserted that are not to be tried.

7.1.5. *Jury or bench trial and trial length*: A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.

7.1.6. *Consent to trial by a Magistrate Judge*: A statement as to whether all parties have consented to trial of the case by a Magistrate Judge. The statement shall not identify which parties have or have not consented.

7.1.7. *Statement of relief sought*: A detailed statement of the damages and other relief sought by each party, including the manner and method used to calculate any claimed damages and a breakdown of the elements of such claimed damages.

7.1.8. *Witnesses*: A list of fact and expert witnesses whose testimony is to be offered in each party's case in chief, along with the address of each witness and a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify, except when prompt notice has been given and upon good cause shown. Parties shall also indicate whether any witness will require an interpreter (and, if so, which party will pay the costs for the interpreter).

7.1.9. *Deposition testimony*: A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

7.1.10. *Stipulations*: Any stipulations or agreed statements of fact or law to which all parties consent. In a jury case, the parties should also memorialize any such stipulations or agreed upon statements of fact or law in a standalone document that can be marked and admitted at trial.

7.1.11. *Exhibits*: A schedule listing exhibits to be offered into evidence and, if not admitted by stipulation, the party or parties that will be offering them.

7.1.12. Except for evidence that a party seeks to admit or reference in cross-examination pursuant to Federal Rule of Evidence 609, the schedule should not include

exhibits that a party intends to use solely for impeachment and/or rebuttal purposes.

7.1.13. Copies of statements proposed to be read to the jury as "learned treatises" under Federal Rule of Evidence 803(18) shall be listed as exhibits.

7.1.14. Except for good cause shown, only exhibits listed will be received into evidence.

7.1.15. The parties shall list and briefly describe the basis for any objections to the admissibility of exhibits to be offered by any other party and set out the proponent's responses to those objections. Descriptions need not be longer than several sentences, but they should include more than just a list of the rules upon which objections are based. Parties are expected to resolve before trial all issues of authenticity, chain of custody, and related matters. Meritless objections on these grounds may result in sanctions.

7.1.16. The Court requests that the parties list exhibits and objections in a tabular format such as the following.

Plaintiff's exhibits

P's Exs.	Description	D's objections/bases	P's response/ bases
Ex. 1			

Defendant's exhibits

D's Exs.	Description	P's objections/bases	D's response/ bases
Ex. A			

7.1.17. *Motions in limine*: A list of the motions *in limine* filed by each party, (in accordance with Individual Rule 7.2.1 below), with a brief description of each such motion.

7.1.18. A statement of whether the parties consent to less than a unanimous verdict.

7.2. Pre-trial filings in civil cases

7.2.1. *Motions in limine.* At the time the JPTO is filed, the parties shall file and serve any motions addressing evidentiary or other issues that should be resolved *in limine*. Parties must file a motion *in limine* for anticipated cross-examination under Federal Rules of Evidence 608(b) or 609, outlining why the proponent's intended exhibit(s) and/or area(s) or cross-examination are admissible under the relevant rule.

Absent leave of the Court, each party must file a single memorandum of law, in support of all motions in limine filed by that party. Responses in opposition to a motion in limine shall be filed within seven (7) days of the joint pre-trial order.

7.2.2. *Pre-trial memorandum of law.* At the time the JPTO is filed, any party may file and serve a pretrial memorandum of law when a party believes it would be useful to the Court. Any response in opposition to the legal argument in a pre-trial memorandum shall be filed within one (1) week of the filing of the joint pre-trial order.

7.2.3. *Exhibits.* At the time the JPTO is filed, each party shall submit to the Court and serve on opposing counsel, but not file on ECF, all documentary exhibits. This submission shall include the following:

- Three (3) copies of the witness lists, submitted via email to the Court in a Word Document.
- A list of all exhibits emailed to Chambers in a Word Document, with four columns labeled as follows: (1) "Exhibit Number"; (2) "Description" (of the exhibit); (3) "Date Identified"; and (4) "Date Admitted." The parties shall complete the first two columns, but leave the third and fourth columns blank, to be filled in by the Court during trial.
- A PDF file of each exhibit sought to be admitted, emailed to Choudhury_Chambers@nyed.uscourts.gov, with each filename corresponding to the relevant exhibit number, e.g., "PX-1," "DX1," etc.
- The Court will not accept exhibits submitted via CD-ROM or flash drive. Any digital media exhibit that cannot be submitted via email shall be submitted through the Eastern District of New York's Digital Medial Exhibit Submission procedure, as detailed on the E.D.N.Y. website: evidence.nyed.uscourts.gov.

- Three (3) sets of tabbed binders containing all exhibits, assembled sequentially, with the case caption on the spine and front cover of each binder. Exhibits shall be pre-marked but need not be printed in color. The plaintiff's exhibits must be pre-marked with numbers. The defendant's exhibits must be pre-marked with letters. Any document to be offered in evidence that contains multiple pages shall be paginated by counsel before trial, but any existing Bates stamping or other pagination may suffice.

- One (1) joint binder containing the entire transcript of all depositions of which any party may seek to use a portion for impeachment purposes.

The parties shall confer and attempt to resolve disputes relating to exhibits in advance of the final pre-trial conference. Where the parties have not resolved their objections to exhibits, they shall be prepared to address them with the Court at the final pre-trial conference.

7.2.4. *Jury instructions, verdict forms, and voir dire questions.* One week before the final pre-trial conference, the parties shall file joint requests to charge, proposed verdict sheets, and proposed *voir dire* questions in jury cases. 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 available, to the authority from which it derives. These documents should also be submitted by email to Chambers in Microsoft Word format. Request to charge should be limited to the elements of the claims, the damages sought, and defenses. General instructions will be prepared by the Court.

7.3. Additional submissions in non-jury cases.

Unless otherwise ordered by the Court, at the time the joint pretrial order is filed, each party in a non-jury trial shall submit to the Court by email and serve on opposing counsel, but not file on ECF, the following:

- A statement of the elements of each claim and defense together with a summary of the facts relied upon to establish each element.

- Copies of affidavits constituting the direct testimony of each trial witness, except for the direct testimony of an adverse party, a person whose attendance is compelled by subpoena, or a person for whom the Court has agreed to hear direct testimony live at the trial. The affidavit should be treated as a direct substitute for the witness's live testimony; that is, counsel should be attentive

to the Rules of Evidence (e.g., hearsay and the like) and authenticate any exhibits that will be offered through that witness's testimony. **Three business days** after submission of such affidavits, counsel for each party shall submit: (1) a list of any objections to particular paragraphs of an affidavit; and (2) a list of all affiants whom they intend to cross-examine at the trial. Only those witnesses who will be cross-examined need to appear at trial. The original signed affidavits should be brought to trial to be marked as exhibits.

- All deposition excerpts that will be offered as substantive evidence, as well as a one-page synopsis of those excerpts for each deposition. Each synopsis shall include page citations to the pertinent pages of the deposition transcripts.

- 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. At the time of filing, parties should also submit copies of these documents to the Court by email, both in PDF format and as a Microsoft Word document.

8. Pre-trial procedures in criminal cases

8.1. *Motions in limine*

8.1.1. At least forty-five (45) days before the scheduled trial date, the parties to a criminal case must file any motions to exclude or limit the testimony of experts pursuant to Rules 702–705 of the Federal Rules of Evidence, including but not limited to motions to exclude scientific or technical evidence under the *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) line of cases.

8.1.2. At least thirty (30) days prior to the scheduled trial date, the parties shall file and serve all other motions addressing evidentiary or other issues that should be resolved *in limine*. Parties must file a motion *in limine* for anticipated cross-examination under Federal Rules of Evidence 608(b) or 609, outlining why the

proponent's intended exhibit(s) and/or area(s) or cross-examination are admissible under the relevant rule.

8.1.3. Absent leave of the Court, each party must file a single memorandum of law, in support of all motions *in limine* filed by that party. Responses in opposition to a motion *in limine* shall be filed within seven (7) days of the filing of that motion.

8.2. Exhibits

8.2.1. At least fourteen (14) days before trial, the prosecution shall provide the Court with the following:

- Three (3) copies of the witness lists.
- A list of all exhibits in a Word Document with four columns labeled as follows: (1) "Exhibit Number"; (2) "Description" (of the exhibit); (3) "Date Identified"; and (4) "Date Admitted." The prosecution shall complete the first two columns, but leave the third and fourth columns blank, to be filled in by the Court during trial.
- Three (3) sets of tabbed binders containing all exhibits, with the case caption on the spine and front cover of each binder. Exhibits shall be pre-marked but need not be printed in color. The prosecution's exhibits must be pre-marked with numbers. The defendant's exhibits must be pre-marked with letters. Any document to be offered in evidence that contains multiple pages shall be paginated by counsel, but any existing Bates stamping or other pagination may suffice.
- A PDF file of each exhibit sought to be admitted, submitted via email to Choudhury_Chambers@nyed.uscourts.gov, with each filename corresponding to the relevant exhibit number, e.g., "PX-1," "DX1," etc.
- The Court will not accept exhibits submitted via CD-ROM or flash drive. Any digital media exhibit that cannot be submitted via email shall be submitted through the Eastern District of New York's Digital Medial Exhibit Submission procedure, as detailed on the E.D.N.Y. website: evidence.nyed.uscourts.gov.
- All Section 3500 material assembled sequentially in a looseleaf binder, or in separate manila folders labeled with the exhibit numbers and placed in a suitable container for ready reference.

8.2.2. The parties shall confer and attempt to resolve disputes relating to exhibits in advance of the final pre-trial conference. Where the parties have not resolved their objections to exhibits, they shall be prepared to address them with the Court at the final pre-trial conference.

8.3. Jury instructions, verdict forms, and voir dire questions.

Requests to charge, proposed verdict sheets, and proposed *voir dire* questions in jury cases shall be filed on ECF and provided to Chambers via email in Microsoft Word formats no later than fourteen (14) days before jury selection, unless otherwise ordered by the Court. 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 available, to the authority from which it derives.

9. Trial procedures in civil and criminal cases

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

9.1. *Voir dire*

Unless otherwise notified, the Court will conduct all *voir dire*.

9.2. Witnesses

No later than the end of each trial day, counsel must notify each other and the Court of witnesses to be called the following trial day.

Absent leave of Court, a witness listed by both sides shall testify only once (with the defendant permitted to go beyond the scope of the direct on cross examination), and counsel should confer with respect to scheduling.

9.3. Use of electronic equipment

Any party wishing to present marked exhibits to the jury in digital form who has not previously used the Court's electronic equipment is directed to meet with the Courtroom Deputy Bryan Morabito at least twenty (20) days prior to the commencement of the trial to review the available equipment for the presentation of digital evidence. Counsel should be accompanied by the audio-visual personnel who will be operating any equipment that will be used at trial. Following such meeting, such party shall file a confirmation in writing via ECF that this meeting has occurred.

9.4. Exhibits

9.4.1. When counsel anticipates that a witness will refer to documentary evidence during the witness's direct testimony, counsel shall have: **(i)** two (2) copies of each document for the Court and **(ii)** at least one copy each for the court reporter and counsel for each opposing party who is present.

9.4.2. If counsel intend to distribute copies of documentary exhibits to the jury, they are to make a separate copy for each juror. Counsel should make certain that they have custody of all original exhibits. The Court does not retain them, and the Clerk is not responsible for them.

9.5. Trial schedule

Jury trials shall be scheduled Mondays through Thursdays from 10 am to 4:30 pm The Court will be available to meet with counsel from 9:00 am to 10 am. Testimony will begin at 10 am. A luncheon recess will run from 12:30 pm to 1:30 pm.

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

9.6. Civil cases: post-trial procedures for bench trials

In non-jury trials, parties shall file proposed findings of fact and conclusions of law no later than ten (10) days after the conclusion of trial unless the Court sets a different filing deadline. Responses to such submissions are permitted only with leave of the Court.

10. Settlement

10.1. Settlement conferences

The Court will not issue a briefing schedule on a motion under Fed. R. Civ. P. 56 or hold a conference concerning the JPTO unless the parties have participated, in good faith, in a settlement conference with the assigned magistrate judge. *See* Individual Rule 5.1.1.

10.2. Settlement agreements

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

11. Appeals

11.1. Bankruptcy appeals

Briefs must be submitted in accordance with Federal Rule of Bankruptcy Procedure §§ 8009 and 8010. Counsel may extend the default deadlines by stipulation submitted to the Court no later than two (2) business days before the brief is due.

12. *Pro se* litigants

12.1. Responsibilities of *pro se* litigant

A *pro se* litigant shall: **(i)** only communicate with the Court in writing and **(ii)** ensure that contact information on file with the Court remains current; failure to do so may result in dismissal of claims and/or entry of default judgment.

12.2. Responsibilities of counsel in matters involving *pro se* litigants

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

- Ensure adherence to and compliance with all applicable rules, including Local Civil Rules 7.2, 12.1, 33.2, and 56.2.
- Provide *pro se* litigants with a copy of this Court's Individual Rules and file a certificate of service as early as practicable in the litigation.
- Ensure that a proposed briefing schedule is submitted to the Court for all motions pursuant to Individual Rule 5.2.2.

12.3. Habeas petitions

In *habeas* cases with *pro se* petitioners, the respondent must serve the petitioner with

the answer and the state or federal court record when respondent files the answer and the record on ECF. *See* Rule 5(b)–(c) of the Rules Governing Section 2254; Rule 5(b)–(c) of the Rules Governing Section 2255 Cases; Fed. R. Civ. P. 5(a), 10(c).

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

13. Policy on the use of electronic devices

Attorneys' use of mobile phones, Blackberries, wearable technology, and other personal electronic devices within the Courthouse and its environs is governed by Administrative Order 2025-02. Any attorney wishing to bring a telephone or other personal electronic device into the Courthouse must present appropriate verification of membership of this Court's Bar. Mobile phones are permitted inside the Courtroom but must be kept turned off at all times. Non-compliance with this rule will result in forfeiture of the device for the remainder of the proceedings. All photographs and video and audio recordings in the courthouse are forbidden under Local Civil Rule 1.8 and Administrative Order 2025-02.

14. Pronouns and honorifics

The parties and counsel may advise the Court by speaking to the courtroom deputy if they would like to be addressed with a particular pronoun and/or honorific.

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. File 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 plaintiff seeking a default judgment should not proceed by order to show cause.

3. In connection with any Motion for Default Judgment made pursuant to Federal Rule of Civil Procedure 55(b)(2), file the following on ECF (and provide a courtesy copy where required under Individual Rule 1.3):

    a. An attorney's declaration or affidavit setting forth the basis for entering a default judgment, including:

        i. a description of the method and date of service of the summons and complaint and legal authority for why such service was proper;

        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. evidence in support of the proposed damages, including contemporaneous records and other such documentation; and

        vi. legal authority for why an inquest into damages **is or is not necessary**.

    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.

f. An affidavit, as required by the Servicemembers Civil Relief Act, "stating whether or not the defendant is in military service and showing necessary facts to support the affidavit . . . ." 50 U.S.C. § 3931(b)(1)(A).[3]

4. The Court will review the motion for default judgment and, if appropriate, issue an Order setting a date and time for a default judgment hearing. If the Court issues such an order, the plaintiff must then serve on the party against whom default judgment is sought: **(1)** the motion for default judgment and supporting papers; and **(2)** the Court's order setting a date and time for the default judgment hearing. The plaintiff must file proof of such service on the docket in the manner and date specified in the Court's Order setting the default judgment hearing.

5. Prior to the return date, take the proposed judgment, separately backed, to the Orders and Judgments Clerk for the Clerk's approval.

6. The proposed judgment, including all damage and interest calculations, must be approved by the Clerk prior to the conference and then brought to the conference for the Judge's signature.

[3] "Certification . . . of a defendant's military status can be obtained from the Department of Defense's Servicemembers Civil Relief Act website . . . ." *Bhagwat v. Queens Carpet Mall, Inc.*, 14-CV-5474, 2017 WL 9989598, at *1 (E.D.N.Y. Nov. 21, 2017).