

April 6, 2020

**EMERGENCY INDIVIDUAL PRACTICES OF  
MAGISTRATE JUDGE BARBARA MOSES IN CIVIL CASES**

**Chambers**

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Access Code: 7746387

Unless otherwise ordered by the Court, these Emergency Individual Practices (the Emergency Practices) apply to *all* civil matters before Judge Moses for the duration of the COVID-19 national health emergency, and supplement Judge Moses's standard Individual Practices, last revised February 3, 2020. If there is a conflict between the Emergency Rules and Judge Moses's standard Individual Practices, the Emergency Rules control.

**1. Communications with Chambers**

- a. **Letters.** To the extent possible, communications with the Court should be by letter, filed on ECF. Letters filed on ECF will be received and reviewed by Judge Moses and/or her staff more quickly than other methods of communication.
- b. **Chambers Email.** *Ex parte* settlement letters should be emailed to the Court's chambers email address, listed above. Counseled parties may submit other documents to the Court's chambers email address (with service upon all relevant parties) *only* if counsel is wholly unable to file the document on ECF. Counsel are reminded that letter-motions for approval of sealed or redacted filings in civil and miscellaneous cases – *and* the document(s) as to which sealing is requested – may and should be filed electronically through the Court's ECF system in conformity with the Court's standing order, No. 19-mc-00583, and the Southern District of New York ECF Rules & Instructions, § 6. **Pro se parties may submit documents via email by following the instructions in § 3 below.**
- c. **Mail.** In the event that a party or counsel is unable to submit a document electronically – either by ECF or email – the document may be mailed to the Court. However, this means of delivery should be avoided to the extent practicable, as delivery and processing of mail to the Court is likely to be delayed.
- d. **Hand Deliveries.** Hand deliveries to Chambers are not permitted absent advance permission from the Court. For the duration of the emergency, no courtesy copies are required or will be accepted.
- e. **Telephone Calls.** Calls to chambers will not be answered, but callers may leave voicemail messages, which will be received and reviewed by Judge Moses's

courtroom deputy and forwarded to the appropriate member(s) of chambers staff. If leaving a voicemail, please clearly (i) state and spell your name; (ii) leave a call-back number; (iii) briefly describe the subject of the call; and, if calling regarding a case (iv) state the name and docket number of the case; and (v) whether you are a party, an attorney for a party, or a non-party. Callers are cautioned that there may be delays in responding to telephone messages. No applications for relief, substantive or procedural, may be made by telephone. All such applications must be made in writing.

## 2. Conferences and Hearings

- a. **AT&T Teleconferencing.** Unless otherwise ordered by the Court, all conferences, hearings, and proceedings in civil cases will be held by telephone, using the teleconferencing number and access code above, and will be recorded. If the parties require that a live court reporter be on the teleconference, they must so request in advance. **Please treat the teleconference line as you would treat the courtroom: if another proceeding is ongoing when you dial in, please be silent (mute your line) until your case is called.**
- b. **Teleconferencing Protocol.** When on a teleconference with the Court, please follow these guidelines in order to avoid confusion and create a clear record:
  - i. Use a landline whenever possible, and speak via a handset or headset, *not* speakerphone. Avoid voice-activated systems. They don't allow the speaker to know when someone else is trying to speak, and they cut off the beginning of words.
  - ii. Identify yourself *each* time you speak, and spell proper names.
  - iii. Be mindful that, unlike in a courtroom setting, interrupting can render both speakers unintelligible.
  - iv. *Mute* your line when not speaking to eliminate background noise. Otherwise, we will all listen to the dog barking, the kids playing, sirens passing, papers shuffling, emails pinging, etc.
  - v. If you expect a court reporter to be on the line, ask the judge to confirm that the reporter is present and can hear all participants.
  - vi. If you hear beeps or musical chimes, that means someone has either joined or left the conference. Ask the judge to clarify that the court reporter has not lost the line.
- c. **Settlement Conferences.** Unless otherwise ordered by the Court, settlement conferences will also be held by teleconference. When the parties complete their pre-conference submissions, they will be provided a security code (in addition to the access code above) to ensure that the settlement conference remains confidential. During the conference, the Court will be able to caucus separately

with each side and their counsel. If the parties wish to conduct their settlement conference via videoconference, they must seek Court permission in advance, identify the teleconferencing facility they propose, and be prepared to satisfy the Court's staff that the facility is suitable for the purpose.

### 3. Pro Se Parties

- a. **Filing by Mail or Email.** During the COVID-19 public health emergency, pro se litigants who do *not* have permission to file case-related documents electronically through the Court's Electronic Case Filing (ECF) system (*see* § 3(c) below) may either mail their paper documents to the Pro Se Intake Unit, 500 Pearl Street, Room 200, New York, NY 10007, or submit them via email to the following address: [Temporary\\_Pro\\_Se\\_Filing@nysd.uscourts.gov](mailto:Temporary_Pro_Se_Filing@nysd.uscourts.gov). **If a pro se party wishes to submit a filing by email, he or she must follow these procedures:**
  - i. Documents to be filed must be **submitted as PDF documents**, not exceeding a size of 10 megabytes, **and must be attached to the email.**
  - ii. The PDF filing **must be signed by the filing party by either** (a) signing by hand and then scanning the document; (b) signing electronically using a digital signature; or (c) by typing "s/Filer's Name."
  - iii. Emails attaching PDF documents for filing must be sent to the email address [Temporary\\_Pro\\_Se\\_Filing@nysd.uscourts.gov](mailto:Temporary_Pro_Se_Filing@nysd.uscourts.gov).
  - iv. **Both the email and the attached documents submitted for filing **must contain the filer's name, address, and telephone number**, where available.**
  - v. **The subject line of the email must read:** "PRO SE FILING – [Case Number]."
  - vi. This email address is solely for submitting attached PDF documents for filing. **Only the attachment(s) submitted as PDF documents will be filed; any additional correspondence, comments, questions, or other messages in the email will be disregarded.**
  - vii. A document submitted for filing by email does not have to be delivered to the court in hard copy form.
- b. **Consent to Electronic Service.** Pro se parties are also encouraged to consent to electronic service of Court filings. Pro se parties who have an email address and wish to *receive* case-related documents (including court orders) quickly, automatically, and electronically, may consent to electronic service by filing a Pro Se (Nonprisoner) Consent & Registration Form to Receive Documents Electronically, available from the Pro Se Intake Unit or at: <http://nysd.uscourts.gov/forms.php>.

- c. **Electronic Case Filing (ECF).** Pro se parties who have an email address and wish to *receive, serve, and file* case-related documents electronically through the Court's ECF system may request permission to do so by filing a Motion for Permission for Electronic Case Filing, available from the Pro Se Intake Unit or at: <http://nysd.uscourts.gov/forms.php>.
- d. **Questions.** Any questions should be directed to the Pro Se Intake Unit at (212) 805-0175.
- e. **Pro Se Legal Clinic.** The NYLAG Legal Clinic for Pro Se Litigants, which assists pro se litigants with federal civil cases, is operating via telephone appointments only. A pro se party requesting an appointment should call (212) 659-6190 and follow the instructions provided.