

INDIVIDUAL RULES AND PRACTICES FOR *PRO SE* LITIGANTS

**JOHN P. CRONAN
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK**

Chambers

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Southern District of New York
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Courtroom

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Pro Se Intake Unit Mailing Address

Pro Se Intake Unit
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Southern District of New York
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500 Pearl Street
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(212) 805-0175

Unless otherwise ordered by the Court or specifically covered by Judge Cronan's Emergency Individual Practices In Light of COVID-19, these Individual Practices apply to all civil cases involving *pro se* litigants (that is, litigants without counsel) before Judge Cronan.

1. *Pro Se* Law Clinic

Pro se parties should take note that there is a *Pro Se* Law Clinic in this District which is designed to assist non-incarcerated people who are parties in civil cases and do not have lawyers. The Clinic may be able to provide a non-incarcerated *pro se* litigant with advice in connection with his or her case. The *Pro Se* Law Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the *Pro Se* Intake Unit, whose address is above). The Clinic is located in the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York, in Room LL22, which is just inside the Pearl Street entrance to that Courthouse.

Due to the COVID-19 pandemic, the Clinic has suspended all in-person client meetings until further notice. Limited-scope legal assistance will continue to be provided, but only by appointment and only over the telephone. To schedule an appointment, call (212) 659-6190 and

leave a message specifying a call-back number.

2. Communications with Chambers

A. Communications Generally. All communications with the Court by a *pro se* party, including letter-motions, should be (1) mailed to the *Pro Se* Intake Unit, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007 or (2) delivered in person to the drop box in the lobby of the United States Courthouse at 500 Pearl Street, New York, New York, or the United States Courthouse at 300 Quarropas Street, White Plains, New York. Unless otherwise ordered by the Court, no correspondences, documents, or court filings, may be emailed or otherwise sent directly to Chambers. Any questions should be directed to the [Pro Se Intake Unit](#) at (212) 805-0175; *pro se* parties may not call the Court directly.

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 Electronic Case Filing (ECF) system. If any other party is not a user of the ECF system (*e.g.*, if there is another *pro se* party in the case), a *pro se* party must send copies of any filing to that party and include an Affidavit of Service or other statement affirming that it has done so. Copies of correspondence between a *pro se* party and opposing parties shall not be sent to the Court.

B. Requests for Adjournments or Extensions of Time. Requests for adjournments or extensions of time must be made in writing. All requests for adjournments or extensions of time must state (1) the original date(s) set for the appearance or deadline(s) and the new date(s) requested; (2) the reason(s) for the request; (3) the number of previous requests for adjournment or extension; (4) whether these previous requests were granted or denied; and (5) whether the opposing party consents, and, if not, the reasons given by the opposing party for refusing to consent.

Requests for extensions of deadlines regarding a matter that has been referred to a Magistrate Judge shall be directed to that assigned Magistrate Judge.

Absent compelling circumstances, any request for extension or adjournment must be made at least 48 hours prior to the deadline or scheduled appearance. Requests for extensions will ordinarily be denied if made after the expiration of the original deadline.

3. Filing of Papers and Service

A. Papers Filed by a Pro Se Party. All papers to be filed with the Court by a *pro se* party, along with one courtesy copy of those papers, shall be (1) mailed to the *Pro Se* Intake Unit, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007 or (2) delivered in person to the drop box in the lobby of the United States Courthouse at 500 Pearl Street, New York, New York, or the United States Courthouse at 300 Quarropas Street, White Plains, New York. Any *pro se* party that wishes to participate in electronic case filing (“e-filing”) must file a Motion for Permission for Electronic Case Filing (available at <http://nysd.uscourts.gov/file/forms/motion-for-permission-for-electronic-case-filing-for-pro-se-cases> and in the *Pro Se* Intake Unit). If the Court grants a motion to participate in “e-filing,” that

party *will not* receive hard copies of any document filed electronically via ECF.

B. Service on a *Pro Se* Party. Unless a *pro se* party has consented to electronic service, counsel in *pro se* cases must serve a *pro se* party with a paper copy of any document that is filed electronically and must file with the Court a separate Affidavit of Service. Submissions filed without proof of service that the *pro se* party was served will not be considered.

4. Discovery

All requests for discovery by a *pro se* party should be sent to counsel for the party from whom discovery is sought. Discovery requests should not be sent to the Court.

If there are any discovery disputes, the parties are required to confer with one another to try to resolve the dispute without the need for Court intervention. If the parties are unable to resolve their dispute, either party may file a letter-motion, no longer than three pages and in accordance with Paragraph 2(a) above, to raise the dispute with the Court. The letter-motion shall explain the nature of the dispute as well as the efforts to resolve the dispute and why they were unsuccessful. If the opposing party wishes to respond to the letter, it must promptly file a responsive letter, also not to exceed three pages. The Court will seek to resolve discovery disputes quickly, by order or at an in-person or telephonic conference. Parties are strongly urged to seek relief in accordance with these procedures in a timely fashion. If a party waits until near the close of discovery to raise an issue that could have been raised earlier, the Court is unlikely to grant additional time for discovery.

5. Motions

A. Filing and Service. Unless otherwise ordered by the Court, papers filed in opposition to a motion must be served and filed within 30 days of service of the motion papers, and reply papers, if any, must be served and filed within two weeks of receipt of opposition papers.

B. *Pro Se* Notices. Parties who file a motion to dismiss, a motion for judgment on the pleadings, or a motion for summary judgment must provide the *pro se* party with a copy of the notices required under Local Civil Rules 12.1 or 56.2.

C. Courtesy Copy. One courtesy hard copy of all formal motion papers, marked as such, should be submitted to Chambers *by the non-pro se party* at the time the reply is due. Courtesy copies should not be submitted to Chambers at the time of filing. If all the parties are *pro se*, then no courtesy copies of formal motion papers are required.

D. Oral Argument. Oral argument on a motion will only occur if ordered by the Court.

6. Initial Case Management Conference

Absent a motion to dismiss, the Court will typically schedule an initial case management conference within three months of the filing of the complaint. The Notice of Initial Pretrial

Conference will be docketed on ECF and mailed to the *pro se* party or parties, unless the *pro se* party has consented to electronic service, in which case the party will only receive electronic notification via ECF.

The Court will set a schedule for the case at the initial case management conference. In most cases, the Court will give the parties four months (from the date of the conference) to complete all discovery, and set a deadline for the filing of any motions for summary judgment 30 days after the close of discovery. In advance of the initial case management conference, the parties should, if practicable, confer with one another to determine if such a schedule would be appropriate or if there is anything unusual about the case that would require more time and be prepared to discuss those issues at the conference. The Court will issue a written order memorializing all dates and deadlines following the conference.

An incarcerated party may not be able to attend this or other conferences, but may be able to participate by telephone. If an incarcerated party does not have counsel and is unable to participate by telephone, a family member or a representative may attend the conference. In such instances, the incarcerated party may write to the Court in advance of the conference regarding any issue the *pro se* party wishes to have addressed at the conference. If a representative is designated, he or she should contact Chambers at (212) 805-0218 to determine the time and location of the conference.

7. Trial Documents

A. Pretrial Statement. Unless otherwise ordered by the Court, within 30 days of the completion of all discovery or, if a summary judgment motion is filed, within 30 days of the Court's ruling on summary judgment, the plaintiff in a *pro se* case shall file a concise, written Pretrial Statement. This Statement need take no particular form, but it must contain the following: (1) a statement of the facts the plaintiff hopes to prove at trial; (2) a list of all documents or other physical objects that the plaintiff plans to put into evidence at trial; and (3) a list of the names and addresses of all witnesses the plaintiff intends to have testify at trial. The Statement must be sworn by the plaintiff to be true and accurate based on the facts known by the plaintiff. If *pro se*, the plaintiff shall file an original of this Statement, plus one courtesy copy, with the *Pro Se* Intake Unit. Two weeks after service of the plaintiff's Statement, the defendant must file and serve a similar Statement of its case containing the same information.

B. Other Pretrial Filings. If the case is to be tried before only Judge Cronan without a jury, any parties represented by counsel must also file proposed findings of fact and conclusions of law at the time of filing the Pretrial Statement. If the case is to be tried before a jury, any parties represented by counsel must also file proposed *voir dire* questions, a proposed jury charge, and a proposed verdict form at the time of filing the Pretrial Statement. At the time of filing, a represented party should e-mail these documents to the Court (Cronan_NYSDChambers@nysd.uscourts.gov), in both .pdf and Microsoft Word formats. The *pro se* party may file such documents, but is not required to do so, and need not submit them by e-mail. If the *pro se* party elects to file such documents, that party should do so via the *Pro Se* Intake Unit, as outlined in 3.A above.