

UPDATED COVID-19 NOTICE OF PROCEDURES IN CIVIL AND CRIMINAL CASES

GENERAL INFORMATION FOR CIVIL CASES

In light of the national emergency currently in effect, Magistrate Parker has:

- Extended discovery deadlines in civil cases and encouraged parties to take depositions by telephonic or video conference as permitted under the Federal Rules of Civil Procedure.
- Converted in-person conferences scheduled for the remainder of March through May 2020 to telephonic conferences or requested a status letter in lieu of having a conference.

Parties are encouraged to be flexible and experiment with technology to adapt to the current situation. Additionally, at this time, it is especially important for parties and their counsel to extend professional courtesies and be especially mindful of their obligations under Federal Rule of Civil Procedure 1. The parties and their counsel are also reminded of the certifications they make by signing discovery requests and responses pursuant to Federal Rule of Civil Procedure 26(g).

Parties needing additional extensions of time in light of specific circumstances in their cases may file a letter with the Court seeking further relief.

TELEPHONIC CONFERENCE PROCEDURES-CIVIL CASES

- Judge Parker's Telephonic Conference dial-in number is 866-434-5269 Access Code 4858267. The Court may assign security codes for individual cases and will notify the parties if a security code is required. The purpose of such codes will be to separate conferences that are scheduled back to back on the same conference line.
- Just as court proceedings are open to the public, these telephonic conferences are open to the public.
- The parties may request a recording of telephone calls, but the recordings are not official court transcripts.

- Parties who wish to have an official transcript **must notify the Court 5 business days in advance of the telephonic conference and request a court reporter**. The court may decline the request based on available resources. The party requesting the court reporter must order and pay for the transcript.
- If a party has trouble dialing into Judge Parker's conference line, the party should email Parker_NYSDChambers@nysd.uscourts.gov, cc'ing the other parties, to obtain further direction from the court.
- ***All persons who participate in telephonic calls conducted by the Court are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violations of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court.***
- Judge Parker appreciates the parties' patience with these new procedures.

TELEPHONIC SETTLEMENT CONFERENCE PROCEDURES-CIVIL CASES

- Judge Parker uses two platforms to conduct remote settlement conferences: an AT&T Bridge Line or Court-Solutions.com. Unless the Court directs the parties to use Court-Solutions, the parties should follow the procedure below.
- Settlement conference will start with all parties on Judge Parker's conference line to discuss procedures. These calls will not be recorded.
- If a party has trouble dialing into Judge Parker's conference line, the party should email Parker_NYSDChambers@nysd.uscourts.gov, cc'ing the other parties, to obtain further direction from the court.
- After the initial call with all parties and counsel, Judge Parker will then call the parties' respective private conference call lines to conduct ex-parte settlement discussions with the parties and their counsel.

- Ex parte calls will be non-public.
- If a settlement is reached at the conference, the court may elect to record the terms of the settlement after discussion with the parties.
- In general, settlement conferences are confidential and participants are expected to maintain the confidentiality of settlement discussions conducted telephonically.
- If parties wish to utilize Court-Solutions.com, they may request use of this platform in lieu of the procedures outlined above by filing a letter on ECF. There is a modest charge to the parties to use Court-Solutions.
- ***All persons are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violations of these prohibitions may result in sanctions, including restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court.***
- The Court is exploring video conferencing options but in the meantime appreciates the parties' cooperation with the above-described procedures and patience.

CRIMINAL CASE PROCEDURES

- **Until such time as the U.S. Judicial Conference finds that the emergency conditions due to the emergency declared by the President with respect to COVID-19 are no longer materially affecting the functioning of the federal courts and/or a finding by the SDNY that emergency conditions due to COVID-19 are no longer warranted, Judge Parker will conduct criminal proceedings remotely. Proceedings, such as initial appearances, arraignments, and bail hearings will be conducted by telephone unless videoconferencing is expressly directed by the Court. Proceedings remain public, as the press and public will be permitted to dial-in to proceedings on a listen-only basis.**

- ***All persons who participate in telephonic or video proceedings conducted by the Court are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violations of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court.***
- **Complaints, Arrest and Search Warrants**, including applications for cell site information, triggerfish, and GPS tracking, should be emailed to KHP_Rule41Warrants@nysd.uscourts.gov specifying the time that the agent and U.S. Attorney are available to swear out the complaint. ***AUSAs are reminded to utilize the procedures for remote warrants provided for under the Federal Rules of Criminal Procedure and to utilize appropriate forms.***
- **Bail Hearings/Bail Reconsideration Hearings**. Applications for reconsideration of pre-trial detention/bail reconsideration should be filed with the Criminal Clerk's Office in accordance with established procedures but also courtesy copies should be simultaneously emailed to Parker_NYSDChambers@sdny.uscourts.gov. ***Defense counsel are reminded that Waiver and Consent Forms are available from the SDNY Website, Criminal Clerk's Office, and Judge Parker for purposes of memorializing a Defendant's consent to participate in proceedings via telephone or consent to waive presence altogether at an arraignment, bail reconsideration hearing or other conference (as permitted by applicable law, including the CARES Act).***
- **Pleas**. At least 24 hours in advance of a plea, the indictment/information, plea agreement, a summary of the elements of the offense(s), and the maximum and mandatory penalties for each crime/count should be emailed to Parker_NYSDChambers@nysd.uscourts.gov.
- **QUESTIONS** about criminal proceedings before Judge Parker can be emailed to Parker_NYSDChambers@nysd.uscourts.gov.

Magistrate Judge Parker April 2, 2020

- **AT&T Conference Line for Criminal Proceedings: 877-336-1829**
Access Code 9129042