Effective: March 17, 2025

INDIVIDUAL PRACTICES IN CIVIL CASES

Lewis J. Liman, United States District Judge

Chambers
United States District Court
Southern District of New York
500 Pearl Street, Room 1620
New York, NY 10007
LimanNYSDChambers@nysd.uscourts.gov

Courtroom
500 Pearl Street
Courtroom 15C
Matthew Fishman, Courtroom Deputy
(212) 805-0161

Teleconference Line
(888) 251-2909, Access Code 2123101

Website
https://www.nysd.uscourts.gov/hon-lewis-j-liman

***Pro Se* Intake Unit's Mailing Address**
Pro Se Intake Unit
Daniel Patrick Moynihan United States District Courthouse
500 Pearl Street
New York, NY 10007

***Pro Se* Intake Unit's Physical Address**
Pro Se Intake Unit
Thurgood Marshall United States District Courthouse, Room 105
40 Foley Square
New York, NY 10007

Unless otherwise ordered by Judge Liman, these Individual Practices apply to all civil matters, including *pro se* cases. If a case has been referred to a magistrate judge for general pretrial purposes, the magistrate judge's practices will control with respect to all matters within the scope of the referral. In cases designated to be part of a pilot project or plan (including the protocols set forth in Local Civil Rule 83.10), the procedures in such project or plan shall govern to the extent that they are inconsistent with these Individual Practices.

A Note to *Pro Se* Parties (Individuals Not Represented by Counsel):
Unless otherwise indicated, the practices below apply to every party before the Court. However, as indicated throughout, *pro se* parties—those individuals not represented by counsel—are excepted from certain requirements otherwise set forth. *Pro se* parties should note, in particular, the *pro se* rules for communicating and filing papers with the Court set forth in Paragraphs 1(I) and 2(O).

Pro se parties are required to maintain their current mailing address on the docket at all times and must notify the Court of any change of address by letter filed pursuant to Paragraphs 1(I) and 2(O) below. Failure to notify the Court of a change of address may result in dismissal of a case brought by a *pro se* party.

Pro se parties should be advised that there is a Pro Se Law Clinic available to assist unrepresented parties in civil cases. The Clinic may be able to provide a non-incarcerated pro se party with advice in connection with their case. The Pro Se Law Clinic is run by a private organization called the City Bar Justice Center; 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). Litigants in need of legal assistance should complete the City Bar Justice Center's intake form to make an appointment. If a litigant has questions about the intake form or needs to highlight an urgent deadline already disclosed in the form, the clinic can be contacted by phone (212-382-4794) or email (fedprosdny@nycbar.org). In-person appointments in the Thurgood Marshall Courthouse are available Monday through Thursday, 10am to 4pm. Appointments are also available remotely Monday through Friday, 10am to 4pm.

Parties proceeding *pro se* without electronic filing privileges are permitted to submit filings by email to prose@nysd.uscourts.gov. *Pro se* parties may also submit documents by regular mail or in person at the drop box located at the U.S. Courthouses in Manhattan (500 Pearl Street) and White Plains (300 Quarropas Street). *Pro se* parties are also encouraged to consent to receive all court documents electronically. A consent to electronic service form is on the S.D.N.Y. website, available at https://nysd.uscourts.gov/sites/default/files/2018-06/proseconsentecfnotice-final.pdf. For more information, please visit the "Representing Yourself in Federal Court (Pro Se)" webpage, available at https://www.nysd.uscourts.gov/prose.

1. Communications with Chambers

A. No Paper Submissions Absent Undue Hardship. No papers, including courtesy hard copies of any filing or document, may be submitted to Chambers unless specifically ordered by the Court or otherwise permitted by these Individual Practices. All documents must be filed on ECF or, if permitted or required under the Court's Individual Practices, emailed to LimanNYSDChambers@nysd.uscourts.gov.

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. To the maximum extent possible, however, this means of delivery should be avoided.

B. Letters. Except as otherwise provided below, all communications with Chambers shall be by letter. All letters shall be filed on ECF in text-searchable form and should not exceed three single-spaced pages in length. Letters seeking relief should be filed on ECF as letter-motions in accordance with Paragraph 1(C) below.

Letters solely between parties or their counsel or otherwise not addressed to the Court may not be filed on ECF or otherwise sent to the Court (except as exhibits to an otherwise properly filed document).

C. Letter-Motions. Letter-motions may be filed when permitted by the S.D.N.Y. Local Rules and the S.D.N.Y. Electronic Case Filing Rules and Instructions. Motions to amend a case management plan and scheduling order, to file papers under seal or in redacted form, to compel discovery, or for a protective order or confidentiality order may be made by letter-motion. Letters seeking relief should be filed on ECF as text-searchable letter-motions.

Any party wishing to file a letter-motion shall include in the letter-motion a statement that it first attempted to confer in good faith with the opposing parties, in person or by telephone, in an effort to resolve the dispute. The letter-motion should not indicate the content of the meet-and-confer unless independently relevant.

If a letter-motion has consent of all opposing parties, the letter-motion should prominently so indicate. If it does not, any opposing party should submit a letter setting forth its position *not later than two business days* after the initial letter-motion is filed.

D. Requests for Adjournments or Extensions of Time. All requests for adjournments or extensions of time must be made in writing and filed on ECF as letter-motions, and should state: (1) the original date(s); (2) the number of previous requests for adjournment or extensions of time; (3) whether these previous requests were granted or denied; (4) whether the opposing parties consent, and, if not, the reasons given by the opposing parties for refusing to consent; and (5) the date of the parties' next scheduled appearance before the Court.

If the requested adjournment or extension affects any other scheduled dates, any non-*pro se* party moving for relief must attach a proposed revision to the Case Management Plan and Scheduling Order. A *pro se* party may, but is not required to, submit a proposed revision to the Case Management Plan and Scheduling Order. Requests for extensions of deadlines regarding a matter that has been referred to a magistrate judge shall be directed to that magistrate judge.

If the requested adjournment or extension affects the Case Management Plan and Scheduling Order, such request must comply with the requirements set forth in Paragraph 3(A) below.

Any request should be made at least *two business days* prior to the deadline or scheduled appearance.

E. Telephone Calls. Except as set forth elsewhere in these Individual Practices, telephone calls to Chambers should be reserved only for urgent matters requiring immediate attention that cannot be answered by reference to the Court's prior orders in the case, these Individual Practices, the S.D.N.Y. Local Rules, or the Federal Rules of Civil Procedure.

F. Faxes. Faxes to Chambers are not permitted without prior permission.

G. Hand Deliveries. Nothing may be hand delivered absent advanced permission.

Hand-delivered mail should be left with the Court Security Officers at the Worth Street entrance of the Daniel Patrick Moynihan United States District Courthouse at 500 Pearl Street, New York, NY 10007 and may not be brought directly to Chambers. Hand deliveries are continuously retrieved from the Worth Street entrance by Courthouse mail staff and then forwarded to Chambers. If the hand-delivered letter is urgent and requires the Court's immediate attention, ask the Court Security Officers to notify Chambers that an *urgent* package has arrived that needs to be retrieved by Chambers staff immediately.

H. Urgent Communications. As a general matter, the Court reviews materials filed via ECF at the latest on the business day after they have been filed. If a submission requires immediate attention, please notify Chambers by telephone and by email after filing it on ECF. The email should include (1) the word "URGENT" in the subject line; (2) the case name and case number; (3) a brief description of the nature of the urgent issue; and (4) a telephone number at which the party (and any other relevant parties) can be reached.

I. Communications by a *Pro Se* Party.

Unless a *pro se* party is approved for ECF filing pursuant to Paragraph 2(O), all communications with the Court by a *pro se* party must be sent to the *Pro Se* Intake Unit at the following mailing address:

Pro Se Intake Unit
Daniel Patrick Moynihan United States District Courthouse
500 Pearl Street
New York, NY 10007

or delivered in person to the *Pro* Se Intake Unit at the following physical address:

Pro Se Intake Unit
Thurgood Marshall United States District Courthouse, Room 105
40 Foley Square
New York, NY 10007.

No documents or court filings should be sent directly to Chambers. Copies of correspondence between a *pro se* party and opposing parties shall not be sent to the Court. Any questions should be directed to the *Pro Se* Intake Unit at (212) 805-0175; *pro se* parties may not call the Court directly except as provided in Paragraph 1(E). Unless the Court orders otherwise, all communications with the Court by a *pro se* party will be docketed upon receipt; such docketing shall constitute service on any user of the 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.

J. Communications by a Party Opposing a *Pro Se* Party. Communications with the Court and all ECF filings by a represented party in a *pro se* case must be accompanied by an Affidavit of Service affirming that the *pro se* party was served with a copy of the communication.

2. All Filings

A. ECF. In accordance with the S.D.N.Y. Electronic Case Filing Rules and Instructions, counsel must register promptly as ECF filers and enter appearances. Instructions are available on the S.D.N.Y. website at https://nysd.uscourts.gov/electronic-case-filing. Counsel are responsible for updating their contact information on ECF as needed. The Court expects that counsel will check the docket sheet regularly, regardless of whether they receive an ECF notification of case activity.

B. Filing of Motion Papers. Motion papers shall be filed promptly after service. They should not include a return date.

C. Text-Searchable Submissions. All documents (*e.g.*, motions, briefs, and letters) filed by parties on ECF must be in text-searchable format. Exhibits filed on ECF should be in text-searchable format, where possible. A text-searchable document may be created by converting the document electronically to .pdf by computer (that is, not by scanning a pre-existing document). If a .pdf is created by scanning a pre-existing document (for instance, in the case of a pre-existing documentary exhibit), the party should use software to make the document text-searchable where possible.

D. Attachments. Exhibits must be filed as attachments to the main document. Each attachment must be clearly titled in the ECF entry so the subject of the exhibit is clear pursuant to Sections 5.1 and 13.3 of the S.D.N.Y. Electronic Case Filing Rules and Instructions. For example: NOTICE OF REMOVAL (Attachments: #1 State Court Complaint, #2 State Court Summons), *not* NOTICE OF REMOVAL (Attachments: #1 Ex. 1, #2 Ex. 2).

E. Related and Consolidated Cases. After an action has been accepted as related to a prior filing, all future court papers and correspondence must contain the docket number of the new filing as well as the docket number of the case to which it is related (*e.g.*, 12-cv-1234 [rel. 11-cv-4321]). After two or more actions have been consolidated for all purposes under a single docket number pursuant to Rule 42(a)(2) of the Federal Rules of Civil Procedure, all future court papers and correspondence should be filed only in the docket under which the cases have been consolidated and should reference only that docket number.

F. Pre-Motion Letters and Conferences in Civil Cases. Absent order of the Court, neither pre-motion letters nor pre-motion conferences are required.

G. Protective Orders. All parties wishing to propose a protective order must submit a proposed protective order that conforms as closely as possible with the Court's Model Protective Order, which is available on Judge Liman's website. The proposed

protective order *must* be accompanied by a cover letter that states whether the parties have adopted, without alteration, the Court's Model Protective Order or whether the parties have made alterations. Any changes *must* be reflected in a redline that should be filed as an exhibit to the proposed protective order.

H. Redactions and Filing Under Seal

i. Redactions/Sealing Not Requiring Court Approval. Federal Rule of Civil Procedure 5.2 describes sensitive information that must be redacted from public court filings without seeking prior permission from the Court.

ii. Redaction/Sealing Requiring Court Approval. Except for redactions permitted by Paragraph 2(H)(i), all redactions require Court approval. To be approved, redactions must be narrowly tailored to serve whatever purpose justifies them and otherwise consistent with the presumption in favor of public access to judicial documents. *See, e.g.*, *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006). In general, the parties' consent or the fact that information is subject to a confidentiality agreement (or protective order) between litigants is not, by itself, a valid basis to overcome the presumption in favor of public access to judicial documents. *See, e.g.*, *In re Gen. Motors LLC Ignition Switch Litig.*, 2015 WL 4750774, at *4 (S.D.N.Y. Aug. 11, 2015).

A party seeking to file a document with redactions or under seal must follow the procedures set forth in **Attachment A** (see pages 16–17 of these Individual Practices).

I. Memoranda of Law. The Court does not impose page limitations on memoranda of law. The parties should agree upon reasonable page limits for principal briefs and reply briefs, exercising their sound judgment so as not to unnecessarily burden the Court. If parties are unable to agree, memoranda in support of and in opposition to motions are limited to 25 pages while reply memoranda are limited to 10 pages. Memoranda of more than 10 pages shall contain a table of contents and table of authorities. The Court reserves the right to impose page limits at any point if parties do not appropriately exercise the latitude afforded under this rule.

J. Unpublished Cases. Westlaw citations should be provided, if available, to cases not available in an official reporter. A party must provide a copy of any decision it cites that is not found in an official reporter or accompanied by a Westlaw citation.

K. Briefing Schedule on Motions. The parties may extend the deadlines set forth in Local Civil Rule 6.1 by an agreed-upon schedule, which, unless the Court orders otherwise, shall govern as long as such schedule is disclosed to the Court in a letter or in the memorandum accompanying the initial motion. Any extensions should be sought pursuant to the procedures set forth in Paragraph 1(D).

The following special rules for the timing of motion filings in *pro se* cases apply: unless otherwise ordered by the Court, papers filed in opposition to a motion in a *pro se* case must be served and filed within four weeks of service of the motion papers, and reply papers, if any, must be served and filed within two weeks of receipt of opposition papers.

L. Courtesy Copies. Do not send courtesy copies unless directed by the Court.

M. Oral Argument. Parties may request oral argument in their moving or opposing papers. The Court will determine whether argument will be heard and, if so, will advise counsel of the argument date. The Court may *sua sponte* order parties to appear for oral argument on any motion.

N. Submission of Large Electronic Files. The Court has a file transfer protocol for the safe electronic transmission of large files. If a party needs to submit large files by email (as opposed to ECF), the party should email the Court (at LimanNYSDChambers@nysd.uscourts.gov) requesting a link to be used for such transfer. The email should include the name and docket number of the case and the nature and size of the materials to be submitted electronically.

O. In a *Pro Se* Case. Any *pro se* party that wishes to participate in electronic case filing ("e-filing") must file a Motion for Permission for ECF (available at https://nysd.uscourts.gov/sites/default/files/2019-04/2012-prosemotionecffiling-final.pdf 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.

In the event that a *pro se* party is not participating in e-filing, and notwithstanding anything in the foregoing Individual Practices to the contrary, all papers to be filed with the Court by a *pro se* party shall be sent to the *Pro Se* Intake Unit at the following mailing address:

Pro Se Intake Unit
Daniel Patrick Moynihan United States District Courthouse
500 Pearl Street
New York, NY 10007

or delivered in person to the *Pro* Se Intake unit at the following physical address:

Pro Se Intake Unit
Thurgood Marshall United States District Courthouse, Room 105
40 Foley Square
New York, NY 10007.

3. Specific Types of Filings

A. Motions to Amend Case Management Plan and Scheduling Order. Any motion to amend the Case Management Plan and Scheduling Order shall be accompanied by

a letter identifying with particularity why "good cause" exists for such amendment. *See* Fed. R. Civ. P. 16(b)(4) ("A schedule may be modified only for good cause and with the judge's consent."). The letter must "describ[e] what discovery [the moving party] conducted in the time period originally scheduled and [whether] there are circumstances that were not foreseen at the time of the order sought to be modified." *Furry Puppet Studio Inc. v. Fall Out Boy*, 2020 WL 4978080, at *1 (S.D.N.Y. Feb. 24, 2020). "The movant should also set forth the remaining discovery to be conducted, why it is important and could not have been conducted earlier, why the requested time (and not some lesser time) is necessary, how allowing additional time would contribute to 'the just, speedy, and inexpensive determination' of the matter, and any prejudice it would suffer if a modification is not made." *Id.* (quoting Fed. R. Civ. P. 1). Parties should consult *Furry Puppet Studio* for further description of the "good cause" standard. As explained therein, the following factors do not provide a basis for relief: "carelessness, an attorney's otherwise busy schedule, or a change in litigation strategy." *Id.*

B. Motions for Preliminary Injunction. The Court generally follows the procedure for the conduct of non-jury trials described in Paragraph 5(C). That is, parties must submit any documentary exhibits, declarations, and/or affidavits in support of or in opposition to such motions at the time they submit their legal memoranda in support of or in opposition to such motions.

C. Motions to Dismiss. Amendment as of right is permitted pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). If the plaintiff amends its pleading, absent objection by a defendant, the Court will deny the motion to dismiss as moot, without prior notice to the parties. The moving party may then (a) file an answer or (b) file a new motion to dismiss. In the event the moving party wishes to rely on its initially filed memorandum of law, the party may so indicate in its motion to dismiss the amended pleading and need not file the memorandum of law again.

D. Motions for Summary Judgment. The deadline for the latest date to submit motions for summary judgment will be set at the Initial Pretrial Conference or at the Post-Discovery Status Conference.

i. Rule 56.1 Statements. Counsel for a party moving for summary judgment shall provide all other parties with an electronic copy, in word processing format, of the moving party's Statement of Material Facts Pursuant to Local Rule 56.1. Counsel for opposing parties must reproduce each entry in the moving party's Rule 56.1 Statement and set out the opposing party's response directly beneath it. The opposing party need not but may file its own additional Statement of Material Facts.

To streamline the summary judgment briefing process, the Court strongly encourages the parties to negotiate and submit a Joint Rule 56.1 Statement setting out all facts as to which the parties agree.

Parties should not incorporate the Rule 56.1 Statement by reference in their memoranda of law as a substitute for a statement of all material facts. Rather, the memorandum of law itself, which should comply with Paragraph 2(I), must set forth all material facts in a fact section. Each factual assertion should cite (with specific page and/or paragraph numbers) to declarations, affidavits or other documents that have been separately filed. Factual assertions contained within other sections of the memorandum also must be followed by a citation to documents in the record.

As set forth in Paragraph 2(D) of these Individual Practices and Sections 5.1 and 13.3 of the S.D.N.Y. Electronic Case Filing Rules and Instructions, exhibits must be filed as attachments to the main document, and each attachment must be clearly titled in the ECF entry so the subject of the exhibit is clear.

For example: DECLARATION of Counsel in Support re: 50 MOTION for Summary Judgment (Attachments: #1 Exhibit A (Emails 9/10/19), #2 Exhibit B (Franchise Agreement), #3 Exhibit C (5/27/20 Letter), #4 Exhibit D (Deposition Excerpt)).

Not: DECLARATION of Counsel in Support re: 50 MOTION for Summary Judgment (Attachments: #1 Exhibit A, #2 Exhibit B, #3 Exhibit C, #4 Exhibit D).

Under Local Civil Rule 56.1, failure to submit a separate, short and concise statement, in numbered paragraphs, of material facts as to which the moving party contends there is no genuine issue to be tried may constitute grounds for denial of the motion. L.R. 56.1(a). Each numbered paragraph in a Rule 56.1 Statement must be followed by citation to evidence which would be admissible. L.R. 56.1(d). Each numbered paragraph in a Rule 56.1 Statement will be deemed to be admitted for purposes of the motion unless specifically controverted by a correspondingly numbered paragraph in the statement of the opposing party. L.R. 56.1(c).

ii. **Exception for *Pro Se* Parties.** A *pro se* party moving for summary judgment is required to file with the Court a Statement of Material Facts Pursuant to Local Rule 56.1, but it need not be provided in word processing format, nor need it be provided to any other party.

E. Default Judgments. A plaintiff seeking a default judgment must proceed by way of a Motion for Default Judgment pursuant to the procedure set forth in Local Civil Rules 55.1 and 55.2. A plaintiff seeking a default judgment should *not* proceed by order to show cause.

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

G. Applications for Temporary Restraining Orders ("TROs"). Parties intending to file applications for TROs or other emergency relief must send all of their papers (in text-searchable .pdf format) to Chambers by email. The email should also include (1) the word "URGENT" in the subject line; (2) a telephone number at which the party (and any other relevant parties) can be reached; and (3) the relevant parties' available for a teleconference in the next few days. As noted above, parties should not hand-deliver any documents without advance permission.

4. Conferences

A. Teleconferences. Unless otherwise ordered by the Court, all conferences and proceedings in civil cases will be held by telephone. The parties should call the Court's dedicated conference line at 646-453-4442 and enter the conference ID 358639322, followed by the pound (#) key.

i. Decorum and Protocol. Parties are expected to treat teleconferences as they would treat any public court appearance. If another conference or hearing is ongoing, parties shall remain silent (mute the line) until their case is called.

When speaking during a conference held by telephone, parties should identify themselves each time prior to speaking.

Phones should be placed on mute when not speaking to eliminate background noise.

Whenever possible, parties are encouraged to use a landline and to use a handset rather than speakerphone.

Parties are reminded that interrupting will likely render both speakers unintelligible.

ii. Record. All teleconference participants are hereby on notice that the Court may be recording teleconferences via audio file and/or through the service of a court reporter participating telephonically.

iii. Notice Obligation. With the sole exception of *pro se* litigants, each party is responsible for ensuring that every other party is aware that the conference will proceed telephonically.

B. Initial Pretrial Conference. The Notice of Initial Pretrial Conference will be docketed on ECF. If all parties are represented, plaintiff's counsel (or, in a matter

removed from state court, defense counsel) must notify all counsel of the Notice and must alert the Court via letter-motion *two business days* in advance of the scheduled time if the conference needs rescheduling. Such letter-motion should include three proposed alternative times. However, the Court reserves the right to set the conference on a date and time convenient to the Court without regard to the requested alternative times. If there is a combination of represented and *pro se* parties, the represented parties shall take responsibility to notify any *pro se* parties. If all parties are *pro se*, there is no responsibility for any party to notify another.

All Initial Pretrial Conferences will be held via teleconference unless the Court directs otherwise. Parties may request an in-person Initial Pretrial Conference by submitting a letter-motion in accordance with Paragraph 1(C) no later than *one week* before the date of the conference.

As a general matter, a court reporter will not be present for Initial Pretrial Conferences unless a party requests one via letter-motion no later than *one week* before the date of the conference.

The Notice of Initial Pretrial Conference will direct the parties, *inter alia*, to jointly submit on ECF at least *one week* before the conference a proposed Case Management Plan and Scheduling Order, available on Judge Liman's website at https://www.nysd.uscourts.gov/hon-lewis-j-liman. The proposed joint Case Management Plan and Scheduling Order should include responses on which the parties have been able to reach agreement. Parties may submit alternative proposals for areas on which they cannot agree. In addition to the matters set forth in Federal Rule of Civil Procedure 16, counsel for all parties should be prepared at the Initial Pretrial Conference to describe the case, any contemplated motions, and the prospect for settlement. The Court encourages parties to discuss contemplated motions with one another prior to the Initial Pretrial Conference.

If the dates requested in the proposed Case Management Plan and Scheduling Order differ from the default rules (as listed in italics in the Case Management Plan and Scheduling Order, available on Judge Liman's website), the parties shall identify by cover letter, submitted simultaneously with the Case Management Plan and Scheduling Order, each such difference and the reasons for it.

C. Discovery Disputes in Non-*Pro Se* Cases. Notwithstanding Local Rule 37.2, discover disputes shall be governed by the following procedures. Any party wishing to raise a discovery dispute with the Court must first attempt to confer in good faith with the opposing party, in person or by telephone, to try and resolve the dispute. If, after attempting to meet and confer, the dispute has not been resolved, any party may file a letter-motion on ECF, no longer than three single-spaced pages, explaining the nature of the dispute and the relief requested. Such letter shall include a certification that it has, in good faith, conferred or attempted to confer with the party failing to make disclosure or discovery pursuant to Federal Rule of Civil Procedure 37(a)(1). If the opposing party wishes to respond to the letter-motion, the opposition (which should take the form of a letter, not to exceed three single-spaced pages) must be filed

on ECF within *two business days*. Counsel should be immediately prepared to discuss with the Court the matters raised by such letters, as the Court will seek to resolve discovery disputes quickly by order, conference, or telephone. The Court may seek such resolution before any opposition is submitted.

Counsel is expected to be available to meet and confer within 48 hours of receiving a request from the initiating party. If counsel for the non-moving party fails to meet and confer within 48 hours of a request, then counsel for the moving party will be deemed to have satisfied the obligation to attempt in good faith to meet and confer and may file the letter on ECF referred to in the paragraph above. The non-moving party should be aware that, if it has failed to meet and confer, the Court will reserve its discretion to permit the moving party a short reply.

D. Discovery Disputes in *Pro Se* Cases. Any party wishing to raise a discovery dispute with the Court must first attempt to confer in good faith with the opposing party, in person or by telephone, to try and resolve the dispute. If the parties are unable to resolve the dispute, or if, after attempting to meet and confer, the non-moving party is unavailable to meet and confer, the moving party may file a letter-motion requesting an informal conference. The letter-motion should explain the nature of the dispute and set forth the efforts made to meet and confer and the reasons they were unsuccessful.

5. Trial Procedures

A. Joint Pretrial Order. The Court will set a date for the Joint Pretrial Order at the Initial Pretrial Conference or at the Post-Discovery Status Conference. In a non-*pro se* case, the Order shall include the following:

i. The full caption of the action, as the parties wish it to appear on all trial documents;

ii. The names, law firms, addresses, telephone numbers, and email addresses of trial counsel;

iii. A brief statement by the plaintiff (or, in a removed case, by the defendant) as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and any relevant facts as to citizenship and jurisdictional amount;

iv. A brief summary by each party of the claims and defenses that the party asserts remain to be tried, including citations to any statutes on which the party relies. Such summaries shall also identify all claims and defenses previously asserted which are not to be tried. The summaries should not recite any evidentiary matter;

v. A statement as to the number of trial days needed and whether the case is to be tried with or without a jury;

vi. A joint statement summarizing the nature of the case, to be read to potential jurors during jury selection;

vii. A list of people, places, and institutions that are likely to be mentioned during the course of the trial, to be read to potential jurors during jury selection;

viii. A statement as to whether all parties have consented to trial by a magistrate judge, without identifying which parties do or do not consent. In a jury case, the parties should memorialize any such stipulations or agreed statements of fact or law in a standalone document that can be marked and admitted at trial;

ix. A list of all trial witnesses, indicating whether such witnesses will testify in person or by deposition, whether such witnesses will require an interpreter (and, if so, which party will pay the costs for the interpreter), and a brief summary of the substance of each witness's testimony;

x. A designation by each party of deposition testimony to be offered in its case in chief and any counter-designations and objections by any other party;

xi. A list by each party of exhibits to be offered in its case in chief, with one asterisk indicating exhibits to which no party objects on any ground. If a party objects to an exhibit, the objection should be noted by indicating the Federal Rule of Evidence that is the basis for the objection. If any party believes the Court should rule on such objection in advance of trial, that party should indicate a notation to that effect (*e.g.*, "Advance Ruling Requested");

xii. A statement of the damages claimed and any other relief sought, including the manner and method used to calculate any claimed damages and a breakdown of the elements of such claimed damages; and

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

B. Required Pretrial Filings. Each party shall file and serve with the Joint Pretrial Order:

i. **In all cases**, motions addressing any evidentiary issues or other matters which should be resolved *in limine*. Absent leave of the Court, each party must file a single memorandum of law, consistent with Paragraph 2(I) above, in support of *all* motions *in limine* filed by that party.

ii. **In all cases**, no pretrial memorandum of law shall be submitted absent express permission from the Court.

iii. **In jury cases**, joint requests to charge, joint proposed verdict forms, and joint proposed *voir dire* questions. For any request to charge, portion of a verdict form, or proposed *voir dire* question on which the parties cannot agree, each party should clearly set forth its proposal and briefly state why the Court should use it, with citations to supporting authority.

iv. **In non-jury cases**, 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. They should not be argumentative. At the time of filing, parties should submit copies of these documents to the Court by email (LimanNYSDChambers@nysd.uscourts.gov), both in .pdf format and in word processing format.

C. **Additional Submissions in Non-Jury Cases.** At the time the Joint Pretrial Order is filed, each party shall submit to the Court by email (LimanNYSDChambers@nysd.uscourts.gov) and serve on opposing counsel, but not file on ECF, the following:

i. Any affidavits or stipulations that are admissible under the Federal Rules of Evidence and that will be offered as substantive evidence;

ii. Any 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;

iii. All documentary exhibits when they are few in number. When documentary exhibits are voluminous or are too large to email, the parties shall submit each documentary exhibit in a labeled file (ex: "PX-1," "DX-1," etc.) under the file transfer protocol as described in Paragraph 2(N). Irrespective of the method of transfer, all documentary exhibits from each party must also be submitted, when possible, as a consolidated and bookmarked PDF, in addition to individual files. If submission of electronic copies would unduly burden a party, the party may seek leave of Court (by letter-motion filed on ECF) to submit prospective documentary exhibits in hard copy. Hard copies, if expressly permitted by the Court, shall consist of tabbed and indexed three-ring binders; and

iv. A document in word processing format listing all exhibits sought to be admitted. The list shall contain 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.

D. Filings in Opposition. Any party may file the following documents within one week after the filing of the Joint Pretrial Order, but in no event less than three days before the scheduled trial date:

i. Opposition to any motion *in limine*; and

ii. Opposition to any legal argument in a pretrial memorandum.

E. Pretrial Statement in a *Pro Se* Case. In a *pro se* case, in lieu of a Joint Pretrial Order, a *pro se* plaintiff shall file a concise, written Pretrial Statement. This Pretrial 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 Pretrial Statement must be sworn by the *pro se* party to be true and accurate based on the facts known by the *pro se* party. A *pro se* plaintiff shall file an original of this Pretrial Statement with the *Pro Se* Intake Unit. Two weeks after service of the *pro se* party's Pretrial Statement, counsel for any represented party must file and serve a similar Pretrial Statement containing the same information.

6. Participation by Junior Attorneys, Generally. The Court encourages the participation of less experienced attorneys in all proceedings—including pretrial conferences, hearings on discovery disputes, oral arguments, and examinations of witnesses at trial—particularly where that attorney played a substantial role in drafting the underlying filing or in preparing the relevant witness. Nevertheless, all attorneys appearing before the Court must have authority to bind the parties they represent consistent with the proceedings (for example, by agreeing to a discovery or briefing schedule), and should be prepared to address any matters likely to arise at the proceeding. The ultimate decision of who speaks on behalf of the client is for the lawyer in charge of the case, not for the Court.

ATTACHMENT A

PROCEDURE FOR SEALED OR REDACTED FILINGS

All redactions other than those under Federal Rule of Civil Procedure 5.2 require Court approval. The Court will review each proposed redaction individually.

To be approved, redactions must be narrowly tailored to serve whatever purpose justifies them and otherwise consistent with the presumption in favor of public access to judicial documents. *See, e.g.*, *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006). In general, the parties' consent or the fact that information is subject to a confidentiality agreement (or protective order) between litigants is not, by itself, a valid basis to overcome the presumption in favor of public access to judicial documents. *See, e.g.*, *In re Gen. Motors LLC Ignition Switch Litig.*, 2015 WL 4750774, at *4 (S.D.N.Y. Aug. 11, 2015).

Letter-motions for approval of redacted or sealed filings and the subject documents, including the proposed sealed document(s), must be filed electronically through ECF in conformity with the Court's standing order, 19-mc-00583, and S.D.N.Y. Electronic Case Filing Rules and Instructions, Section 6.

1. File a letter-motion in public view, explaining the particular reasons for seeking to file the document with redactions or under seal. A separate explanation must be provided for *each and every* portion of the document sought to be redacted (or for why the document in full should be maintained under seal). The letter-motion should not include confidential information sought to be redacted or filed under seal.

2. File the document under seal with the text sought to be redacted highlighted and visible (or otherwise prominently marked so that it is clear what is sought to be redacted). Electronically relate the sealed document to the letter-motion. The summary docket text will be open to public inspection and should not include confidential information sought to be redacted or filed under seal. The sealed document itself will not be viewable by the public.

3. File the document on the public docket with the confidential information redacted. If seeking to file the document completely under seal because there is a valid basis to overcome the presumption in favor of public access for the *entire* document, file a placeholder. Electronically relate the document to the letter-motion.

4. Specific Issues

    a. Multiple Attachments. If a document has a number of attachments, some of which have confidential information and some of which do not (*e.g.*, a declaration with confidential and non-confidential exhibits), in Step 2 above, file the document and *all* of the attachments under seal, including those that do not have confidential information, but follow Step 3 and file the document on the public docket with only

the confidential information redacted.

b. Confidential Information of Another Party. If a party seeks to file a document with redactions or under seal because the document contains information marked confidential by another party, the letter-motion filed in Step 1 must so indicate and may request that the Court not rule on the letter-motion for one week. The filing party must meet and confer with the party who produced the confidential information (the "Producing Party"). If the Producing Party does not seek to keep that information redacted or under seal, the filing party must so inform the Court by letter to be filed within one week of the letter-motion. If the Producing Party seeks continued redaction or sealing of any materials, the Producing Party shall within one week:

    i. File a letter-motion in public view, explaining the particular reasons for seeking to keep the document with redactions or under seal, and attach as an exhibit the document with the confidential information redacted.

    ii. File the same letter under seal and attach as an exhibit the document with the requested redactions highlighted and visible (or otherwise prominently marked so that it is clear what is sought to be redacted).

    Failure by the Producing Party to file a letter within one week will constitute grounds for unsealing. If the Court approves the Producing Party's redactions, the filing party will be ordered to re-file the document with redactions consistent with those proposed by the Producing Party.

c. Non-ECF Filing. Any party unable to comply with the requirements for electronic filing under seal through the ECF system, or who has reason to believe that a particular document should not be electronically filed, must move for leave of the Court to file by other means.