

April 2020

**INDIVIDUAL PRACTICES OF  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE**

To ensure the maximum operation of Chambers amidst the rapidly developing COVID-19 outbreak, beginning March 16, 2020 and until June 1, 2020 or further order from the Court, communications with Chambers shall be conducted as follows:

**A. Letters.** Letters shall continue to be filed via ECF pursuant to the S.D.N.Y. Local Rules and Judge Buchwald's Individual Practices. Letters to be filed under seal or containing sensitive or confidential information should be emailed to [BuchwaldNYSDCChambers@nysd.uscourts.gov](mailto:BuchwaldNYSDCChambers@nysd.uscourts.gov).

**B. Telephone Calls.** In situations that require the Court's immediate attention, parties are directed to call Chambers as follows:

- a. For cases with docket numbers ending in -1, -2, or -3, call (212) 805-0584.
- b. For cases with docket numbers ending in -4, -5, or -6, call (212) 805-0568
- c. For cases with docket numbers ending in -7, -8, or -9, call (212) 805-0567.
- d. For cases ending in -0, call the phone number associated with the immediately preceding number (e.g., for cases ending in -10, call (212) 805-0584
- e. For cases that are part of the LIBOR MDL, case number 11-md-2262, call (212) 805-0584.
- f. For administrative questions (e.g., questions regarding docketing, previously scheduled court appearances, or other calendar matters), call (212) 805-0194.

Voicemail messages shall state the case name and docket number, your first and last name, the name of the part(ies) that you represent, and the phone number at which you can be reached during regular business hours.

Unless otherwise ordered by Judge Buchwald or specified above, matters before Judge Buchwald shall be conducted in accordance with the following practices:

**1. Communications With Chambers**

**A. Letters.** Letters may be filed via ECF if they comply with the S.D.N.Y. Local Rules and the S.D.N.Y. "Electronic Case Filing Rules and Instructions." **During this time period, do not send a courtesy copy by fax or mail.**

Simultaneously with the ECF filing of a letter a courtesy copy must be faxed or hand-delivered to Chambers. Failure to promptly furnish a courtesy copy to Chambers will result in a delayed response since as a general matter, materials filed via ECF are reviewed by the Court the business day after they have been filed. Letters to be filed under seal or containing sensitive or confidential information should be delivered to the Court by fax, hand or mail. Copies of correspondence between counsel shall not be sent to the Court.

**B. Telephone Calls.** Except as provided in Paragraph 1(D) below, telephone calls to Chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call Chambers at (212) 805-0194.

**C. Faxes.** Faxes to Chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than 10 pages may be faxed without prior authorization. Do not fax copies of documents filed on ECF. Do not follow with hard copy. The fax number is (212) 805-7927. See Paragraph 2(C) below regarding courtesy copies of motion papers.

**D. Docketing, Scheduling, and Calendar Matters.** For docketing, scheduling and calendar matters, call Chambers at (212) 805-0194 between 9:00 A.M. and 5:00 P.M.

**E. Requests for Adjournments or Extensions of Time.** All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling Order (reflecting only business days) must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

## **2. Motions**

**A. Letter-motions.** Letter-motions may be filed via ECF if they comply with the S.D.N.Y. Local Rules and the S.D.N.Y. “Electronic Case Filing Rules and Instructions.” Simultaneously with the ECF filing of a letter a courtesy copy must be faxed or hand-delivered to Chambers. Failure to promptly furnish a courtesy copy to Chambers will result in a delayed response since as a general matter, materials filed via ECF are reviewed by the Court the business day after they have been filed.

**B. Pre-Motion Conferences in Civil Cases.** A pre-motion conference is required before making any motion, except for motions to be brought on by orders to show cause, motions by incarcerated pro se litigants, motions for reargument, motions to remand, applications to be relieved as counsel, motions for relief from judgment, motions to vacate or confirm an arbitral award, or any other motion required by the Federal Rules of Appellate Procedure or the Federal Rules of Civil Procedure to be made by a time certain (see list below). The filing of a request for a pre-motion conference to dismiss prior to answer stays the time for the filing of an answer until after the conference is held or until further order of the Court. To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three pages in length setting forth the basis for the anticipated motion. The other party should submit a response within three business days.

Nothing in my Individual Practices supersedes a specific time period for filing a motion specified by statute or Federal Rule -- including but not limited to Fed. R. Civ. P. 50, 52, 54, 59, and 60, and Fed. R. App. P. 4 -- where failure to comply with the specified time period could result in forfeiture of a substantive right.

**C. Courtesy Copies.** Two courtesy copies of all motion papers, marked as such, shall be submitted to Chambers promptly after filing via ECF. Courtesy copies shall be bound or otherwise collated.

**D. Memoranda of Law.** Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

### **E. Format of Motion Papers.**

1. Motion papers shall be accompanied by a letter no longer than three pages outlining the substantive argument advanced in the motion papers. Such letters shall accompany opening memoranda of law and opposition memoranda of law. This letter requirement is separate from the pre-motion letter referenced in 2(B).
2. The form of all pleadings, motions, and other papers should

conform with Local Civil Rule 11.1 such that:

- (a) all text must be 12-point type or larger, except for text in footnotes, which may be in 10-point type;
- (b) all documents must have at least one-inch margins on all sides; and
- (c) all text must be double-spaced, except for text in headings, footnotes, or block quotations, which may be single spaced.

**F. Summary Judgment Motions and Rule 56.1 Statements.** Any party moving for summary judgment shall provide all other parties with an electronic copy, in Microsoft Word format, of the moving party's Statement of Material Facts Pursuant to Local Rule 56.1. 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.

**G. Default Judgments.** Counsel should follow Local Civil Rules 55.1 and 55.2 and S.D.N.Y. "Electronic Case Filing Rules and Instructions" Rule 16.

#### **H. Electronic Filing Under Seal in Civil and Miscellaneous Cases.**

1. **Sealing/Redactions 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.
2. **Sealing/Redactions Requiring Court Approval.** Motions or Letter Motions for approval of sealed or redacted filings in civil and miscellaneous cases and the subject documents, including the proposed sealed document(s), must be filed electronically through the Court's ECF system in conformity with the Court's standing order, 19-mc-00583, and ECF Rules & Instructions, section 6. Contemporaneously with the electronic filings, counsel shall mail courtesy copies to Chambers.

**I. Oral Argument on Motions.** Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed or may include such a request in bold typeface next to the case caption. The Court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

#### **3. Pretrial Procedures**

The Court will set an individual schedule for filings prior to trial covering the

subjects of pretrial orders, jury charges, in limine motions, proposed findings of fact and conclusions of law, and pretrial memoranda as appropriate.