

**INDIVIDUAL PRACTICES IN CIVIL CASES**  
**SARAH NETBURN, UNITED STATES MAGISTRATE JUDGE**

**\*\*\* NOTICE \*\*\***

Members of the public are **prohibited** from contacting Judge Netburn's Chambers about matters pending before the Court. It is a **federal crime** to communicate with the Court with the intent to influence, intimidate, or impede a judge in the discharge of her official duties. Any communications interpreted as such will be immediately reported to the U.S. Marshals Service for further investigation.

**Chambers**

Thurgood Marshall Courthouse  
40 Foley Square, Room 430  
New York, NY 10007

**Courtroom**

Thurgood Marshall Courthouse  
40 Foley Square, Courtroom 219  
Diljah Shaw, Courtroom Deputy  
(212) 805-0286

**Unless otherwise ordered, these Individual Practices apply in all civil matters.**

Magistrate judges preside over civil cases in two ways: (1) for one or more specific purposes, pursuant to an order of reference by the assigned district judge, or (2) for all purposes, on the consent of all parties, pursuant to 28 U.S.C. § 636(c). Once counsel has consented for all purposes, and the consent form is signed by the district judge, the magistrate judge may conduct all proceedings in a civil action and order the entry of a final judgment. The right to trial by jury is preserved, and appeals are sent directly to the U.S. Court of Appeals.

In the Southern District of New York, it is the uniform practice of magistrate judges to schedule civil trials for firm dates, rather than requiring counsel to be available on short notice. Magistrate judges often will also have greater availability to schedule trials at the parties' convenience. Should the parties wish to have Judge Netburn hear their case for all purposes, the Consent to Proceed Before U.S. Magistrate Judge form is available on the Court's website.

**I. Communications with Chambers**

- A. Letters.** Except as otherwise provided below, communications with the Court should be by letter. Unless there is a request to file a letter under seal or a letter contains sensitive or confidential information, letters should be filed electronically on the Electronic Case Filing (ECF) system. Do not also email a copy to chambers.

*Ex parte* settlement letters, proposed case management plans, or letters otherwise containing sensitive or confidential information should be emailed to Chambers as a .pdf (not .pdf/A) attachment to the address provided on the scheduling order. E-mails shall: (1) state in the subject line the caption of the case, including the lead party names and docket number; and (2) provide a brief description of the contents of the letter. Parties

shall not include substantive communications in the body of the e-mail; such communications shall be included only in the attached letter. Confidential information should be clearly indicated as such.

Letters may not exceed 5 pages in length (exclusive of exhibits). 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).

- B. Letter Motions.** Letter motions must be filed via ECF and must comply with the S.D.N.Y. Local Rules and the S.D.N.Y. Electronic Case Filing Rules and Instructions. Letter motions may include requests for: adjournments, extensions, pre-motion conferences (including pre-motion conferences with respect to discovery disputes), settlement conferences, and remote attendance at a settlement conference.

In particular, **requests for adjournment** must state: (1) the original date(s); (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 a conference must be rescheduled, counsel may propose alternative dates, and the Court will try to accommodate that request. Absent good cause, any request for extension or adjournment shall be made ***at least 48 hours*** before the deadline or scheduled appearance.

- C. Service in *Pro Se* Cases.** *Pro se* litigants may choose to receive documents in their cases electronically (by email) instead of by regular mail by completing the Consent to Electronic Service form and filing it with the Court. In such cases, service is completed upon the *pro se* litigant by filing a document on ECF. If the *pro se* litigant has not filed a Consent to Electronic Service, that party must be served with a paper copy, and proof of such service must be filed with the Court.

- D. Docketing, Scheduling, and Calendar Matters.** For docketing, scheduling, and calendar matters, email the Courtroom Deputy at [Diljah\\_Shaw@nysd.uscourts.gov](mailto:Diljah_Shaw@nysd.uscourts.gov). Telephone calls to Chambers are permitted only for ***urgent*** matters requiring immediate attention.

- E. Audio/Visual Materials.** Audio/visual material cannot be filed on ECF. If a party wishes to submit audio or visual evidence for the Court's consideration, the evidence should be submitted on a USB with **no security measures** (i.e., password protections). The USB can be mailed to Chambers or delivered to the mailroom at the Thurgood Marshall Courthouse, 40 Foley Square, New York, NY 10007.

- F. ECF.** In accordance with the Electronic Case Filing Rules and Instructions, counsel are required to register promptly as ECF filers and to enter an appearance in the case. The pertinent instructions are available on the Court website, at <https://nysd.uscourts.gov/electronic-case-filing>. Counsel are responsible for updating their contact information on ECF, should it change, and they are responsible for checking the docket sheet regularly, regardless of whether they receive an ECF notification of case activity. For questions about ECF rules and procedures, please contact the ECF help desk at (212) 805-0800.

## **II. Pre-Trial Practice**

- A. Initial Case Management Conference.** Parties must confer and then email a joint Proposed Civil Case Management Plan and Scheduling Order to the Court one week before the conference as a .pdf attachment consistent with Paragraph I(a) above. This document is available at <https://nysd.uscourts.gov/hon-sarah-netburn>.
- B. An incarcerated party** will be able to participate by telephone or video conference. If appropriate, the Court's scheduling order will outline the procedures for the telephone or video conference.
- C. Discovery Disputes.** Parties shall follow Local Rule 37.2 with the following modifications. Any party wishing to raise a discovery dispute with the Court must first confer in good faith with the opposing party, in person or by telephone, in an effort to resolve the dispute. If this meet-and-confer process does not resolve the dispute, the party may submit an ECF letter motion to the Court, no longer than five pages, explaining the nature of the dispute and requesting an informal conference. Such letter ***must include evidence or a representation that the meet-and-confer process occurred***, including when and whether it was in person or over the telephone. Any responsive letter should be submitted within three business days. Confidential information should be clearly indicated as such in letters.
- D. Settlement Procedures.** For information about the Court's rules regarding settlement conferences, refer to Procedures for Cases Referred for Settlement, available at <https://nysd.uscourts.gov/hon-sarah-netburn>.

### III. Motions

- A. Memoranda of Law.** The typeface, margins and spacing of motion papers must conform to Local Civil Rule 7.1. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 8,750 words, and reply briefs are limited to 3,500 words. Memoranda of 3,500 words or more shall contain a table of contents and a table of authorities. Sur-reply memoranda will not be accepted without prior permission of the Court.

All moving papers, letter motions, and letters filed on ECF or emailed to chambers must be in ***searchable PDF form***. Typically, this means that a document created using word-processing software must be converted to PDF from the original word-processing file. PDF images may not be created by scanning paper documents.

- B. Courtesy Copies.** One courtesy copy of all motion papers, marked as such, shall be submitted to Chambers ***by the movant after the motion has been fully briefed***. Courtesy copies should not be submitted to Chambers on a rolling basis. All courtesy copies should be placed in ***well-organized three-ring binder(s)***. For all motions, oppositions, and replies containing multiple items of documentary evidence, the evidence must be divided into exhibits, separated by tab dividers, and preceded by an exhibit list. The moving party should submit the courtesy copies to Chambers no later than ***one week*** after the motion became fully briefed. Courtesy copies can be mailed to Chambers or delivered to the mailroom at the Thurgood Marshall Courthouse, 40 Foley Square, New York, NY 10007.
- C. Oral Argument on Motions.** Parties may file a letter motion for oral argument when the motion has been fully briefed and courtesy copies are submitted to Chambers.
- D. Proposed Stipulations and Orders.** Except as otherwise provided in these Rules and Practices, parties should electronically file proposed stipulations and orders that they wish the Court to sign in accordance with the ECF Rules and Instructions. Courtesy copies should not be sent to Chambers.
- E. Redactions and Electronic Filing Under Seal.** Any party wishing to file a redacted pleading, motion, memorandum, exhibit, or other document, or any portion thereof, must make a specific request to the Court by letter explaining the reasons for seeking to file that submission under seal and addressing the request in light of the governing law. See, e.g., *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006).

To avoid the unnecessary filing of documents under seal, counsel for the parties will discuss the need to file Confidential Materials under seal. If the parties agree in writing that a particular document that has been designated Confidential Material shall

not be filed under seal, that document can be filed without redaction and such filing will not be a breach of any Stipulation of Confidentiality.

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](#).

The motion must be filed in public view, must explain the reasons for seeking to file that information under seal and should not include confidential information sought to be filed under seal. Supporting papers must be separately filed electronically and may be filed under seal or redacted only to the extent necessary to safeguard information sought to be filed under seal.

The proposed sealed document must be contemporaneously filed under seal in the ECF system and electronically related to the motion. The summary docket text, but not the sealed document, will be open to public inspection and should not include confidential information sought to be filed under seal.

Where the motion seeks approval to redact information from a document that is to be publicly filed, the filing party shall: (a) publicly file the document with the proposed redactions, and (b) electronically file under seal a copy of the unredacted document with the proposed redactions highlighted. Both documents must be electronically filed through the ECF system and related to the motion.

#### **IV. Pretrial Procedures**

**Joint Pretrial Order.** After the close of discovery, the Court will file a Scheduling Order containing instructions for the parties' Proposed Joint Pretrial Order.

*For questions about these practices, please contact the Courtroom Deputy at (212) 805-0286.*