Revised: March 17, 2025

INDIVIDUAL PRACTICES IN CIVIL CASES

Valerie Caproni, United States District Judge

Chambers
United States District Court
Southern District of New York
500 Pearl Street, Chambers 1930
New York, NY 10007
CaproniNYSDChambers@nysd.uscourts.gov

Courtroom
500 Pearl Street, Courtroom 20C
Angela Caliendo, Courtroom Deputy

Unless otherwise ordered, these Individual Practices apply to all civil matters before Judge Caproni, except for civil *pro se* cases (*see* Individual Practices in Civil *Pro Se* Cases, at https://nysd.uscourts.gov/hon-valerie-e-caproni). In cases designated to be part of the Section 1983 Plan, the Section 1983 Plan's procedures shall govern to the extent that they are inconsistent with these Individual Practices.

1. Notices of Appearance. All counsel must file Notices of Appearance on ECF before appearing for a conference or filing any materials on ECF. Attorneys who intend to file for admission *pro hac vice* should make all efforts to do so before appearing for a conference or filing any materials. Counsel must also ensure that their ECF profiles reflect up-to-date employment and contact information. ECF instructions are available on the Court website at https://nysd.uscourts.gov/rules/ecf-related-instructions.

2. Communications with Chambers

A. Letters. Except as otherwise provided below, all communications with the Court should be by letter. Letters must be filed electronically on ECF unless there is a request to file a letter under seal or a letter contains sensitive or confidential information (see Rule 5, below). Absent a request to file a letter under seal, any substantive letter or email received by the Court that is not filed electronically on ECF will be docketed by the Court. Copies of correspondence between counsel must not be filed on ECF or otherwise sent to the Court (except as exhibits to an otherwise properly filed document). In all correspondence with the Court containing a request, the requesting party must indicate whether its adversary consents to the request. Unless otherwise ordered by the Court or in exceptional circumstances, letters should generally not exceed five pages in length.

B. Telephone Calls. For questions that cannot be answered by reference to these Rules or the S.D.N.Y. Local Rules, or for docketing, scheduling, and calendar matters, counsel may contact the Courtroom Deputy, Angela Caliendo, at the Chambers inbox listed above. For situations requiring immediate attention from the Court, counsel should email the Chambers inbox requesting the Court's contact information. The Re line of the email should be marked "URGENT" and the text should provide a short explanation of the emergency and should be copied to all parties.

C. **Requests for Adjournments or Extensions of Time.** All requests for adjournments or extensions of time must be made by letter and must state: (1) the reason for the proposed adjournment or extension; (2) the original due date; (3) the number of previous requests for adjournment or extension of time; (4) whether the other party or parties consent and, if not, the reason given for refusing to consent; and (5) proposed alternative dates. Requests for adjournment of a Rule 16 conference must comply with Rule 3.A of these Individual Practices. Absent an emergency, the request must be made at least 48 business hours prior to the original due date. Failure to comply with this rule may be grounds for denying an adjournment or extension request.

D. **Proposed Orders and Stipulations.** All proposed orders, stipulations, and judgments must be submitted as attachments or exhibits to a letter to the Court filed on ECF explaining the purpose of the proposed order, stipulation, or judgment. The parties must also email a Microsoft Word version to the Court at CaproniNYSDChambers@nysd.uscourts.gov.

E. **Urgent Communications.** Materials filed via ECF are not necessarily reviewed the same day they are filed. If a submission requires immediate attention, please notify Chambers by an email to the Chambers inbox; the Re line should be marked "URGENT."

3. Conferences

A. **Initial Case Management Conference.** The Court will generally schedule a Federal Rule of Civil Procedure 16 conference on a Friday morning approximately six weeks from the filing of the Complaint. Plaintiff's counsel (or, in a matter removed from state court, defendant's counsel) is responsible for distributing copies of the Notice of Initial Pretrial Conference to all parties. The Notice will direct the parties to submit to the Court, approximately one week prior to the conference date, a joint proposed Case Management Plan and Scheduling Order and a joint letter. Requests for adjournments of the initial pretrial conference must be made in accordance with Rule 2(C) of these Individual Practices and must include proposed alternative dates that fall on Friday mornings.

All parties should be prepared to discuss at the initial pretrial conference any pending or anticipated motions as well as the basis for subject matter jurisdiction.

B. **Discovery Disputes.** In the event of a discovery dispute: Any party wishing to raise a discovery dispute with the Court must first meet and confer in good faith with the opposing party, in person or by telephone, in an effort to resolve the dispute. If this process fails and the Court's intervention is required, the parties must jointly call Chambers to hold a joint teleconference with the Court for prompt resolution of the dispute. The parties should email the Chambers inbox

requesting the Court's contact information; mark the Re line of the email "Discovery Dispute."

i. Discovery disputes that cannot be resolved by the parties must be brought to the Court's attention in a timely fashion. If the parties have failed to do so, the Court is unlikely to grant a request for an extension of the discovery deadline because of the existence of outstanding, disputed discovery requests.

ii. When calling Chambers to resolve a discovery dispute, counsel for **all** parties must appear on the line and be prepared to: (a) provide a brief synopsis of the dispute to a law clerk; (b) propose mutually convenient times for a teleconference with Judge Caproni in the event she is not immediately available at the time of the call; and (c) state whether the parties would like the call to be recorded or transcribed. All teleconferences will be conducted off the record unless all parties consent otherwise.

iii. The Court will determine during the teleconference whether written submissions will be required. Parties should not make written submissions regarding discovery disputes absent Court permission.

iv. If, with the Court's permission, a party submits documents for *in camera* review to resolve a dispute regarding redactions to documents to be produced in discovery, the party must submit those documents as instructed in Rule 5 below.

C. Court Appearances.

i. Most court appearances will be held in person. Initial pretrial conferences will be held in person absent extraordinary reasons for conducting them by telephone.

ii. At least one attorney for each party who appears for a conference must have sufficient knowledge to discuss all matters relating to the case.

iii. The Court encourages the participation of junior attorneys in all proceedings, particularly where a junior attorney played a substantial role in drafting a submission or preparing a witness. To encourage such participation, the Court will, upon request, allow more than one attorney to argue a motion on behalf of a party.

iv. Any attorney who intends to speak on behalf of a party at a conference must file a Notice of Appearance prior to the conference.

4. Motions

A. Pre-Motion Submissions. Written pre-motion submissions are not required for any motion. Before filing a Motion to Strike, the moving party must coordinate a teleconference with Chambers to discuss the proposed motion.

B. Memoranda of Law.

i. **Page and Word-Count Limits.** If filed by an attorney or prepared with a computer, unless otherwise provided by statute or rule, memoranda of law in support of and in opposition to motions are limited to 8,750 words and reply memoranda are limited to 3,500 words. If filed by a party who is not represented by an attorney and handwritten or prepared with a typewriter, in support of and in response to a motion must not exceed 25 pages, and reply briefs must not exceed 10 pages. These limits will be enforced strictly, and any requests for page or word-count enlargements must be filed in advance of the motion. If a memorandum is filed by an attorney or prepared with a computer, it must include a certificate by the attorney, or party who is not represented by an attorney, that the document complies with the word-count limitations. The person preparing the certificate may rely on the word count of the word-processing program used to prepare the document. The certificate must state the number of words in the document. The text in the certificate does not count toward the word-count limitation.

ii. **Formatting Requirements**. Memoranda of 10 pages or more must contain a table of contents and a table of authorities, which do not count toward the word limit. All memoranda must be formatted with one-inch margins and double-spaced and all text must be in Times New Roman, 12-point font. Footnotes may be in smaller font, but in no case smaller than 10-point font.

C. Courtesy Copies. Not later than two (2) business days after the reply has been served, the movant must mail or hand-deliver to the Court one courtesy copy of all papers relevant to the motion, including those opposing the motion, in a tabbed three-ring binder. Exhibits (if any) must also be organized in a tabbed three-ring binder. Unless doing so would be unduly burdensome, the movant must also email Chambers (CaproniNYSDChambers@nysd.uscourts.gov) a link to a password-protected file-sharing site (e.g., Sharefile) that contains text-searchable copies of any hearing or deposition transcripts, as well as any other item on which the parties rely that cannot be submitted as a single file on ECF (e.g., videos or very long documents). The same rules apply to appellants seeking review of a bankruptcy court decision.

D. Oral Argument on Motions. Parties may request oral argument by letter or directly on the cover of the briefs when they file their moving, opposing, or reply

papers. The Court will determine whether argument will be heard and may order oral argument *sua sponte*. As stated above in Rule 3(D)(iii), the Court encourages the participation of junior attorneys in oral arguments, particularly when a junior attorney played a substantial role in drafting a submission. To encourage such participation, the Court will, upon request, allow more than one attorney to argue a motion on behalf of a party.

E. Motions to Dismiss

i. **Amending the Complaint or Cross- or Counter-claims.** If a motion to dismiss is filed, the Plaintiff (or cross- or counter-claimant) has a right to amend its pleading within 21 days of the motion, pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). If the Plaintiff (or cross- or counter-claimant) elects to amend its pleading, the previously filed motion to dismiss will be denied as moot, and the moving party shall, within 21 days of such amendment: (1) answer or (2) again move to dismiss. If the Plaintiff (or cross- or counter-claimant) elects to amend its pleading, it must file a **redlined version** of the amended pleading comparing the revisions made to the prior version of the pleading.

ii. **Briefing Schedule.** If the Plaintiff (or cross- or counter-claimant) elects not to amend its pleading in response to a motion to dismiss, the motion will proceed in the normal course, pursuant to the briefing schedule set by the Court (or, in the absence of a specific order, pursuant to the briefing schedule set forth in Local Civil Rule 6.1(b)). In that situation, the non-moving party must address in its response whether it seeks leave to amend in the event the motion is granted.

F. Motions to Exclude the Testimony of Experts. Motions to exclude the testimony of experts should not be treated as motions *in limine*. If the parties anticipate that there will be a dispute over the admissibility of expert testimony, the issue must be raised at the status conference following the close of fact discovery so that the Court may set an appropriate briefing schedule. If such a dispute arises after that status conference, the party disputing the admissibility of the expert's testimony must promptly notify the Court so that an appropriate briefing schedule may be set.

G. Motions for Summary Judgment

i. **Generally Not Available in Non-Jury Cases.** Absent good cause, the Court generally will not consider summary judgment motions in non-jury cases. If a party wishes to move for summary judgment in a non-jury case, that party should raise the issue in the parties' joint letter submitted before the status conference following the close of fact discovery.

ii. **Local Rule 56.1 Statements.** Pursuant to Local Civil Rule 56.1, the first party to move for summary judgment must file a statement of material undisputed facts ("56.1 Statement") and the opposing or cross-moving party must respond.

a. **Organization of 56.1 Statements.** The 56.1 Statement must be organized into numbered paragraphs, and each numbered paragraph must contain only one factual assertion. Each factual assertion must be supported by a citation to the portion(s) of the evidentiary record relied upon to support the factual assertion. As required by Local Rule 56.1(e), the moving party shall provide all opposing or cross-moving parties with a Microsoft Word version of the 56.1 Statement so that the opposing or cross-moving party may incorporate their responses into a single document, as discussed below.

b. **Responses to 56.1 Statements.** Opposing or cross-moving parties must reproduce each entry in the moving party's 56.1 Statement and set out the opposing party's response directly beneath each allegation in a 56.1 Counterstatement. The response must state specifically what is admitted and what is disputed, as well as the basis for any dispute and citations to specific portions of the evidentiary record that supports the existence of a genuinely disputed fact. The opposing or cross-moving party may make additional factual allegations by adding paragraphs numbered consecutively to those of the moving party (i.e., do not begin re-numbering at 1).

If the opposing or cross-moving party makes additional factual allegations, that party must provide the moving party with a Microsoft Word version of its 56.1 Counterstatement. The moving party must file a responsive 56.1 Statement using the same method described above (i.e., by reproducing the entire set of 56.1 Statements and Responses, the opposing or cross-moving party's additional allegations, and the moving party's responses thereto).

In short: at the time the motion is fully briefed, the Court should have one, final consolidated 56.1 Statement.

c. **Multiple Parties Must Coordinate Statements.** If multiple parties are submitting 56.1 Statements in support of or opposition to the same motion, they must coordinate their statements to provide for consecutive, non-overlapping, numbered paragraphs in their respective statements.

d. **Statements of Facts.** 56.1 Statements may not serve as a substitute for a statement of facts in a memorandum of law. If a party incorporates a 56.1 Statement in place of a statement of facts, the Court may order the party to amend its memorandum to include facts and will not provide additional work count in which to do so.

e. **Record citations.** All parties must support all legal arguments and factual assertions in their memoranda of law with citations to their 56.1 Statements. The Court will not search through the record in support of facts relevant to a party's claim or defense. *See* Fed. R. Civ. P. 56(c)(3); *Amnesty Am. v. Town of W. Hartford*, 288 F.3d 467, 470 (2d Cir. 2002).

H. **Motions for Default Judgment.** A party seeking a default judgment must proceed by way of an Order to Show Cause pursuant to the procedure set forth in Attachment A in addition to the requirements set forth by Local Rule 55.2.

5. Requests to Redact or File Under Seal

A. Any party seeking to file any pleading, motion, memorandum, exhibit, or other document, or any portion thereof, in redacted form or under seal, must follow the below instructions for Electronic Filing, unless the party is (1) unable to file documents under seal through the ECF system or (2) has reason to believe that a particular document should not be electronically filed. If either of those conditions are met, the parties must follow the instructions for Non-Electronic Filing.

B. **Electronic Filing.** 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.

i. **Sealing/Redactions Not Requiring Court Approval.** Redactions made pursuant to Federal Rule of Civil Procedure 5.2(a) do not require Court approval, but the parties must either file the unredacted document(s) under seal on ECF or email the unredacted document(s) to Chambers, at CaproniNYSDChambers@nysd.uscourts.gov.

If a case is entirely under seal or if the Court previously ordered that certain documents be filed under seal or with specific redactions, a party need not again request permission to file under seal. The party must file any such document electronically on ECF, under seal, and provide, via mail or hand-delivery, a courtesy copy to Chambers if the document exceeds 20 pages.

ii. **Sealing/Redactions Requiring Court Approval.** Any party wishing to file any document, or any portion thereof, in redacted form or under seal for reasons other than Rule 5.2(a) of the Federal Rules of Civil Procedure must file a letter motion requesting permission from the Court to do so. The letter must explain why sealing is appropriate in light of the presumption of access discussed by the Second Circuit in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006).

The letter must also indicate whether the opposing party consents to the proposed sealing or redaction. If a request to file a redacted document is based on another party's designation of information as confidential, the parties shall confer and jointly submit the request to file the material in redacted form.

Unless a party seeks to file a redacted or sealed document *ex parte*, opposing counsel must have access to all communications with the Court.

iii. **Procedure to File Under Seal.** A party must complete the following steps in order to file redacted or sealed documents:

a. File, **in public view** on ECF**,** the letter motion requesting sealing or redaction.

b. File, as a separate entry on ECF, any papers in support of the letter motion. Supporting papers may be filed under seal or redacted only to the extent necessary to safeguard information sought to be filed under seal.

c. File, **under seal** on ECF, the documents that are the subject of the sealing or redaction request. If a party is filing a motion for redactions, **the proposed redactions must be highlighted** in the unredacted document(s) filed under seal. The sealed documents must also be marked in the ECF system as related to the letter motion. **Note**: the summary docket text associated with the sealed document will be visible to the public and should not include any information sought to be filed under seal.

d. File, **in public view** on ECF, the redacted versions of any documents that are the subject of a motion to redact.

e. If a motion for sealing or redactions is denied, the Court will generally order the party to re-file the subject documents on ECF in public view, allowing the party's prior submission to remain sealed on ECF.

f. If any document containing sensitive information is filed in public view by mistake, the party must promptly contact Attorney Services at the Clerk's Office at 212-805-0800, and notify Chambers by phone or email if the issue is not resolved.

C. Non-Electronic Filing

i. **Procedure to Request Non-Electronic Sealing.** Any party seeking to seal or redact a document without filing the relevant documents on ECF must explain in the party's letter motion requesting sealing or redactions why the party is unable or unwilling to use electronic sealing on ECF. The moving party must also:

a. Follow the instructions for Electronic Filing (Rule 5(B)), except that any documents that would otherwise be filed under seal on ECF must be emailed to Chambers (CaproniNYSDChambers@nysd.uscourts.gov). The party may transmit documents as attachments or via a link to a drop box from which the Court may download the documents. Any documents that do not contain sensitive information must be electronically filed on ECF, in addition to being emailed to Chambers. Unless a party seeks to file a redacted or sealed document *ex parte*, opposing counsel must be copied on to all communications with the Court.

b. If the document(s) exceeds 20 pages, provide a courtesy copy of the relevant document(s) to Chambers via mail or hand-delivery.

ii. **Procedure to File Sealed Documents.** A document is not actually filed under seal or included as part of the official case record until the party files the document physically with the Sealed Records Department or electronically on ECF. If the request to file under seal or in redacted form using non-electronic filing is approved, the party that made the request must:

a. File with the Sealed Records Department:[1] (1) a copy of the Court's order granting the redaction/sealing request; (2) an unredacted copy of the document(s) that were the subject of the redaction/sealing request; and (3) a CD containing electronic copies, in PDF format, of the unredacted document(s) that were the subject of the redaction/sealing request.

b. Further instructions on the procedure for filing documents with the Sealed Records Department are located on the Southern District of

[1] The Sealed Records Department is located in Room 370 of Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007.

New York's website at:
https://nysd.uscourts.gov/programs/records/sealed.

6. Other Pretrial Guidance

A. Applications for a Temporary Restraining Order ("TRO"). A party must confer with his or her adversary before making an application for a TRO unless the requirements of Federal Rule of Civil Procedure 65(b) are met. As soon as a party decides to seek a TRO, he or she must call Chambers at (212) 805-6350 to schedule a time to present its application to the Court and state clearly whether (1) he or she has notified the adversary, and whether the adversary consents to temporary injunctive relief; or (2) the requirements of Rule 65(b) are satisfied and no notice is required. If a party's adversary has been notified but does not consent to temporary injunctive relief, the party seeking a restraining order must bring the application to the Court at a time mutually agreeable to the party and its adversary, so that the Court may have the benefit of advocacy from both sides in deciding whether to grant temporary injunctive relief.

B. Unpublished Cases. The Court prefers that references to unpublished cases include citations to Westlaw, where possible and not unduly burdensome.

7. Settlements

A. Maintaining Jurisdiction. If the parties would like the Court to retain jurisdiction to enforce their settlement agreement, the parties must either publicly file the terms of that agreement or submit a request to file the agreement under seal in accordance with Rule 5. Absent extraordinary circumstances, the Court will not retain jurisdiction to enforce a confidential settlement agreement. The Court will determine whether to retain jurisdiction after the settlement agreement is filed.

B. Approval of Class Action Settlements

i. **Attorneys Receiving Fees.** Counsel seeking preliminary approval of a class action settlement that includes payment of attorneys' fees must identify all attorneys with whom counsel intends to share the fees, regardless of whether those attorneys have filed Notices of Appearance. Counsel should also provide a fair approximation of the number of hours each attorney has devoted to the case and his or her regular billing rate.

ii. **Factors to Address.** Any motion for preliminary approval of a class action settlement must provide sufficient information regarding: (i) the complexity, expense, and likely duration of the litigation; (ii) the litigation risk, including the risks of establishing liability and damages; (iii) the damages class members allegedly suffered; (iv) the reasonableness of the settlement in light of the best possible recovery and the attendant risks of

litigation; and (v) the rationale for any discount from the "best case" damages calculation, so that the Court can make a preliminary finding as to whether the proposed settlement is procedurally and substantively fair pursuant to Federal Rule of Civil Procedure 23(e). *See Detroit v. Grinnell Corp.*, 495 F.2d 448 (2d Cir. 1974).

iii. **Certification of a Settlement Class.** Motions for conditional certification of a class action settlement must establish that the requirements of Federal Rule of Civil Procedure 23 are met. The motion must show that the requirements of Rule 23(a) and (b) are satisfied, as well as provide facts that would support a preliminary conclusion that the settlement is procedurally and substantively fair pursuant to Rule 23(e).

C. Approval of FLSA Settlements. Parties may not dismiss a FLSA action with prejudice unless the settlement agreement has been approved by either the Court or the Department of Labor ("DOL"). *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). To the extent parties wish to dismiss a settled FLSA action with prejudice, they must either file a copy of the settlement agreement and a joint letter motion requesting that the Court approve the settlement agreement and attorneys' fees as fair and reasonable or, alternatively, provide documentation of the approval by DOL.

i. If the parties wish to proceed without Court or DOL approval, they must submit a stipulation pursuant to Federal Rule of Civil Procedure 41(a)(1)(A). Any such stipulation must be accompanied by an affirmation from Plaintiff's counsel: (1) stating that the Plaintiff(s) have been clearly advised that the settlement of the case does not preclude them from filing another lawsuit against the same Defendant(s); and (2) affirming that the settlement agreement does not contain a release of the Defendant(s). When the parties notify the Court of settlement, the Court will issue an order detailing the information the parties must include in either their joint letter motion or stipulation.

ii. Parties may also proceed without Court or DOL approval pursuant to Federal Rule of Civil Procedure 68(a). Any such Offer of Judgment must be filed on ECF and accompanied by a Proposed Judgment that contains the agreed-upon settlement amount. *See Mei Xing Yu v. Hasaki Rest., Inc.*, 944 F.3d 395 (2d Cir. 2019).

8. Trial Procedures

A. Motions *in limine*. In both jury and non-jury cases, unless a different schedule has been set by the Court, the parties shall file any motions that address evidentiary issues or other matters that should be resolved *in limine* no later than four weeks before trial. Responses to motions *in limine* shall be filed no later than

three weeks before trial. Unless instructed otherwise, the parties are not to file reply briefs in support of motions *in limine*.

B. **Trial Schedule.** Trials will generally be conducted Monday through Thursday from 9:30 a.m. to 5:00 p.m.

C. **Final Pretrial Conference.** The Court will generally hold a Final Pretrial Conference ("FPTC") within one week of trial. Trial counsel must appear for this conference and be prepared to discuss all aspects of the case. If the parties settle the case after the FPTC, they must immediately notify the Court. If any case settles after 12:00 p.m. on the Friday preceding the day on which jury selection will commence, the parties will be taxed the cost of the jury panel.

D. **Joint Pretrial Order.** Unless otherwise ordered by the Court, no later than two weeks prior to trial and one week prior to the FPTC the parties must submit to the Court on ECF a proposed joint pretrial order ("JPTO"). The parties must also mail or hand-deliver to the Court two (2) courtesy copies of the JPTO, in addition to emailing a Microsoft Word version to CaproniNYSDChambers@nysd.uscourts.gov. In addition to the materials required in Federal Rule of Civil Procedure 26(a)(3), the JPTO must include the following:

i. The full caption of the action;

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

iii. A brief statement by plaintiff 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 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 statement as to whether all parties have consented to trial by a magistrate judge, without identifying which parties do or do not consent;

vii. Any stipulations or statements of fact or law to which all parties agree;

viii. 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;

ix. A statement as to whether the parties consent to less than a unanimous verdict;

x. A list of all trial witnesses that indicates whether the witnesses will testify in person or by deposition, and a brief summary of the substance of each witness's testimony;

xi. In jury cases, joint proposed requests to charge, joint proposed *voir dire* questions, and joint proposed verdict sheets. Proposed requests to charge may not be submitted after the due date for the JPTO unless they meet the requirements of Federal Rule of Civil Procedure 51(a)(2)(A). Proposed requests to charge must include citations to supporting legal authority.

Proposed *voir dire* questions should be limited to questions tailored to issues of significance to the particular case. The parties should not include questions designed to adduce standard biographical information, to learn about potential conflicts related to the parties or the attorneys, or to ascertain biases regarding civil cases generally.

xii. **Exhibit Lists**. A list by each party of exhibits to be offered in its case-in-chief, any objections by the opposing party and the grounds therefor, and responses, if any, to those objections. Exhibit lists must take the following form:

Plaintiff's Exhibits

Ex.	Description	Objection	Response
P-1	--	--	--

Defendant's Exhibits

Ex.	Description	Objection	Response
D-1	--	--	--

When preparing objections, the opposing party should assume that the proponent of the exhibit will be able to authenticate the document and lay an evidentiary foundation for its admission into evidence. If, however, based on discussions with counsel or knowledge of the case, the opposing party has a good faith basis to believe the exhibit cannot be authenticated or that a foundation cannot be established, then the opposing party should object on that basis.

xiii. **Deposition Designations**. With respect to any deponent who will not be testifying in person at trial, a designation by each party of deposition testimony to be offered in its case-in-chief and any counter-designations, the grounds for any objections, and any responses to those objections. Deposition designations must be organized chronologically by witness and must take the following form:

John Doe

Designating Party	Page Range	Objection	Response
Plaintiff/Defendant	[Page #]:[line #] – [Page #]:[line #]	--	--
Plaintiff/Defendant	[Page #]:[line #] – [Page #]:[line #]	--	--

Full transcripts of any depositions from which designations have been made must be submitted electronically in a text-searchable format, either on ECF or by email to CaproniNYSDChambers@nysd.uscourts.gov on the same day as the JPTO is due. Designated testimony must be highlighted in yellow if there is no objection and in pink if there is an objection. Objections to deposition designations will be addressed at the FPTC unless otherwise ordered.

Impeachment. To the extent a party intends to use, for impeachment purposes, a deposition transcript of any witness who will be testifying in person at trial, the full transcript of the appropriate deposition must also be electronically submitted to the Court with the JPTO in a text-searchable format either on ECF or by email.

E. Trial Exhibits. Trial exhibits are due on the same day as the parties' proposed JPTO. Each party shall submit to the Court electronic, text-searchable copies of all exhibits sought to be admitted with pre-marked exhibit numbers by emailing Chambers (CaproniNYSDChambers@nysd.uscourts.gov) a link to a password-protected file-sharing site (e.g., Sharefile).

Each party must also submit an Exhibit List, formatted as follows:

Ex.	Description	Identified	Admitted
[D/P]-1	--	--	--

F. Required Pretrial Filings. Each party shall file on ECF and serve with the JPTO:

i. In all cases where the parties believe it would be useful to the Court, a pretrial memorandum of law and any opposition;

ii. 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 evidence as there may be no opportunity for post-trial submissions. The parties must also mail or hand-deliver to Chambers two (2) courtesy copies of the Proposed Findings of Fact and Conclusions of Law, as well as email Microsoft Word versions of these items to CaproniNYSDChambers@nysd.uscourts.gov.

9. Policy on the Use of Electronic Devices

A. Pre-Approved Personal Electronic Devices. Attorneys' use of mobile phones and other personal electronic devices within the Courthouse and its environs is governed by Revised Standing Order M10-468. Subject to security screening, any attorney who is a member of this Court's Bar, obtains the necessary service pass from the District Executive's Office, and shows the service pass upon entering the Courthouse may bring some personal electronic devices into the Courthouse. Mobile phones are permitted inside the Courtroom, but they must be kept turned off at all times. Non-compliance with this rule may result in forfeiture of the device for the remainder of the proceedings.

B. Other Electronic Devices. Prior court order is required for an attorney to bring into the Courthouse any general-purpose computing device, such as a laptop or tablet, or any other electronic equipment that does not qualify as a "personal electronic device" pursuant to Revised Standing Order M10-468. In addition, prior court order is required for any attorney who has not obtained a service pass from the District Executive's Office and wishes to bring a personal electronic device into the Courthouse. Any attorney seeking to bring such equipment into the Courthouse should **e-mail** a proposed order to Chambers **at least 10 business days in advance** of the relevant trial or hearing requesting permission to use such equipment. A fillable version of the order is available at https://www.nysd.uscourts.gov/sites/default/files/2020-06/Electronic%20Dev.pdf. If the request is granted, Chambers will file the Order with the District Executive's Office. Counsel **must** bring a copy of the Order and present it to security upon bringing the equipment into the Courthouse. It is solely the attorney's responsibility to ensure they have proper clearance to bring electronic equipment into the Courthouse.

ATTACHMENT A March 17, 2025

DEFAULT JUDGMENT PROCEDURE

1. Prepare a Proposed Order to Show Cause for Default Judgment and a Proposed Default Judgment.

2. Prepare the following Supporting Papers:

   a. An attorney's affidavit setting forth:

      i. the basis for entering a default judgment, including a description of the method and date of service of the summons and complaint;

      ii. the basis for subject matter jurisdiction;

      iii. the procedural history beyond service of the summons and complaint, if any;

      iv. whether, if the default is applicable to fewer than all of the defendants, the Court may appropriately order a default judgment on the issue of damages prior to resolution of the entire action;

      v. the proposed damages and the basis for each element of damages, including interest, attorneys' fees, and costs; and

      vi. legal authority as to why an inquest into damages is unnecessary (if that is the movant's position).

   b. A copy of the Affidavit of Service of the pleadings to which the lack of response forms the basis for the default.

   c. If failure to answer is the basis for the default, a certificate of default signed by the Clerk of Court pursuant to Local Civil Rule 55.1.

3. File the Proposed Order to Show Cause, the Proposed Default Judgment, and the Supporting Papers on ECF. The Orders and Judgments Clerk will conduct an initial review of the Proposed Order to Show Cause and the Proposed Default Judgment and will indicate on ECF whether these documents are approved as to form.

4. Provide a courtesy copy of the Supporting Papers to Chambers. Email, in Microsoft Word format, the Proposed Order to Show Cause and Proposed Default Judgment to Chambers at CaproniNYSDChambers@nysd.uscourts.gov.

5. After the Orders and Judgments Clerk has approved the Proposed Order to Show Cause as to form, the Court will review the Proposed Order and determine whether to sign it. If the Court signs the Order, the Court will file the signed version on ECF. The signed

Order will inform the parties when to appear for a show-cause hearing (usually, on a Friday at 10:00 a.m.).

6. Serve the signed Order to Show Cause and all Supporting Papers on the defaulting party. Prior to the show-cause hearing, file on ECF an Affidavit of Service, reflecting that the defaulting party was served with the signed Order and the Supporting Papers.

7. At the show-cause hearing, the Court will determine whether to sign the Proposed Default Judgment. If the Court signs the Default Judgment, the Court will file it on ECF.