

INDIVIDUAL PRACTICES IN CIVIL PRO SE CASES
Valerie Caproni, United States District Judge

Pro Se Intake Unit

United States District Court
Southern District of New York
500 Pearl Street, Room 200
New York, NY 10007
(212) 805-0175

Unless otherwise ordered, these Individual Practices apply to all civil *pro se* matters before Judge Caproni. *Pro se* parties may refer to <https://nysd.uscourts.gov/prose> for additional information on appearing *pro se* in the Southern District of New York.

1. Electronic Case Filing

- A. ECF Filing by *Pro Se* Parties.** Any nonincarcerated *pro se* party who wishes to participate in electronic case filing (“ECF”) should complete a Motion for Permission for Electronic Case Filing, available in the Pro Se Intake Unit or at <https://nysd.uscourts.gov/sites/default/files/2019-04/2012-prosemotionecffiling-final.pdf>. The form should be mailed to the Pro Se Intake Unit, 500 Pearl Street, Room 200, New York, NY, 10007.
- B. Consent to Electronic Service by *Pro Se* Parties.** Any nonincarcerated *pro se* party who wishes to receive documents in their case electronically (by e-mail) instead of by regular mail may consent to electronic service by filing a Pro Se (Nonprisoner) Consent & Registration Form to Receive Documents Electronically, available in the Pro Se Intake Unit or at <https://nysd.uscourts.gov/sites/default/files/2018-06/proseconsentecfnotice-final.pdf>.

2. Communications with Chambers

- A. By a *Pro Se* Party.** *Pro se* parties who are registered on ECF should file all letters and motions, absent a request to file a document under seal, via ECF. By Standing Order, a *pro se* party who is not registered on ECF must mail all communications with the Court to the Pro Se Intake Unit located at 500 Pearl Street, Room 200, New York, NY 10007. A *pro se* party must not send any document or filing directly to Chambers. Submissions requiring immediate attention should be hand-delivered to the Pro Se Intake Unit. Unless the Court orders otherwise, all communications with the Court 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 the party and

include proof of service affirming that he or she has done so. Copies of correspondence between a *pro se* party and opposing parties shall not be sent to the Court.

- B. By Parties Represented by Counsel.** Except as otherwise provided below, communications with the Court by a represented party shall be governed by Judge Caproni's Individual Practices in Civil Cases, available at <https://nysd.uscourts.gov/hon-valerie-e-caproni>.
- 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 original due date; (2) the number of previous requests for adjournment or extension of time; (3) whether the adversary consents and, if not, the reason given by the adversary for refusing to consent; and (4) proposed alternative dates. Absent an emergency, the request must be received by the Court at least 48 hours prior to the original due date.

3. Filing of Papers

- A. Docketing of Letters.** Absent a request to file a letter under seal, the Court will docket any substantive letter on ECF, a publicly accessible database.
- B. Sensitive Information.** Unless relevant to the case, parties must not include in submissions to the Court (1) social security numbers, (2) names of minor children, (3) dates of birth, (4) financial account numbers, or (5) nonparties' home addresses. *Pro se* parties wishing to file a document already containing this information must submit a version to the Pro Se Intake Unit with this information blacked out or otherwise unidentifiable. If this information is relevant to the case, the filing party must request permission from the Court prior to filing and explain why the information needs to be included. More information regarding the Southern District's privacy policy is available at <https://nysd.uscourts.gov/privacy-policy>.
- C. Papers Filed by *Pro Se* Parties.** If the *pro se* party is not participating in ECF, then the *pro se* party must send all papers to be filed with the Court to the Pro Se Intake Unit.
- D. Service on *Pro Se* Parties.** Except for cases in which the *pro se* party has received permission to participate in ECF or has consented to electronic service, counsel in cases involving *pro se* parties must serve the *pro se* parties with paper copies of any document that is filed electronically or otherwise submitted to the Court and must attach a separate proof of service. Submissions without such proof of service will not be considered.

4. **Discovery.** *Pro se* parties should send all requests for discovery to the opposing party or, if the opposing party is represented, to his or her counsel. Discovery requests should not be sent to the Court.
5. **Initial Case Management Conference.** The Court will generally schedule an initial case management conference to set the timeline for the case within four months of the filing of the complaint.
 - A. An incarcerated *pro se* party may not be able to attend this or other conferences, but may be able to participate by telephone. If an incarcerated *pro se* party does not have counsel and is unable to participate by telephone, a family member or a representative may attend the conference. In such instances, the incarcerated *pro se* party may submit in advance of the conference a letter regarding any issue he or she wishes to have addressed at the conference. If a representative is designated, he or she should contact Chambers at (212) 805-6350 to determine the location of the conference. The Court will also have a transcript of the conference sent to the incarcerated *pro se* party.

6. **Motions**

- A. **Filing and Service.** Unless otherwise ordered by the Court, papers filed by a *pro se* party in opposition to a motion must be served and filed within four weeks of service of the motions papers, and reply papers, if any, must be served and filed within two weeks of receipt of opposition papers. In cases using ECF where both paper and electronic copies are served, the date of service is the date of electronic service. Unless otherwise ordered by the Court, filing deadlines for counseled parties are governed by Local Rule 6.1
- B. **Motions to Dismiss.** If a defendant files a motion to dismiss, the *pro se* party may amend the Complaint to address the issues raised in the motion rather than responding to the motion. If the *pro se* party chooses to file an amended complaint, it must be filed not later than the deadline to file an opposition to the motion to dismiss.
- C. **Pro Se Notices.** Parties who file a motion to dismiss, a motion for judgment on the pleadings, or a motion for summary judgment must provide the *pro se* party with a copy of the notices required under Local Civil Rules 12.1 or 56.2.
- D. **Courtesy Copies.** One courtesy copy of all formal motion papers, marked as such, should be submitted to Chambers *by the non-pro se party* at the time the reply is fully briefed. Courtesy copies should not be submitted to chambers at the time of filing. If all parties are *pro se*, then courtesy copies of formal motion papers are not required.
- E. **Oral Argument.** Unless otherwise ordered by the Court, the Court will not hear oral argument in *pro se* matters.

7. Trial Documents

- A. Pretrial Statement.** Unless otherwise ordered by the Court, no later than four weeks prior to trial, a *pro se* party must file a concise, written Pretrial Statement. This Statement must contain the following: (1) a statement of the facts the *pro se* party hopes to prove at trial; (2) a list of all documents or other physical objects that the *pro se* party plans to put into evidence at trial; and (3) a list of the names and addresses of all witnesses the *pro se* party intends to have testify at trial. The *pro se* party must swear that the Statement is true and accurate based on the facts known by the *pro se* party. The *pro se* party must file an original of this Statement with the Pro Se Intake Unit with a certificate stating the date a copy was mailed to each other party, or, for any party who is represented, to his or her attorney. Two weeks after service of the *pro se* party's Statement, the other party or his or her counsel must file and serve a similar Statement containing the same categories of information.
- B. Other Pretrial Filings.** In cases tried before only a Judge without a jury, *pro se* parties may, but are not required to, submit proposed findings of fact and conclusions of law. In cases tried before a jury, *pro se* parties may, but are not required to, submit proposed questions to be asked of prospective jurors during jury selection, a proposed jury charge to be read to jurors at the close of trial, and a proposed verdict form. Any parties represented by counsel must submit materials in accordance with Judge Caproni's Individual Practices in Civil Cases, available at <https://nysd.uscourts.gov/hon-valerie-e-caproni>.