

INDIVIDUAL PRACTICES IN CIVIL PRO SE CASES

**J. PAUL OETKEN
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK**

<u>Chambers</u>	<u>Courtroom</u>	<u>Pro Se Office</u>
Room 2101 40 Foley Square New York, NY 10007	Courtroom 706 40 Foley Square New York, NY 10007	U.S. District Court Southern District of New York 500 Pearl Street, Room 230 New York, NY 10007 (212) 805-0175

COMMUNICATIONS

1. All communications with the Court by a *pro se* party should be mailed to the Pro Se Office, and must include an Affidavit of Service or other statement affirming that the *pro se* party sent copies to all other parties or to their counsel if they are represented. **No document or filing should be sent directly to Chambers.**
2. It is the responsibility of each *pro se* party to provide to the Pro Se Office, and update as necessary, accurate contact information, including a current and valid mailing address. Failure to comply with this practice may result in dismissal of a *pro se* plaintiff's case for failure to prosecute.

FILING OF PAPERS

3. All papers to be filed with the Court by a *pro se* party, along with any courtesy copies of those papers, should be sent to the Pro Se Office, Room 230, United States Courthouse, 500 Pearl Street, New York, NY 10007. All papers must be accompanied by a proof of service affirming that the *pro se* party sent copies to all other parties or to their counsel if they are represented.
4. Counsel in *pro se* cases shall serve a *pro se* party with a paper copy of any document that is filed electronically and file with the Court a separate Affidavit of Service. Submissions filed without proof of service affirming that the *pro se* party was so served will not be considered.
5. Counsel in *pro se* cases designated to the ECF system may waive paper service upon themselves and rely on service through the ECF system by electronically filing a Notice of Waiver of Paper Service and delivering a paper copy of such Notice to the *pro se* party (the form is available on the Court's Forms page on the website or at the Pro Se Office). Where such waiver is filed, the *pro se* party will no longer be required to (i) serve paper documents on the counsel who filed the waiver or (ii) file proof of service of such

document. Counsel in *pro se* cases designated to the ECF system are strongly encouraged to file a Waiver of Paper Service.

DISCOVERY

6. All requests for discovery, and responses to discovery requests, should be sent to counsel for the parties. **Discovery requests and responses should not be sent to the Court.**

MOTIONS

7. **Filing and Service:** Unless otherwise ordered by the Court, papers filed in opposition to a motion 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 service of opposition papers.
8. **Courtesy Copies:** All motion papers should include one courtesy copy for the Court. All courtesy copies shall be clearly marked as such.
9. **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.
10. **Oral Argument:** Unless otherwise ordered by the Court, argument will not be heard in *pro se* matters.

INITIAL CASE MANAGEMENT CONFERENCE

11. In cases that are not referred to a magistrate judge for general pre-trial supervision, the Court will generally schedule an initial case management conference within two or three months of the filing of the Complaint. Incarcerated parties may not be able to attend this or other conferences; where appropriate, *pro se* incarcerated parties may appear by telephone.

TRIAL

12. Within 30 days of the completion of discovery, unless otherwise ordered by the Court, a *pro se* party shall file a concise, written Pretrial Statement. This Statement does not need to take any particular form, but must contain the following: (1) a statement of the facts the *pro se* party intends to prove at trial; (2) a list of all documents or other physical objects that the party plans to put into evidence at trial; and (3) a list of the names and addresses of all witnesses that the party intends to have testify at trial. The Statement must be sworn by the *pro se* party to be true and accurate based on the facts known by the party. The *pro se* party shall file an original of this Statement with the Pro Se Office and serve a copy on all other parties or their counsel if they are represented. The original Statement must include a certificate stating the date on which a copy was mailed to the other parties or their attorneys. Two weeks after service of the *pro se* party's Statement, the other parties must file and serve a similar Statement of their case containing the same information.

- 13.** Within 30 days of the completion of discovery, if the case is to be tried before only a Judge without a jury, any parties represented by counsel must submit proposed findings of fact and conclusions of law. If the case will be tried before a jury, any parties represented by counsel must submit a proposed jury charge. The *pro se* party may also file either proposed findings of fact and conclusions of law or a proposed jury charge within 30 days of the close of discovery, but is not required to do so.