

**INDIVIDUAL PRACTICES IN *PRO SE* CASES**  
**ANALISA TORRES, UNITED STATES DISTRICT JUDGE**  
**SOUTHERN DISTRICT OF NEW YORK**  
**500 PEARL STREET**  
**NEW YORK, NEW YORK 10007**

**Pro Se Office**

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

Unless otherwise ordered by Judge Torres, these Individual Practices apply to all civil *pro se* cases.

**I. Communications with Chambers**

- A. By a *Pro Se* Party.** All communications with the Court by a *pro se* party must be mailed to the *Pro Se* Office, United States Courthouse, 500 Pearl Street, Room 200, New York, New York 10007, 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 documents or court filings should be sent directly to chambers. Copies of correspondence between a *pro se* party and counsel must 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 must be governed by Judge Torres's Individual Practices in Civil Cases, available at <http://nysd.uscourts.gov/judge/Torres>.
- C. Requests for Adjournments or Extensions of Time.** All requests for adjournments or extensions of time must be made in writing and 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 the requested adjournment or extension affects any other scheduled dates, a represented party must submit a proposed revised scheduling order. A *pro se* party may, but is not required to, submit a proposed revised scheduling order. Requests for extensions of deadlines regarding a matter that has been referred to a magistrate judge must be directed to that assigned magistrate judge. Absent an emergency, any request for extension or adjournment must be made at least 48 hours prior to the deadline or

scheduled appearance. Requests for extensions will ordinarily be denied if made after the expiration of the original deadline.

## **II. Filings of Papers and Service**

- A. Papers Filed by a *Pro Se* Party.** All papers to be filed with the Court by a *pro se* party, along with one courtesy copy of those papers, must be delivered in person or sent by mail to the *Pro Se* Office, United States Courthouse, 500 Pearl Street, Room 200, New York, New York 10007. All papers must be accompanied by 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, unless counsel has waived paper service pursuant to Paragraph II.C below. Any *pro se* party that wishes to participate in electronic case filing (“e-filing”) must file a Motion for Permission for Electronic Case Filing (available at <http://nysd.uscourts.gov/file/forms/motion-for-permission-for-electronic-case-filing-for-pro-se-cases> and in the *Pro Se* Office) and deliver a paper copy of such motion to its adversary.
- B. Service on a *Pro Se* Party.** Counsel in *pro se* cases must 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 that the *pro se* party was served will not be considered.
- C. Waiver of Paper Service by Counsel.** 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 (available at <http://nysd.uscourts.gov/file/forms/waiver-of-rule-5-service-for-pro-se-cases> and in the *Pro Se* Office) and delivering a paper copy of such Notice to the *pro se* party. Where such Notice is filed, the *pro se* party will no longer be required to: (1) serve paper documents on the counsel who filed the waiver or (2) 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.

## **III. Discovery**

All requests for discovery must be sent to counsel for the party. Discovery requests must not be sent to the Court.

## **IV. Motions**

- A. 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 receipt of opposition papers.

- B. Represented Parties.** Represented 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. As required by Local Civil Rule 7.2, counsel must provide a *pro se* litigant with printed copies of decisions cited in any submission that are unreported or reported exclusively on computerized databases.
- C. Pre-Motion Conferences.** Pre-motion conferences and pre-motion letters are not required in *pro se* case.
- D. Special Rule for Summary Judgment Motions.** With respect to any deposition that is supplied, whether in whole or in part, in connection with a summary judgment motion, the index to the deposition must be included if it is available.
- E. Courtesy Copy.** All motion papers must include one courtesy copy. All courtesy copies must be clearly marked as such.
- F. Oral Argument.** Unless otherwise ordered by the Court, oral argument will not be heard in *pro se* matters.

**V. Initial Case Management Conference**

The Court will generally schedule an initial case management conference within four months of the filing of the complaint. An incarcerated party may not be able to attend this or other conferences, but may be able to participate by telephone. If an incarcerated 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 party may write to the Court in advance of the conference regarding any issue the *pro se* party wishes to have addressed at the conference. If a representative is designated, he or she should contact Marilyn Ong, Courtroom Deputy, at (212) 805-0167, to determine the location of the conference. The Court will also have a transcript of the conference sent to the incarcerated party.

**VI. Trial Documents**

- A. Pretrial Statement.** Within 30 days of the completion of all discovery, unless otherwise ordered by the Court, the plaintiff in a *pro se* case must file a concise, written Pretrial Statement. This Statement need take no particular form, but it must contain the following: (1) a statement of the facts the plaintiff hopes to prove at trial, (2) a list of all documents or other physical objects that the plaintiff plans to put into evidence at trial, and (3) a list of the names and addresses of all witnesses the plaintiff intends to have testify at trial. The Statement must be sworn by the plaintiff to be true and accurate based on the facts known by the plaintiff. If *pro se*, the plaintiff must file an original of this Statement, plus one courtesy copy, with the *Pro Se* Office and serve a copy on all defendants or their counsel if they are represented, unless counsel has waived paper service pursuant to Paragraph II.C above. The original Statement must include an Affidavit of Service or other statement affirming that the plaintiff sent copies to all other parties or to their counsel if they are represented.

Two weeks after service of the plaintiff's Statement, the defendant must file and serve a Pretrial Statement.

- B. Other Pretrial Filings.** If the case is to be tried before only a judge without a jury, any parties represented by counsel must also file proposed findings of fact and conclusions of law at the time of filing the Pretrial Statement. If the case is to be tried before a jury, any parties represented by counsel must also file proposed *voir dire* questions, a proposed jury charge, and a proposed verdict form at the time of filing the Pretrial Statement. At the time of filing, a represented party must e-mail these documents to the Court ([Torres\\_NYSDChambers@nysd.uscourts.gov](mailto:Torres_NYSDChambers@nysd.uscourts.gov)) in both PDF and Microsoft Word formats. The *pro se* party may file such documents, but is not required to do so and need not submit them by e-mail.