

**INDIVIDUAL RULES OF
MAGISTRATE JUDGE ROANNE L. MANN
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
Telephone: (718) 613-2350
Fax: (718) 613-2355
Contact: Pat Maynard, Judicial Assistant
or Jennifer Williams/Jameson Dempsey (Law Clerks)**

Unless otherwise ordered by the judge in a specific case, matters before Magistrate Judge Mann shall be conducted in accordance with the following practices:

I. *Electronic Case Filing (ECF)*

- A.** All documents must be filed electronically. Regardless of the district judge assigned, all documents directed to Magistrate Judge Mann must be filed electronically via the Court's Electronic Case Filing System, pursuant to Administrative Order 2004-08. ECF procedures are available from the district court's web site, <http://www.nyed.uscourts.gov>. For questions regarding ECF you may call the Court's Docket Section at 718-613-2610. ECF training may be scheduled by calling Evelyn Levine at 718-613-2312.
- B. **Notifications and Orders by the Court:**** Attorneys will receive notifications from the Court electronically. Hard copies will not be mailed to attorneys registered for ECF. Accordingly, attorneys are responsible for keeping their e-mail addresses current with the Clerk's Office. Attorneys are responsible for ensuring that they are registered with the Clerk's Office to receive e-mail notifications in each and every matter in which they appear before Magistrate Judge Mann. For assistance, you may call 718-613-2610.
- C. **Exemptions:**** Litigants proceeding *pro se* are exempt from ECF requirements. Requests by attorneys for an exemption to the mandatory ECF policy must be submitted to Magistrate Judge Mann within two weeks of the date of the Initial Conference Order, and must set forth good cause hardship reasons that state the specific technological or other reason why counsel is not able to participate in ECF. Requests for exemptions from the ECF requirements will be considered after the attorney seeking the request has completed ECF training. Such requests will be granted only in limited circumstances.

- II. *Communications with Chambers:*** ALL communications with Chambers shall be filed through the Electronic Case Filing ("ECF") System. However, if the communication exceeds 25 pages (including attachments), the party shall also submit to Chambers a courtesy copy in hard copy. If the communication contains confidential information, only

the cover letter shall be filed by ECF; the party shall serve hard copies of the cover letter and attachments on all other parties and shall submit to Chambers hard copies of the original and a courtesy copy.

- A. **Letters.** Except as otherwise provided in these Rules, all communications with Chambers shall be in letter form, sent by ECF. Courtesy copies shall NOT be sent to the Court. In addition, copies of correspondence between counsel shall not be sent to the Court except as attachments to requests for judicial intervention.
- B. **Telephone Calls.** Except as provided in Paragraph 1(D) below, telephone calls to Chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call Chambers at the number listed above.
- C. **Faxes.** Faxes to Chambers are not permitted unless prior authorization is obtained, and authorization ordinarily will not be given for materials that should be filed via ECF.
- D. **Docketing, Scheduling and Calendar Matters.** For scheduling and calendar matters, call the contact listed above. For docketing matters, call Pat Maynard.
- E. **Request for Adjournments or Extensions of Time.** All requests for adjournments or extensions of time must be in writing and filed by ECF and should not be made unless the applicant has first consulted with all other parties. All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the other parties to the action consent to or oppose the request. If the requested adjournment or extension affects any other scheduled dates, a proposed revised scheduling order must be included.

Requests for adjournments of conferences made less than **three business days** or, in the case of a settlement conference, **two weeks** before the scheduled date, will be **DENIED** except upon a showing of **EXCEPTIONAL** cause. Requests for extensions of discovery deadlines must be made by letter application, and, in addition to the requirements specified above, must contain a description of discovery taken thus far, the additional discovery required, and the time needed to complete discovery.

III. **Motions**

Before making any motion, the moving party must comply with the Federal Rules of Civil Procedure, the Local Rules of the Eastern District, and the Individual Rules of the presiding judge (e.g., these Rules in consent cases assigned to this magistrate judge). (The parties are expressly reminded of the requirements of Local Rules 37.3 and 6.4 with respect to discovery disputes.)

- A. ***Pre-Motion Conferences in Civil Cases Handled by This Magistrate Judge on Consent.*** For motions other than discovery motions, in all cases where the parties are represented by counsel a pre-motion conference with the Court is required before making the motion.

To arrange a pre-motion conference, the moving party shall submit a letter, via ECF, not to exceed three (3) pages in length, setting forth the basis for the anticipated motion. All parties so served must serve and file a letter response, not to exceed three (3) pages, within seven (7) days from service of the notification letter. Service of the letter by the moving party within the time requirements of Rule 12 of the Fed. R. Civ. P. shall constitute timely service of a motion made pursuant to Fed. R. Civ. P. 12(b).

- B. ***No Courtesy Copies.*** Counsel and parties are directed NOT to send any courtesy copies to Chambers of pre-motion submissions or motions papers except as provided in Paragraph 1 or as specifically requested by Chambers.
- C. ***Memoranda of Law.*** The Court expects counsel to exercise their professional judgment as to the length of briefs and may impose limits if that expectation is not met.
- D. ***Oral Argument on Motions.*** Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The Court will determine whether argument will be heard and, if so, will advise counsel of the argument date.
- E. Paragraph A above does NOT apply to any of the post-trial motions described in Federal Rule of Appellate Procedure 4(a)(4)(A). A pre-motion conference is not required before making such motions, which should be filed when served.

IV. ***Pretrial Procedures in Civil Cases***

- A. ***Joint Pretrial Orders in Civil Cases.*** On or before the deadline set by the Court, the parties shall submit, via ECF, for the Court's approval, a joint pretrial order that complies with the requirements specified in the Individual Rules of the trial judge. In consent cases assigned to Judge Mann for trial, the joint pretrial order shall include the following:
- i. The full caption of the action.
 - ii. The names, addresses (including firm names), telephone and fax numbers, and e-mail 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 party has asserted that remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted that are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or agreed statements of fact or law that have been agreed to by all parties.
- viii. A list of the names and addresses of all witnesses, including possible witnesses who may be called only for impeachment or rebuttal purposes and so designated, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.
- ix. A designation by each party of those portions of any deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.
- x. A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence, except for good cause shown; and

- xi. All exhibits must be premarked for the trial and exchanged with the other parties at least ten days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

B. *Filings Prior to Trial in Civil Consent Cases.* Unless otherwise ordered by the Court, each party shall file, by ECF, pursuant to the schedule set by the Court:

- i. By claim, a detailed statement regarding damages and other relief sought;
- ii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;
- iii. In all cases, motions addressing any evidentiary or other issues that should be resolved *in limine*; and
- iv. In any case where such party believes it would be useful, a pretrial memorandum.
- v. In jury cases, requests to charge, proposed voir dire questions, and a proposed jury verdict form. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the Court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM Word Perfect format.