

INDIVIDUAL PRACTICES IN CIVIL *PRO SE* CASES

Gregory H. Woods, United States District Judge

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, these Individual Practices apply to all civil *pro se* matters before Judge Woods.

1. Communications with Chambers

- A. By a *Pro Se* Party.** All communications with the Court by a *pro se* party must be hand delivered or mailed to the Pro Se Office, United States Courthouse, 500 Pearl Street, Room 200, New York, NY 10007, and must include an Affidavit of Service or other statement affirming that the *pro se* party sent a copy to all other parties or to their counsel if they are represented. No document or filing should be sent directly to Chambers.
- B. By Parties Represented by Counsel.** Except as otherwise provided below, communications with the Court by a represented party are governed by Judge Woods's Individual Practices in Civil Cases, available at <http://www.nysd.uscourts.gov/judge/Woods>
- C. Requests for Adjournment 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. If the requested adjournment or extension affects any other scheduled dates, a *pro se* party may, but is not required to, submit a proposed Revised Civil Case Management Plan and Scheduling Order. Absent an emergency, the request must be made at least 48 hours prior to the original due date.

2. Filing and Service of Papers

- A. Papers Filed by *Pro Se* Parties.** All papers to be filed with the Court by a *pro se* party, along with any courtesy copies of those papers, should be delivered in person or sent by mail to the Pro Se Office, United States Courthouse, 500 Pearl Street, Room 200, New York, NY 10007. All papers must be accompanied 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.

- B. ECF Filing by *Pro Se* Parties.** Any *pro se* party who wishes to participate in electronic case 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 the Motion to the other parties.
- C. Service on *Pro Se* Parties.** Except for cases in which the *pro se* party has received permission to participate in electronic case filing, counsel in cases involving *pro se* parties must serve the *pro se* parties with paper copies of any document that is filed electronically and must file with the Court a separate Affidavit of Service. Submissions filed without such proof of service will not be considered.
- D. Waiver of Paper Service by Counsel.** Counsel in *pro se* cases 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 waiver 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.
- E. Docketing of Letters.** Absent a request to file a letter under seal, the Court will docket any substantive letter on ECF, a publically accessible database.
- F. 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) home addresses. *Pro se* parties wishing to file a document already containing this information must submit a redacted version to the Pro Se Office. 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 <http://www.nysd.uscourts.gov/privacy.php>.

3. Initial Case Management Conference

The Court will generally schedule an initial case management conference within three 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 party wishes to have addressed at the conference. If a representative is designated, he or she should contact Anthony Daniels, Courtroom Deputy, at (212) 805-4233, to determine the location of the conference.

4. Discovery

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

5. 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. 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 due. 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.

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. Oral Argument. Unless otherwise ordered by the Court, the Court will not hear oral argument in *pro se* matters.

6. Trial Documents

A. Pretrial Statement. Unless otherwise ordered by the court, within 30 days of the completion of discovery, 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. 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 similar statement containing the same categories of information.

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. The *pro se* party may, but is not required to, file such documents.