

Amended: February 1, 2012

INDIVIDUAL PRACTICES OF JUDGE P. KEVIN CASTEL

**United States Courthouse
500 Pearl Street
New York, New York 10007
web site: www.nysd.uscourts.gov**

Unless otherwise ordered, matters before Judge Castel shall be conducted in accordance with the following practices:

1. Communications with Chambers

A. Letters. Except as otherwise provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Letters may be sent to chambers via fax, (212) 805-7949, provided they do not exceed five pages in length. If a fax is transmitted to chambers, it should not also be mailed or delivered to chambers. Letters should not be filed on ECF.

B. Telephone Calls. For docketing, scheduling and calendar matters, call the Courtroom Deputy, Florence Nacanthier, at (212) 805-0131 between 8:30 A.M. and 5:00 P.M. Telephone calls to chambers are permitted only in emergency situations requiring immediate attention, (212) 805-0262.

C. Requests for Adjournments or Extensions of Time. 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 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, the request (in a civil case) must attach a proposed Revised Case Management Plan and Scheduling Order (reflecting dates which are business days). If the request is for an adjournment of a court appearance, absent an emergency, it shall be made at least 48 hours prior to the scheduled appearance. Requests for adjournments should be transmitted to chambers and not filed on ECF.

D. ECF. Counsel for all parties, are required to register as ECF users in accordance with the Procedures for Electronic Case Filing and file a Notice of Appearance in each case.

2. Motions

A.

1. Pre-Motion Conferences in Civil Cases. For motions other than discovery motions in a civil case, a pre-motion conference with the court is required, except for motions described in Sub-paragraph A(2). To arrange a pre-motion conference, the moving party shall submit a letter not to exceed five pages in length setting forth in detail the basis for the anticipated motion and other parties may respond in a letter not to exceed five pages within three business days. The transmittal of a pre-motion letter for a proposed motion under Rule 12(b), stays the time to answer or move until further order of the Court. For

discovery motions, follow Local Civil Rule 37.2 Southern District, unless a different procedure has been ordered by the Court

2. No Pre-Motion Conference Required. Sub-paragraph A(1) above does not apply to any of the motions described in Rule 6(b), Federal Rules of Civil Procedure, Rules 4(a)(4)(A), Federal Rules of Appellate Procedure, or section 1447 of title 28 nor does it apply to motions brought on by order to show cause, motions by incarcerated pro se litigants, motions for a default judgment, motions for appointment of lead counsel under the PSLRA, motions for admission *pro hac vice* and motions for reconsideration or reargument. A pre-motion conference is not required before making such motions.

B. Courtesy Copies.

In both ECF and non-ECF cases, courtesy copies of all pleadings (e.g. complaint and answer) and all motions shall be submitted to chambers as soon as practical after filing, in accordance with the SDNY policies regarding mail deliveries. Courtesy copies should be marked as such on the first page.

C. Memoranda of Law. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

D. Filing of Motion Papers. Motion papers shall be filed promptly after service.

E. Oral Argument on Motions. Parties may request oral argument by letter at the time their moving, 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.

F. Summary Judgment. The Local Rule 56.1(a)(2) Statement by the party opposing summary judgment shall set forth verbatim the text of each paragraph of the Local Rule 56.1(a)(1) Statement immediately preceding its response thereto.

3. Procedures for All Civil Cases, except those designated as a “Complex Case” under the Standing Order of November 1, 2011 of Chief Judge Preska. The following applies to all civil cases, except those designated as a “Complex Case” under the Standing Order of November 1, 2011 of Chief Judge Preska (if the case is so designated, it will appear on the docket sheet):

A. The parties will confer and prepare a proposed Case Management Plan and Scheduling Order and bring it with them to the Initial Pretrial Conference.

B. Unless otherwise ordered by the Court, within 30 days following completion of fact and expert discovery in a civil case, the parties shall submit to the Court for its approval a Joint Pretrial Order, that includes the information required by Federal Rule of Civil Procedure 26(a)(3), and the following:

i. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.

ii. A brief summary by each party of the claims and defenses that the party has asserted which remain to be tried, without recital of evidentiary matter, but including citations to all statutes relied on. Any claim or defense not so identified is deemed withdrawn.

iii. 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.

iv. A page and line designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

v. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

vi. A statement confirming that trial counsel have met and conferred face-to-face with a view towards reaching stipulations of fact and setting forth the content of any stipulation.

vii. A statement of the damages claimed and any relief sought, including the manner and method used to calculate the claimed damages and a breakdown of its elements.

B. Filings Prior to Trial in Civil Cases. Unless otherwise ordered by the Court, the parties shall file with the Joint Pretrial Order:

i. In jury cases, proposed voir dire questions, verdict form and requests to charge;

ii. In non-jury cases, proposed findings of fact and conclusions of law;

iii. The parties are required to meet and confer regarding items i. or ii. and make a joint submission in areas where agreement is reached and separate submissions in areas where no agreement is reached. Unless otherwise agreed upon by the parties, the party with the burden of proof should prepare the initial draft in sufficient time for the other side to respond; only the final result of this meet and conferral process should be submitted to the Court. When feasible, items i. and ii. should be submitted, in addition to hard copy, on a 3.5" diskette or CD-Rom in Microsoft Word version Office 2000 or WordPerfect version 9 or higher format;

iv. Motions in limine addressing any evidentiary or other issues that should be resolved prior to empanelling a jury.

4. **Procedures for Cases designated as a “Complex Case” under the Standing Order of November 1, 2011 of Chief Judge Preska.** An entry will appear on the docket if an action has been designated under the Standing Order of Chief Judge Preska filed as In re: Pilot Project Regarding Case Management Technique for Complex Civil Cases in the Southern District of New York, 11 Misc. 388 (November 1, 2011)(the “Standing Order”). If it has been so designated, counsel for the parties are expected to review the Report of the Judicial Improvements Committee (the “Report”) which is an attachment of the Standing Order and consider the matters therein. Prior to the Initial Pretrial Conference, the parties should confer on a case management plan and proposed scheduling order and should, as a starting point, utilize the “Civil Case Management Plan For Complex Cases” available on the Court’s website under the undersigned’s name. For good cause shown, the parties may request that the Court exempt the case from the Pilot Project.