

INDIVIDUAL RULES AND PRACTICES OF JUDGE GEORGE B. DANIELS

Unless governed by the FRCP, Local Rules, or otherwise ordered by Judge Daniels, matters before Judge Daniels shall be conducted in accordance with the following practices:

1. ELECTRONIC CASE FILING (“ECF”)

A. Counsel for all Parties are required to register as filing users in accordance with the SDNY ECF Rules & Instructions:

<http://www.nysd.uscourts.gov/ecf/ECF%20Rules%20Revision%20031714.pdf>.

B. In **ALL** cases (civil and criminal) that are designated ECF, the parties are responsible for being current in any and all matters filed electronically by this Court. No other means of notification will be used by the Court.

C. In accordance with SDNY ECF Rule 13.1, letter motions may be filed electronically via the ECF system. **Parties are required to submit a courtesy copy of all electronically filed documents to Chambers in accordance with the requirements in Rule 2(A) below.** Any document to be filed in sealed or redacted form must so indicate on the face of the document and be provided to Chambers without redaction.

2. COMMUNICATIONS WITH CHAMBERS

A. **Letters.** Except as otherwise provided below, communications with Chambers should be by letter. If a party wishes to file a letter electronically, counsel should make the following selections on ECF: civil → civil events → other filings → other documents → letter. **Any party filing a letter electronically should also submit a courtesy copy, clearly marked as such, to Chambers.** Letters up to five (5) pages in length may be submitted to Chambers via fax; letters longer than five (5) pages must be submitted by mail or hand delivery. A courtesy copy of any letter filed on ECF must be a copy of the filed version of the letter and must include the automatically generated ECF header appearing at the top of each page (e.g., “Case 1:14-cv-01234-ABC Document 100 Filed 09/1/13 Page 1 of 1”).

Letters submitted to Chambers shall state clearly in the subject line: (1) the caption of the case, including the docket number and names of the lead parties; and (2) a brief description of the contents of the letter. Letters that pertain to multiple cases should list all relevant docket numbers in the subject line. In multi-defendant criminal matters, letters that pertain only to an individual defendant should identify the docket number specific to the relevant defendant (e.g. 1:14-cr-12345-01). Copies of correspondence solely between counsel shall not be filed on ECF or otherwise sent to the Court (except as exhibits to an otherwise properly filed document).

B. Telephone Calls. Except as provided in Rule 2(D) below, telephone calls to Chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call Chambers at (212) 805-6735.

C. Faxes. Faxes to Chambers are permitted only if copies are also simultaneously faxed or otherwise delivered to all counsel. **No document longer than five (5) pages may be faxed without prior authorization.** The fax number is (212) 805-6737.

D. Docketing, Scheduling, and Calendar Matters. For docketing, scheduling and calendar matters, call Elizabeth Vega at (212) 805-6735.

E. Requests for Adjournment or Extension of Time. All requests for adjournments or extensions of time **must be in writing** and state (1) the original date of the appearance or deadline, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether opposing counsel consents, and, if not, the reasons given by opposing counsel for withholding consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling Order must be attached to the request. Absent emergency circumstances, a request for an adjournment of a court appearance must be made at least 48 hours prior to the scheduled appearance. Requests for adjournment or an extension of time may be faxed to Chambers.

F. Courtesy Copies.

i. **Pleadings:** A courtesy copy of pleadings, marked as such, shall be submitted to Chambers as soon as practical after filing, in accordance with the SDNY policies regarding hand or mail deliveries;

ii. **Motion Papers:** A courtesy copy of all motion papers shall be submitted to Chambers at the time the papers are served, in accordance with the SDNY policies regarding hand or mail deliveries.

3. MOTIONS

A. Pre-Motion Conferences in Civil Cases. For discovery motions, follow Local Civil Rule 37.2. For motions other than discovery motions, pre-motion conferences are not required.

B. 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. Sur-reply memoranda will not be accepted without prior permission of the Court.

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

D. 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.

4. PRETRIAL PROCEDURES

A. Joint Pretrial Orders in Civil Cases. Unless otherwise ordered by the Court, within 30 days of the date for completion of discovery in a civil case, the parties shall submit to the court, for its approval, a joint pretrial order, which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), telephone and fax numbers 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.
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied upon. Such summaries shall also identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with a jury, and the number of trial days needed.
- vi. A statement as to whether 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 statements of fact or law which have been agreed upon by all parties.
- viii. A statement by each party as to the witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition.
- ix. A 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.

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

B. Filings Prior to Trial in Civil Cases. Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

- i. In jury cases, requests to charge and proposed voir dire questions;
- 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 which should be resolved *in limine*; and
- iv. In any case where such party believes it would be useful, a pretrial memorandum.