INDIVIDUAL RULES AND PROCEDURES

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I. GENERAL MATTERS

A. Procedural Rules

The Court's procedures are governed by the Federal Rules of Civil Procedure, the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York (the "Local Rules"), and the Individual Practices set forth below. Unless otherwise ordered, these Individual Practices apply to all civil matters before Judge Schofield, except civil *pro se* cases. The Initial Discovery Protocols for Employment Cases Alleging Adverse Action apply in this court where applicable, and can be found at http://nysd.uscourts.gov/judge/Schofield.

If a case is designated by Order of the Court to be part of one of the Court's pilot projects or plans (*e.g.* the Plan for Certain Section 1983 Cases Against the City of New York or the Pilot Project Regarding Case Management Techniques for Complex Civil Cases), the procedures in such project or plan shall govern to the extent that they are inconsistent with these Individual Practices.

B. Communications with Chambers

1. General Matters**.** All communications with Chambers shall be by letter not to exceed two pages, except as provided below.

   Letters to the Court shall be emailed to Chambers as a .PDF attachment at SchofieldNYSDChambers@nysd.uscourts.gov. Emails shall state clearly in the subject line: (1) the docket number of the case, (2) the case caption with the lead party names, and (3) a brief description of the contents of the letter (*e.g.*, 11-cv-9999, *Jones v. Smith*, Request for Extension of Time"). Substantive statements shall be made in the letter attachment and shall not be included in the body of the email. Copies of communications with the Court shall be emailed simultaneously to all counsel. The parties shall not send the Court copies of correspondence between counsel.

   Parties shall assume that letters they submit to the Court will be docketed. If a party wishes to ensure preservation of a specific letter for the record on appeal, it shall clearly so indicate in the first paragraph of the letter. If a party does not want a letter to be docketed because of a protective order or for other good cause, the sender shall explicitly state in the letter the grounds for a request of confidential treatment, and include the header "CONFIDENTIAL" on every page of the letter.

2. Requests for Adjournments and Extensions of Time. All requests for adjournments or extensions of time shall be made by letter emailed to Chambers in the form and manner provided above. The body of the letter shall state: (1) the original due date, the date sought to be extended, and the new date the party now seeks; (2) the number of previous requests for adjournment or extension of time; (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 proposed Revised Civil Case Management Plan and Scheduling Order shall be attached.

Requests for adjournment of court conferences shall be made by noon at least two business days before the scheduled appearance. Absent extraordinary circumstances, requests for extension of time will be denied if not made before the expiration of the original deadline.

The Court's permission is required to extend or adjourn Court-imposed dates and deadlines. Extensions and adjournments of Court-imposed dates and deadlines will be granted only for compelling reasons. When adjournments are granted, it is upon the condition that the party requesting the adjournment notifies all other parties of the new date and/or time.

3. Other Docket, Schedule and Calendar Matters. For docket, schedule and calendar matters, other than requests for adjournments and extensions of time, counsel may call Chambers at 212-805-0288 or email SchofieldNYSDChambers@nysd.uscourts.gov. The subject line of any email shall contain the information specified in Section I.B.1. above. Parties shall consult ECF to confirm conference dates and times in accordance with Section I.C.1 below.

4. Urgent Matters. For urgent matters requiring the Court's immediate attention, counsel may telephone Chambers at 212-805-0288, and shall include all counsel on the call.

5. Authorized Hand Deliveries. Material specifically permitted or ordered by the Court to be delivered by hand shall be left with the Court Security Officers at the Worth Street entrance of Daniel P. Moynihan Courthouse and shall not be brought directly to Chambers. If the hand-delivered material is urgent and requires the Court's immediate attention, counsel shall ask the Court Security Officers to notify Chambers that an urgent package has arrived and needs to be retrieved by Chambers staff immediately.

6. Other Communications. Emails, telephone calls and hand deliveries to chambers are not permitted except as provided above. Faxes to Chambers are not permitted except with the prior authorization of Chambers, which will be given only in exceptional circumstances. In such situations, each faxed submission shall clearly identify the person in Chambers who authorized the sending of a fax, and copies shall be simultaneously faxed or delivered to all counsel.

C. Filing and Submission of Papers

1. Electronic Case Filing ("ECF"). All attorneys representing parties before Judge Schofield are required to register promptly as filing users on ECF. Instructions are available on the Court website at http://www.nysd.uscourts.gov/ecf_filing.php. Counsel are responsible for updating their contact information on ECF and for checking the docket sheet regularly, regardless of whether they receive an ECF notification of case activity.

2. Proposed Stipulations and Orders. Except as otherwise provided in these Rules, parties shall email all proposed stipulations and orders that they wish the Court to sign to the Orders and Judgments Clerk at judgments@nysd.uscourts.gov in accordance with the ECF Rules and Instructions. Courtesy copies shall not be sent to Chambers. The parties shall email chambers at SchofieldNYSDChambers@nysd.uscourts.gov immediately upon an agreement to settlement.

3. Redactions and Filing Under Seal. Any party wishing to file in redacted form any document under seal, or any portion thereof, shall email a letter to Chambers, as provided in Section I.B.1 above, explaining the reasons for seeking to file under seal. The party shall attach to its letter one full set of the relevant page(s) or document(s) in highlighted form (i.e., with the proposed redactions highlighted). If the submission exceeds 25 pages, it shall be delivered in hard copy by hand as provided in Section I.B.5 above, or by mail if impracticable. The Court will review the proposed redactions and notify the party of its decision. The party may then, to the extent permitted by the Court, file the redacted documents on ECF and the full, unredacted documents under seal in accordance with this district's procedures set forth at http://nysd.uscourts.gov/cases_records.php?records=sealed_records. On application of a party, and provided the unredacted papers are timely served on the party's adversary, the Court will deem papers filed on the date the party delivers them to Chambers for review of proposed redactions.

4. Sealed Settlement Agreements. The Court will not retain jurisdiction to enforce confidential settlement agreements. If the parties wish the Court to retain jurisdiction to enforce the agreement, the parties shall place the terms of the agreement on the public record. The parties may either provide a copy of the agreement for the Court to endorse or include the terms of their settlement agreement in their stipulation of settlement and dismissal.

5. Related Cases. After an action has been accepted as related to a prior filing, all future court papers and correspondence shall contain the docket number of the new filing, as well as the docket number of the case to which it is related (*e.g.*, 13-cv-1234 [rel. 12-cv-4321]).

6. Cases Removed From State Court. Counsel for the party or parties that removed the case shall, in addition to providing a copy of all process, pleadings and papers served upon the defendants pursuant to 28 U.S.C. §

1446(A), email Chambers a courtesy copy of any pleading filed or served while the case remained in State Court. Counsel for all parties shall file a notice of appearance in this Court promptly upon removal.

D. Electronic Devices

1. Mobile Phones, Tablets and Personal Electronic Devices. Attorneys' use of mobile phones, tablets and other personal electronic devices within the Courthouse and its environs is governed by Standing Order M10-468. Any attorney wishing to bring a telephone or other personal electronic device into the Courthouse shall be a member of this Court's Bar, shall obtain the necessary service pass from the District Executive's Office, and shall show the service pass upon entering the Courthouse. Mobile phones are permitted inside the Courtroom, but shall be kept turned off at all times. Non-compliance with this rule will result in forfeiture of the device for the remainder of the proceedings.

2. Computers, Printers and other Electronic Equipment. In order for an attorney to bring into the Courthouse any computer, printer or other electronic equipment not qualifying as a "personal electronic device," specific authorization is required by prior Court Order. Any party seeking to bring such equipment into the Courthouse shall send a letter to Chambers at least 10 business days in advance of the relevant trial or hearing requesting permission to use such equipment. The request letter shall identify the type(s) of equipment to be used and the name(s) of the attorney(s) who will be using the equipment. Chambers will coordinate with the District Executive's Office to issue the Order and forward a copy to counsel. The Order shall be shown upon bringing the equipment into the Courthouse.

II. DISCOVERY

A. Electronic Discovery

1. Requests for Production of Documents. Absent an order of the Court upon a showing of good cause or stipulation by the parties, a party from whom electronically-stored information (ESI) has been requested shall not be required to search for responsive ESI:

(a) From more than 10 key custodians;

(b) That was created more than five years before the filing of the lawsuit;

(c) From sources that are not reasonably accessible without undue burden or cost; or

(d) For more than 160 hours, inclusive of time spent identifying potentially responsive ESI, collecting ESI, searching that ESI (whether using properly validated keywords, Boolean searches, computer-assisted or other search

methodologies), and reviewing that ESI for responsiveness, confidentiality, and for privilege or work product protection. The producing party shall be able to demonstrate that the search was effectively designed and efficiently conducted. A party from whom ESI has been requested shall maintain detailed time records to demonstrate what was done and the time spent doing it, for review by an adversary and the Court, if requested.

2. Non-Waiver Agreements. As part of their duty to cooperate during discovery, the parties are expected to discuss whether the costs and burdens of discovery, especially discovery of ESI, may be reduced by entering into a non-waiver agreement pursuant to Fed. R. Evid. 502(e).

   In accordance with Fed. R. Evid. 502(d), at the request of the parties and upon submission of a proposed order pursuant to Section I.C.2, the Court shall enter an order providing that, except when a party intentionally waives attorney–client privilege or work product protection by disclosing such information to an adverse party as provided in Fed. R. Evid. 502(a), the disclosure of attorney–client privileged or work product protected information pursuant to a non-waiver agreement entered into under Fed. R. Evid. 502(e) does not constitute a waiver in this proceeding, or in any other federal or state proceeding. Further, the provisions of Fed. R. Evid. 502(b)(2) are inapplicable to the production of ESI pursuant to an agreement entered into between the parties under Fed. R. Evid. 502(e).

   A party that produces attorney–client privileged or work product protected information to an adverse party under a Rule 502(e) agreement without intending to waive the privilege or protection shall promptly notify the adversary that it did not intend a waiver by its disclosure. Any dispute regarding whether the disclosing party has asserted properly the attorney–client privilege or work product protection will be brought promptly to the Court, if the parties are not themselves able to resolve it.

3. Use of Computer Assisted Technology. Parties requesting ESI discovery and parties responding to such requests are expected to cooperate in the development of search methodology and criteria to achieve proportionality in ESI discovery, including appropriate use of computer-assisted search methodology.

   The parties also shall discuss whether to use computer-assisted search methodology to facilitate pre-production review of ESI to identify information that is beyond the scope of discovery because it is attorney–client privileged or work product protected.

4. Duty to Preserve Electronically-Stored Information. In resolving any issue regarding whether a party has complied with its duty to preserve evidence, including ESI, the Court shall consider all relevant factors, including:

(a) Whether the party under a duty to preserve took measures to comply with the duty to preserve that were both reasonable and proportional to what was at issue in known or reasonably-anticipated litigation, taking into consideration the factors listed in Fed. R. Civ. P. 26(b)(2)(C);

(b) Whether the failure to preserve evidence was the result of culpable conduct, and if so, the degree of such culpability;

(c) The relevance of the information that was not preserved;

(d) The prejudice that the failure to preserve the evidence caused to the requesting party;

(e) Whether the requesting party and producing party cooperated with each other regarding the scope of the duty to preserve and the manner in which it was to be accomplished; and

(f) Whether the requesting party and producing party sought prompt resolution.

B. Discovery Disputes

1. Oral Applications During a Deposition. Notwithstanding the provisions of Section I.B above, and provided the parties have made their best efforts to resolve their differences without intervention, the parties may telephone chambers during a deposition for immediate resolution of a dispute.

2. Discovery Motions. Parties shall follow Section III.C.3 below and Local Rule 37.2 before making any discovery motion.

III. MOTION RULES AND PROCEDURES

A. Pre-Motion Conference

1. Pre-Motion Conference Generally Required. Before bringing any motion (except certain specific motions listed below), a party shall write a letter to Chambers, with a copy to opposing counsel, requesting a pre-motion conference. This letter shall be emailed to Chambers at least seven business days before the proposed conference date. It shall explain the legal and other grounds for the motion and shall be no more than three single-spaced pages in length, including any attached exhibits. Within three business days after receipt of the letter, an adversary wishing to oppose the motion shall email to Chambers a written response, not exceeding three single-spaced pages, including any attached exhibits.

2. Subject of Pre-Motion Conference. Motions will be resolved at the pre-motion conference to the extent possible. If papers are found to be

necessary, the issues to be considered will be defined and a briefing schedule and return date set.

3. Motions Not Requiring a Pre-Motion Conference. A pre-motion conference is not required for the following motions:

– Habeas corpus petitions
– All motions in Social Security cases
– Motions for admission *pro hac vice* (see Section III.C.2)
– Applications for a temporary restraining order or preliminary injunction (see also below)
– Motions for reargument or reconsideration (parties shall not submit opposition to a motion for reconsideration unless directed to do so by the Court)
– *In forma pauperis* motions
– Applications for attorney's fees
– Motions to be relieved as counsel
– Motions for a new trial or amendment of judgments
– Motions for emergency relief
– Cross-motions
– Motions to object to a Magistrate Judge's ruling

While a pre-motion conference also is not required for the following motions, the parties shall exchange letters prior to bringing the motion, but shall not submit them to the Court. The parties shall attempt to eliminate the need for these motions based on the exchange of letters. However, where any such motion is eventually made, the moving party shall certify that pre-motion letters were exchanged and the outcome of the exchange:

– Motions to dismiss in lieu of an answer (see also below)
– Motions for a more definite statement
– Motions to remand a removed case
– Motions to confirm or compel arbitration

B. Motion Submissions and Argument

1. Memoranda of Law. All written motions and cross-motions shall be accompanied by a memorandum of law. Local Rule 11.1 specifies the requirements for motion papers, including typeface (12-point font or larger), margins (1 inch or more) and spacing (double space). 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 include a table of contents and a table of authorities, neither of which shall count toward the page limit. These page limits do not apply to memoranda in support of or opposition to a motion for reargument or reconsideration, which shall not

exceed 10 pages, or memoranda in support of or opposition to *in limine* motions, which shall not exceed five pages.

2. Unpublished Cases. If a party cites to a case not available in an official reporter, it need not provide copies of the case to Chambers if the case is available on Westlaw.

3. Affidavits and Exhibits. In support of or in opposition to a motion, each party is limited to a total of five affidavits/declarations (each not to exceed 10 double-spaced pages). Each party is limited to a total of 15 exhibits (each not to exceed 15 pages), including exhibits attached to an affidavit/declaration. The exhibits shall be excerpted to include only relevant material. All exhibits shall be clearly labeled, tabbed and indexed. For any hearing or deposition transcript submitted, the parties shall provide the Court with an electronic, text-searchable courtesy copy of the entire proceeding, if such copy is available, unless doing so would be unduly burdensome. (Parties shall provide these materials on a CD only, not on a DVD or memory stick, and not by email.)

4. Filing and Service. Copies of all motions and papers in support of and in opposition to a motion shall be served on all other parties. Original motion papers shall be filed promptly with the Clerk's Office after service.

5. Briefing Schedule. Unless the Court already has set a schedule, the parties shall propose a briefing schedule by emailing a letter to the Court and including a proposed Order with the schedule. The parties may change the briefing schedule without consulting or advising the Court, as long as the "fully submit" date previously established by the Court is unchanged. The Court shall be notified only if: (1) the parties cannot agree on dates to serve one another; or (2) the parties wish to change the final submission date set by the Court for the motion.

6. Courtesy Copies. One courtesy copy of all motion papers, marked "Courtesy Copy," shall be submitted ***by the movant at the time the reply is served***. Courtesy copies shall not be submitted to Chambers at the time of filing. All courtesy copies shall be three-hole punched, tabbed and placed in binders. If the parties have redacted or filed under seal any portion of the motion papers or exhibits in compliance with Section I.C.3 above, courtesy copies are to be unredacted, but the portions redacted from public filings shall be highlighted and identified, so that the Court will know to refrain from quoting those passages in opinion and orders.

7. Oral Argument. The parties may request oral argument by emailing a letter to Chambers no later than the date the last brief is filed in connection with the motion. The Court will determine whether argument will be heard and, if so, will advise counsel of the argument date. Counsel shall assume that the Court is familiar with the motion papers.

8. Failure of the Court to Schedule Argument or Decide a Motion. If a motion is not decided within 60 days of the time it is fully submitted, counsel for the movant shall email a letter to alert the Court.

C. Particular Matters and Motions

1. *Pro Hac Vice* Admission. Counsel seeking a *pro hac vice* admission shall first consult with opposing counsel to determine if there is any opposition and state opposing counsel's position in the motion papers. The proposed Order of admission shall include the applicant's email address, mailing address and phone number in accordance with the district's procedures set forth at http://www.nysd.uscourts.gov/pro_hac.php. Parties are reminded that a $200 fee shall be paid to the Cashier's Office with each *pro hac vice* admission.

2. Motions to Dismiss. If a motion to dismiss is filed, the plaintiff has a right to amend its complaint, pursuant to Fed. R. Civ. P. 15(a)(1)(B), within 21 days. If the plaintiff elects not to amend its complaint, no further opportunity to amend will be granted and the motion to dismiss will proceed in the normal course. If the plaintiff amends its pleading, the defendant shall, within 21 days of such amendment: (1) file an answer; (2) file a new motion to dismiss; or (3) email a letter to the Court, copying the plaintiff, stating that it relies on the previously filed motion to dismiss.

3. Discovery Motions. Parties shall follow Local Rule 37.2 with the following modifications: Any party wishing to raise a discovery dispute with the Court first shall confer in good faith with the opposing party, in person or by telephone, in an effort to resolve the dispute. If this process does not resolve the dispute, the party may email a letter, not to exceed two pages, as provided in Section I.B.1 above. Any responsive letter is also limited to two pages, and shall be emailed to the Court no more than three business days after the original letter. The Court will seek to resolve the discovery dispute quickly and, if necessary, will hear argument from counsel on short notice in person or by telephone.

4. Applications for Temporary Restraining Order and Orders to Show Cause. A party shall confer with the party's adversary before making an application for a temporary restraining order unless the requirements of Federal Rule of Civil Procedure 65(b) are met. As soon as a party decides to seek a temporary restraining order, the party shall call Chambers and state clearly whether (1) the party has notified its adversary, and whether the adversary consents to temporary injunctive relief; or (2) the requirements of Fed. R. Civ. P. 65(b) are satisfied and no notice is necessary. If a party's adversary has been notified but does not consent to temporary injunctive relief, the party seeking a restraining order shall bring the application to the Court at a time mutually agreeable to it and the adversary, so that the Court may have

the benefit of advocacy from both sides in deciding whether to grant temporary injunctive relief.

5. Summary Judgment Motions. Absent good cause, the Court ordinarily will not have summary judgment practice in a non-jury case. Pursuant to Local Rule 56.1, a movant for summary judgment shall file a statement of material undisputed facts and the opponent shall respond. The statement shall assist the Court in identifying key issues and include only those facts that the movant genuinely believes to be both material and undisputed. The Rule 56.1 statement shall not exceed 25 double-spaced pages unless leave of the Court to file a longer document has been obtained at least one week before the motion and statement are due to be filed. The movant shall supply all other parties with an electronic copy, in Microsoft Word format, of its Rule 56.1 statement. Opposing parties shall reproduce each entry in the moving party's Rule 56.1 Statement, with a response directly beneath it. An opposing party shall not deny each statement as a matter of course, but only those statements that it genuinely believes to be in dispute. No exhibits may be annexed to a Rule 56.1 statement or response.

6. Default Judgment Procedures. A party seeking a default judgment shall proceed in accordance with the procedure set forth in Attachment A.

IV. PRETRIAL PROCEDURES AND RELATED FILINGS

A. Pretrial Conferences and Related Filings

1. Attendance by Principal Trial Counsel. The attorney who will serve as principal trial counsel shall appear at all conferences with the Court. Any attorney appearing before the Court shall enter a notice of appearance.

2. Initial Case Management Conference and Plan. The Court generally will schedule a Federal Rule of Civil Procedure 16(c) conference within two months of the filing of the complaint. The Notice of Initial Pretrial Conference will be docketed on ECF; plaintiff's counsel (or in a matter removed from state court, defense counsel) is directed to notify all counsel of the Notice forthwith. The Notice will direct the parties, *inter alia*, to submit a joint proposed Civil Case Management Plan and Scheduling Order to the Court at least one week prior to the conference date. This document shall reference Federal Rule of Civil Procedure 26(a)(2) regarding the timing and substance of disclosure of experts and rebuttal experts. The parties shall use the form Proposed Case Management Plan and Scheduling Order available at the Court's website (http://nysd.uscourts.gov/judge/Schofield).

3. Diversity Jurisdiction Cases. In any action for which subject matter jurisdiction is founded on diversity of citizenship pursuant to 28 U.S.C. § 1332, the party asserting the existence of such jurisdiction shall email to the Court with the joint proposed Civil Case Management Plan and Scheduling

Order a letter no longer than two pages explaining the basis for that party's belief that diversity of citizenship exists. Where any party is a corporation, the letter shall state both the place of incorporation and the principal place of business. In cases where any party is a partnership, limited partnership, limited liability company or trust, the letter shall state the citizenship of each of the entity's members, shareholders, partners and/or trustees.

4. Additional Procedures for "Complex Cases." An entry will appear on the docket if an action has been designated for inclusion in the Complex Case Pilot Project under the Standing Order of Chief Judge Preska, filed as *In re: Pilot Project Regarding Case Management Techniques 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 and consider the Report of the Judicial Improvements Committee (the "Report"), which is an attachment to the Standing Order, http://www.nysd.uscourts.gov/rules/Complex_Civil_Rules_Pilot.pdf. The parties shall, as a starting point, use the "Civil Case Management Plan for Complex Cases," available at http://www.nysd.uscourts.gov/cases/show.php?db=judge_info&id=643. The parties may request that the Court exempt the case from the Pilot Project for good cause shown.

5. Interim Pretrial Conferences. Pretrial status conferences may be suggested in writing by the parties, or called by the Court at any time.

6. Post-Discovery Settlement Conference. Within two weeks of the close of fact discovery, the parties shall submit a joint letter to the Court stating whether all parties consent to a settlement conference, and if so, whether the parties would prefer to be referred to the court-sponsored mediation program or a judicial officer. If all parties do not consent, the letter shall not identify, explicitly or implicitly, the identity of a party that declined to consent.

B. Filings in Anticipation of Trial

1. Joint Final Pretrial Order. Unless otherwise ordered by the Court, within 30 days from the date for the completion of discovery, or within 30 days after the decision on a summary judgment motion, whichever is later, the parties shall email to Chambers a proposed joint final pretrial order in Word format, which shall include the following:

(a) The full caption of the action;

(b) The names, law firms, addresses and telephone and fax numbers of trial counsel;

(c) A brief statement (by each party to the extent their positions differ) of the factual and legal basis for subject matter jurisdiction, including citations to statutes and relevant facts as to citizenship and amount in controversy;

(d) A brief summary (by each party to the extent their positions differ) of the claims and defenses that remain to be tried, including citations to any relevant statute. A brief summary of claims and defenses previously asserted that are not to be tried. The summaries shall not cite any evidentiary matter and shall not be argumentative;

(e) The number of trial days needed and whether the case is to be tried with or without a jury;

(f) A statement whether all parties have consented to trial by a magistrate judge, without identifying which parties do or do not consent;

(g) A list of trial witnesses each party genuinely intends to call in its case in chief, and a separate list "identifying those whom the party may call if the need arises" (Fed. R. Civ. P. 26(a)(3)), including a short description and estimate of the length of each witness's testimony;

(h) (i) Designations of all deposition testimony the parties anticipate offering as part of their respective cases in chief, (ii) counter-designations of deposition testimony and (iii) objections to an opponent's designated testimony, with objections not being made waived. For each deposition with an objection, the parties shall provide the Court with an electronic, text-searchable courtesy copy of all or the relevant part of the deposition, if available, unless doing so would be unduly burdensome. (Parties shall provide these materials on a CD only, not on a DVD or memory stick, and not by email.) In a bench trial, for all deposition excerpts that will be offered as substantive evidence, the offering party shall submit a brief synopsis of the excerpts, not to exceed one page for each deposition, including page citations to the deposition transcript;

(i) A list of all proposed exhibits for each party's case in chief, marked with one star for no authenticity objection and two stars for no objections at all;

(j) For exhibits with objections other than authenticity, a statement of the nature of the objection and the Federal Rule of Evidence that is the basis for the objection; with any objections not made being deemed waived and any exhibits not objected to being deemed admissible at trial;

(k) Admissions, interrogatory answers or other written discovery responses the parties intend to offer into evidence, together with any objections to these materials;

(l) A list of *in limine* motions intended to be filed;

(m) Stipulations of uncontested facts;

(n) A statement of each element of damages and, except for intangible damages (*e.g.*, pain and suffering, mental anguish or loss of consortium), the dollar amount, including prejudgment interest, punitive damages and attorneys' fees;

(o) Other requested relief;

(p) A statement whether the parties consent to less than a unanimous verdict.

2. *In Limine* Motions. No later than 7 days after the filing of the joint final pretrial order, and at least one week before the trial date, the parties shall file and serve motions addressing any evidentiary issues or other matters that shall be resolved *in limine.* Any party may respond within one week after the filing of an *in limine* motion, but in no event less than two business days before the scheduled trial date.

3. Final Pretrial Memorandum of Law. If a party believes it would be useful to the Court, the party may file and serve a pretrial memorandum of law, no later than 7 days after the filing of the joint final pretrial order, and at least one week before the trial date. Any party may respond within one week after the filing of pretrial memorandum of law, but in no event less than two business days before the scheduled trial date. The pretrial memoranda and response shall not exceed 25 pages.

4. Courtesy Copies. The parties shall provide the Court with two paper courtesy copies of all documents identified in Sections IV.B.1-2 above on the day on which they are served or filed. Voluminous material shall be organized in binders and divided into two separate sets.

5. Joint Proposed *Voir Dire*, Requests to Charge and Verdict Sheet. In all jury cases, no later than 14 days days after the joint final pretrial order has been filed, and no later than 3 days before the trial date, the parties shall file joint proposed requests to charge, a verdict sheet and joint proposed *voir dire* questions, including a one or two paragraph statement describing the case to be read to the prospective jurors at the beginning of *voir dire*. To the extent the parties cannot agree, each party shall clearly state its proposed charge or question, the grounds on which the Court shall use that charge or question, and citations to case law sufficient to enable the Court to render a decision. The parties shall provide the Court with a courtesy digital copy of both the proposed *voir dire* and requests to charge in Word format either by email to Chambers or on a CD hand delivered to the Court.

6. Exhibit Binder. On the first day of trial, the parties shall submit to the Court two copies of each documentary exhibit deemed admitted or sought to be admitted, contained in a loose leaf binders, organized such that the Court can easily refer to the exhibits during trial.

Attachment A

Default Judgment Procedure

1. Email chambers at SchofieldNYSDChambers@nysd.uscourts.gov, including the docket number and the subject line "SCHEDULE FOR DEFAULT JUDGMENT".

2. Prepare an Order to Show Cause for default judgment and make the Order returnable before Judge Schofield in her Courtroom. Leave blank the date and time of the conference. Judge Schofield will set the date and time when she signs the Order.

3. Provide the following supporting papers with the Order to Show Cause:

   (a) An attorney's affidavit setting forth: (1) the basis for entering a default judgment, including a description of the method and date of service of the summons and complaint; (2) the procedural history beyond service of the summons and complaint, if any; (3) whether, if the default is applicable to fewer than all of the defendants, the Court may appropriately order a default judgment on the issue of damages prior to resolution of the entire action; (4) the proposed damages and the bases for each element of damages, including interest, attorney's fees, and costs; and (5) legal authority for why an inquest into damages would be unnecessary;

   (b) A proposed default judgment;

   (c) Copies of all pleadings;

   (d) A copy of the affidavit or service of the summons and complaint; and

   (e) If failure to answer is the basis for the default, a Certificate from the Clerk of Court stating that no answer has been filed.

4. Take the Order to Show Cause and supporting papers to the Orders and Judgments Clerk (Room 240, 500 Pear Street) for the Judge's signature, along with a courtesy copy of the supporting papers to leave with Chambers.

5. After the Judge signs the Order, serve a conforming copy of the Order and supporting papers on the defendant. (Chambers will retain the original signed Order for docketing purposes, but will supply you with a copy. You may also a print a copy of the signed order from the ECF system after the Order has been docketed.)

6. Prior to the return date, file through ECF: (1) an affidavit of service, reflecting that the defendant was served with the conforming copy of the Order and supporting papers; and (2) the supporting papers. (The signed Order itself will be scanned and docketed by Chambers.)

7. Prior to the return date, take the proposed judgment, separately backed, to the Orders and Judgments Clerk (Room 240, 500 Pearl Street) for the Clerk's approval. The proposed judgment, including all damage and interest calculations, shall be approved

by the Clerk prior to the conference and then brought to the conference for the Judge’s signature.