

INDIVIDUAL RULES AND PRACTICES IN CIVIL PRO SE CASES

**Paul A. Engelmayer
United States District Judge**

Chambers

United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

Pro Se Office

United States District Court
Southern District of New York
500 Pearl Street, Room 230
New York, NY 10007
(212) 805-0175

Unless otherwise ordered by Judge Engelmayer, these Individual Practices apply to all civil *pro se* cases.

1. Communications with Chambers

A. Letters. Communications with Chambers from pro se parties shall be by letter, delivered in person or sent by mail to the Pro Se Office, Room 230, United States Courthouse, 500 Pearl Street, New York, New York 10007. Copies must be simultaneously mailed to all parties. Communications from counseled parties shall be by e-mail, pursuant to the Court's Individual Rules and Practices in Civil Cases, with copies mailed to all pro se parties. Copies of correspondence between pro se parties and counsel for other parties shall not be sent to the Court. Letters shall identify the name and docket number of the case.

B. Telephone Calls. For docketing, scheduling, and calendar matters, call Ms. June Hummel, Courtroom Deputy, at (212) 805-0132. For any other matters, pro se parties should call the Pro Se Office at (212) 805-0175.

C. Faxes. Faxes to Chambers are not permitted except with the prior authorization of Chambers, which will be given only in rare, urgent circumstances. In such situations, faxed submissions must clearly identify the person in Chambers who authorized the sending of a fax, and copies must be simultaneously faxed or delivered to all counsel.

D. Requests for Adjournments or Extensions of Time. All requests for adjournments or extensions of time must be made in writing and shall state: (1) the original due date, the date or dates sought to be extended, and the new date the party now seeks through an adjournment or extension; (2) the number of previous requests for adjournment or extensions 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 Scheduling Order must be attached. Absent extraordinary circumstances, requests for extensions will be denied if not made before the expiration of the original deadline. If the request is for an

adjournment of a court appearance, absent an emergency, the request shall be made at least two business days prior to the scheduled appearance.

2. Filing of Papers

All papers to be filed with the Court by a pro se party, along with one courtesy copy of those papers, shall be delivered in person or sent by mail to the Pro Se Office, Room 230, United States Courthouse, 500 Pearl Street, New York, New York 10007. All papers must be accompanied by a proof of service, affirming that the pro se party sent copies to all other parties or to their counsel if they are represented.

3. Discovery

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

4. Motions

A. Filing and Service. All motions, unless brought on by an Order to Show Cause, should be made with a return date six weeks after the date of service. Unless otherwise ordered by the Court, opposing papers 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 Copy. One courtesy copy of all motion papers, clearly marked as such, should be submitted.

C. Oral Argument. Unless otherwise ordered by the Court, argument will not be heard in pro se matters.

5. Initial Case Management Conference

The Court will generally schedule an initial case management conference within two months of the filing of the Answer. Incarcerated parties may not be able to attend this or other conferences, but may be able to participate by phone. If incarcerated parties do not have counsel, a family member or a representative may attend the conference if an incarcerated party is unable to participate. If a representative is designated, he or she should contact Ms. June Hummel, Courtroom Deputy, at (212) 805-0132, to determine the location of the conference. The Court will also send a transcript of the conference to the incarcerated party. If an incarcerated party does not have counsel and a representative cannot be sent to a conference, the pro se party should write to the Judge regarding any issue the pro se party wishes to have addressed at the conference.

6. Trial Documents

A. Pretrial Statement. Within 30 days of the completion of discovery unless otherwise ordered by the Court, a pro se plaintiff shall 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 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 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. The pro se plaintiff shall file an original, plus one courtesy copy, of this Statement with the Pro Se Office and serve a copy on all defendants or their counsel if they are represented. The original Statement must include a certificate stating the date a copy was mailed to the attorney for the defendant. Two weeks after service of plaintiff's Statement, the defendant must file and serve a similar Statement of its case containing the same information.

B. Other Pretrial Filings. At the time of filing the Pretrial Statement, any parties represented by counsel must also submit proposed findings of fact and conclusions of law, if the case is to be tried to the Court, or a proposed jury charge, if it will be tried before a jury. The pro se party may also file either proposed findings of fact and conclusions of law or a proposed jury charge, but is not required to do so.