

INDIVIDUAL PRACTICES OF JUDGE SIDNEY H. STEIN
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
United States Courthouse
500 Pearl Street, New York, New York 10007

Unless otherwise ordered by Judge Stein, civil matters before Judge Stein 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 filed electronically on ECF. Copies of correspondence between counsel shall not be sent to the Court. Courtesy copies of letters filed via ECF are not necessary.
- B. Telephone Calls.** Except as provided in Paragraph 1(D) and Paragraph 3(B)(i) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at (212) 805-0192.
- C. Faxes.** Faxes to chambers are not permitted.
- D. Docketing, Scheduling, and Calendar Matters.** For docketing, scheduling and calendar matters, call Laura Blakely at (212) 805-0087.
- E. Requests for Adjournments or Extensions of Time.** All requests for adjournments or extensions of time must be made in writing and filed on ECF as letter motions. All such letter motions 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, a proposed Revised Scheduling Order (reflecting only business days) must be attached.
 - i. 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.

2. Motions & Pleadings

- A. Courtesy Copies of a New Complaint.** After a civil case has been electronically filed and assigned to Judge Stein, the filing attorney shall submit a paper copy of the initiating pleadings to chambers within five business days of the filing. The paper copy shall be submitted in accordance with SDNY policies regarding mail deliveries.
- B. Pre-Motion Conferences in Civil Cases.** Pre-motion conferences are not required.

- C. Memoranda of Law.** Memoranda of law in support of and in opposition to motions, if filed by an attorney or prepared with a computer, may not exceed 8,750 words, and reply briefs may not exceed 3,500 words. If filed by a party who is not represented by an attorney and handwritten or prepared with a typewriter, memoranda of law in support of and in opposition to motions may not exceed 25 pages, and reply memoranda may not exceed 10 pages. Memoranda that are 3,500 words or more or 10 pages or more shall contain a table of contents and a table of authorities, which are not included in these page or word limits. However, footnotes and endnotes are included in these limits.
- D. Filing of Motion Papers.** Each party shall file its motion papers at the same time as they are served.
- E. Courtesy Copies.** The moving party shall furnish a complete set of courtesy copies to chambers as soon as is practical after a motion has been fully briefed. Courtesy copies shall be marked as such and submitted in accordance with SDNY policies regarding mail deliveries.
- F. Oral Argument on Motions.** Parties may request oral argument by letter at the time their moving or 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.
- G. Discovery Disputes.** Any party wishing to raise a discovery dispute with the Court must first meet and confer in good faith with the opposing party, in person if the attorneys practice in New York, in an effort to resolve the dispute. If this meet-and-confer process does not resolve the dispute, any party may submit a letter to the Court via ECF, no longer than three pages, explaining the nature of the dispute and requesting an informal conference. Such letter must include a representation that the meet-and-confer process occurred and was unsuccessful. If the opposing party wishes to respond to the letter, it must do so within two business days.

3. Pretrial Procedures

Joint Pretrial Orders in Civil Cases. Unless otherwise ordered by the Court, 45 days prior to trial, the parties shall submit to the Court for its approval a joint pretrial order that includes the following information:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone 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 on. Such summaries shall 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 or without a jury, and the number of trial days needed for each party.
- vi. A statement as to whether or not 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 to 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, and a summary of that witnesses' expected testimony.
- 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, along with the evidentiary basis for the objection.
- x. A list by each party of exhibits to be offered in its case in chief, with a star indicating exhibits to which a party objects, and the evidentiary bases for the objections.
- xi. Proposed requests to charge in cases to be tried to a jury.
- xii. Proposed voir dire questions in cases to be tried to a jury.
- xiii. Motions addressing any evidentiary or other issues which should be resolved *in limine*; and
- xiv. In any case where such party believes it would be useful, a pretrial memorandum.

- 4. Applications for Entry of Default Judgment.** Parties seeking entry of a default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2) and Local Civil Rule 55.2(b) shall move, on notice to the adversary, specifying a return date at least 10 days from the date of service, returnable at 9:30 a.m. in Courtroom 23A. The motion shall include: (a) the notice of motion; (b) a completed clerk's certificate of default; (c) the claim to which no response has been made; and (d) a proposed form of default judgment.

5. Electronic Filing Under Seal in Civil and Miscellaneous Cases

- A. Sealing/Redactions Not Requiring Court Approval.** Federal Rule of Civil Procedure 5.2 describes sensitive information that must be redacted from public court filings without seeking prior permission from the Court.
- B. Sealing/Redaction Requiring Court Approval.** Motions or Letter Motions for approval of sealed or redacted filings in civil and miscellaneous cases and the subject documents, including the proposed sealed document(s), must be filed electronically through the court's ECF system in conformity with the Court's standing order, 19-mc-00583, and [ECF Rules & Instructions, section 6](#).

The motion must be filed in public view, must explain the particular reasons for seeking to file that information under seal and should not include confidential information sought to be filed under seal. Supporting papers must be separately filed electronically and may be filed under seal or redacted only to the extent necessary to safeguard information sought to be filed under seal.

The proposed sealed document must be contemporaneously filed under seal in the ECF system and electronically related to the motion. The summary docket text, but not the sealed document, will be open to public inspection and should not include confidential information sought to be filed under seal.

Where the motion seeks approval to redact information from a document that is to be publicly filed, the filing party shall: (a) publicly file the document with the proposed redactions, and (b) electronically file under seal a copy of the unredacted document with the proposed redactions highlighted. Both documents must be electronically filed through the ECF system and related to the motion.

Any party unable to comply with the requirement for electronic filing under seal through the ECF system, or who has reason to believe that a particular document should not be electronically filed, must move for leave of the Court to file in the traditional manner, on paper.