

Revised: February 3, 2015

INDIVIDUAL PRACTICES IN *PRO SE* CASES
ANALISA TORRES, UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK, NEW YORK 10007

Pro Se Intake Unit

United States District Court
Southern District of New York
500 Pearl Street, Room 200
New York, New York 10007
(212) 805-0175

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

I. Communications with Chambers

- A. By a *Pro Se* Party.** All communications with the Court by a *pro se* party must be mailed to the *Pro Se* Intake Unit, United States Courthouse, 500 Pearl Street, Room 200, New York, New York 10007. No documents or court filings should be sent directly to chambers. Unless the Court orders otherwise, all communications with the Court shall be docketed upon receipt; such docketing shall constitute service on any user of the ECF system. If any other party is not a user of the ECF system (e.g., if there is another *pro se* party in the case), a *pro se* party must send copies of any filing to that party and include proof of service affirming that he or she has done so. Copies of correspondence between a *pro se* party and opposing parties shall not be sent to the Court.
- B. By a Party Represented by Counsel.** Except as otherwise provided below, communications with the Court by a represented party shall be governed by Judge Torres' Individual Practices in Civil Cases, available at <http://nysd.uscourts.gov/judge/Torres>.
- C. Requests for Adjournments or Extensions of Time.** All requests for adjournments or extensions of time must be made in writing and must state: (1) the original date(s); (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 represented party must submit a proposed revised scheduling order. A *pro se* party may, but is not required to, submit a proposed revised scheduling order. Requests for extensions of deadlines regarding a matter that has been referred to a magistrate judge must be directed to that assigned magistrate judge. Absent an emergency, any request for adjournments or extensions must be made at least 48 hours prior to the deadline or

scheduled appearance. Requests for extensions will ordinarily be denied if made after the expiration of the original deadline.

II. Filing of Papers and Service

- A. **Papers Filed by a *Pro Se* Party.** All papers to be filed with the Court by a *pro se* party, along with one courtesy copy of those papers, must be delivered in person or sent by mail to the *Pro Se* Intake Unit, United States Courthouse, 500 Pearl Street, Room 200, New York, New York 10007. Any nonincarcerated *pro se* party who wishes to participate in electronic case filing (“ECF”) must file a Motion for Permission for Electronic Case Filing, available in the *Pro Se* Intake Unit or at <http://nysd.uscourts.gov/file/forms/motion-for-permission-for-electronic-case-filing-for-pro-se-cases>.
- B. **Consent to Electronic Service by a *Pro Se* Party.** Any nonincarcerated *pro se* party who wishes to receive documents in his or her case electronically (*i.e.*, by e-mail) instead of by regular mail may consent to electronic service by filing a *Pro Se* (Nonprisoner) Consent & Registration Form to Receive Documents Electronically, available in the *Pro Se* Intake Unit or at <http://nysd.uscourts.gov/file/forms/consent-to-electronic-service-for-pro-se-cases>.
- C. **Service on a *Pro Se* Party.** Except for cases in which the *pro se* party has received permission to participate in electronic case filing or has consented to electronic service, counsel in *pro se* cases must serve a *pro se* party with a paper copy of any document that is filed electronically or otherwise submitted to the Court and must include a separate proof of service. Submissions filed without such proof of service will not be considered.

III. Discovery

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

IV. Motions

- A. **Filing and Service.** Unless otherwise ordered by the Court, papers filed in opposition to a motion 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. **Represented Parties.** Represented parties who file a motion to dismiss, a motion for judgment on the pleadings, or a motion for summary judgment must provide the *pro se* party with a copy of the notices required under Local Civil Rules 12.1 or 56.2. As required by Local Civil Rule 7.2, counsel must provide a *pro se* litigant with printed copies of decisions cited in any submission that are unreported or reported exclusively on computerized databases.

- C. Pre-Motion Conferences.** Pre-motion conferences and pre-motion letters are not required in *pro se* cases.
- D. Special Rule for Summary Judgment Motions.** With respect to any deposition that is supplied in connection with a summary judgment motion, the index to the deposition must be included if it is available.
- E. Courtesy Copy.** All motion papers must include one courtesy copy. ¶
- F. Oral Argument.** Unless otherwise ordered by the Court, oral argument will not be heard in *pro se* matters.

V. ¶ **Trial Documents** ¶

- A. Pretrial Statement.** Unless otherwise ordered by the Court, within 30 days after the date for the completion of discovery, or within 30 days after the Court's decision on a dispositive motion, if any, the plaintiff in a *pro se* case must file a concise, written Pretrial Statement. This Statement need not take any particular form, but it must contain the following: (1) a statement of the facts the plaintiff intends 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 the 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. If *pro se*, the plaintiff must file an original of this Statement, plus one courtesy copy, with the *Pro Se* Intake Unit. If any other party is not a user of the ECF system (*e.g.*, if there is another *pro se* party in the case), the plaintiff must also send a copy of the Statement to that party and include proof of service affirming that he or she has done so. Two weeks after service of the plaintiff's Statement, the defendant must file and serve its own Pretrial Statement.
- B. Other Pretrial Filings.** If the case is to be tried before only a judge without a jury, any parties represented by counsel must also file proposed findings of fact and conclusions of law at the time of filing the Pretrial Statement. If the case is to be tried before a jury, any parties represented by counsel must also file proposed *voir dire* questions, a proposed jury charge, and a proposed verdict form at the time of filing the Pretrial Statement. At the time of filing, a represented party must e-mail these documents to the Court (Torres_NYSDChambers@nysd.uscourts.gov) in both PDF and Microsoft Word formats. The *pro se* party may file such documents, but is not required to do so and need not submit them by e-mail.