

**INDIVIDUAL MOTION PRACTICES OF
SENIOR JUDGE FREDERIC BLOCK
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201
Telephone: (718) 613-2420
Fax: By permission only
Fax Page Limit: 5 pages
Contact: Michael Innelli, Judicial Assistant
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Hours: None Listed**

Motions Returnable: Counsel will be notified.

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*

A. *Letters.* Except as provided below, communications with chambers shall be by letter filed via ECF, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. *Telephone Calls.* In addition to Paragraph 1(D) below, telephone calls to chambers are permitted. Calls as to the scheduling of calendar matters and general questions about a case or chambers procedures should be directed to Michael Innelli, J. Block's case manager and courtroom deputy at the number listed above.

C. *Faxes.* Faxes to chambers are not permitted unless prior authorization is obtained.

D. *Scheduling and Calendar Matters.* Any applications pertaining to scheduling and calendar matters should be addressed in a letter and ECF filed.

E. *Request for Adjournments or Extension of Time.* All applications for adjournments or extensions of time must be in letter form and ECF filed. The application should 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 all parties consent, and, if not, the reasons given by the party for refusing to consent. If the requested adjournment or extension affects any other scheduled dates and a joint agreed upon proposed Revised Scheduling order must be stated. 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*

A. *Pre-Motion Conference in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, in all cases where the parties are

represented by counsel and in other than habeas corpus/prisoner petitions; Social Security and Bankruptcy appeals, a pre-motion conference with the court is required before making any: motion to amended the pleadings, class certification, to remand, to change of venue and all dispositive motions.

To arrange a pre-motion conference, the moving party shall ECF file a letter application not to exceed three (3) pages in length setting forth the basis for the anticipated motion. All parties so served must serve and file a letter response, not to exceed three (3) pages within seven (7) days from service of the letter application. Service of the letter by the moving party within the time requirements of Rule 12 of the Fed. R. Civ. P. shall constitute timely service of a motion made pursuant to Fed. R. Civ. P. 12(b).

B. *Courtesy Copies.* In addition to motion papers, marked as such, shall be submitted to chambers.

C. *Memoranda of Law.* Unless prior permission has been granted, memoranda of law in support of or 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.

D. *Filing of Motion Papers.* No motion papers shall be ECF filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served. A copy of the cover letter only is to be ECF filed.

The parties are to set up their own briefing schedule, which does not need Court approval. The parties may revise the schedule on consent. Any revisions do not need court approval. Counsel shall inform chambers by ECF letter as to the revised dates.

The original moving party shall be responsible for ECF filing a fully briefed motion papers. Such party is further obligated to furnish to chambers a courtesy copy of the motion papers in hard copy, together with a cover letter specifying each document in the package. A copy of the cover letter shall be sent to the assigned magistrate judge and to opposing counsel.

E. *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 by an ECF scheduling order.

3. *Pretrial Procedures*

A. *Joint Pretrial Orders in Civil Cases.* Unless otherwise ordered by the Court, within 60 days from the date for the 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), and 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. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.

iv. A brief summary to 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.

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 as to agreed statements of fact or law which have been agreed to by all parties.

viii. A list by each party as to the fact and expert witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.

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.

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

B. Filings prior to Jury Trials in Civil Cases. Unless otherwise ordered by the Court, each party shall file in 15 days before the trial date.

i. Any requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted as a PDF document and ECF filed on the docket sheet;

ii. By claim, a detailed statement regarding damages and other relief sought by counsel;

iii. 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;

iv. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

v. In any case where such party believes it would be useful, a pretrial memorandum..