

Revised July 1, 2011

INDIVIDUAL PRACTICES OF JUDGE SIDNEY H. STEIN

Unless otherwise ordered by Judge Stein, 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, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

B. Telephone Calls. For docketing, scheduling and calendar matters, call Ms. Laura Blakely, Courtroom Deputy, at (212) 805-0087. 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 permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than five (5) pages may be faxed without prior authorization. Do not follow with hard copy. The fax number is (212) 805-7924.

D. Requests for Adjournments or Extensions of Time. All requests for adjournments or extensions of time 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. 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.

E. Electronic Case Filing (“ECF”) Registration. All attorneys are required to register promptly as ECF users in accordance with the local ECF Rules and Instructions. For more information, see http://nysd.uscourts.gov/ecf_registration.php.

2. Pleadings and Motions

A. Courtesy Copies of Pleadings. Courtesy copies of all pleadings shall be submitted to chambers as soon as practicable after filing in accordance with the SDNY policies regarding mail deliveries. Courtesy copies shall be marked as such.

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 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. Each party shall file its motion papers at the same time as they are served.

E. Courtesy Copies of Motion Papers. When the motion is fully briefed, the moving party shall furnish a complete set of courtesy copies to chambers. Courtesy copies shall be marked as such.

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.

3. Pretrial Procedures in Civil Cases

A. Joint Pretrial Orders. Within 30 days from the date of the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order that includes the information required by Federal Rule of Civil Procedure 26(a)(3), and 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 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.
- 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 agreed 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.

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.

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 grounds for the objections.

B. Filings Prior to Trial. Each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. In jury cases, requests to charge and proposed voir dire questions. When feasible, proposed jury charges should also be submitted on compact disk in Microsoft Word or WordPerfect format;

ii. In nonjury 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;

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

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

C. Settlement Agreements. The Court will not retain jurisdiction to enforce settlement agreements that are not part of the public record. If the parties want the Court to retain jurisdiction to enforce the agreement, the parties must place the terms of their settlement agreement in the public record.

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 7 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. Temporary Restraining Orders. Applications for temporary restraining orders will be entertained only upon notice to the adversary unless the notice itself is likely to result in the harm sought to be enjoined.

6. Computers. Any party seeking to bring a computer into the courthouse must submit a proposed order to the Court at least five days in advance of trial. For the required standard form order and further procedures regarding the use of computing and other electronic devices, see Standing Order M10-468, which is available at http://nysd.uscourts.gov/rules/Standing_Order-Electronic_Devices-General_Purpose-Feb%202010.pdf.