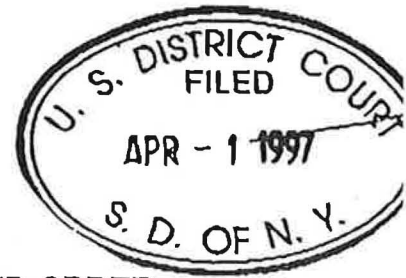


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
:
In the Matter of :
:
ADOPTION OF REVISED :
LOCAL RULES :
:
-----X

AMENDED ORDER
M-10-468

WHEREAS, after public notice and comment, the Board of Judges of this Court has approved revised Local Civil, Admiralty and Maritime and Criminal Rules,

NOW THEREFORE, IT IS HEREBY ORDERED:

1. Effective April 15, 1997, the attached Local Civil Rules and Local Admiralty and Maritime Rules shall be, and hereby are, adopted as local rules of this Court pursuant to Federal Rule of Civil Procedure 83(a)(1).
2. Effective April 15, 1997, the attached Local Criminal Rules shall be, and hereby are, adopted as local rules of this Court pursuant to Federal Rule of Criminal Procedure 57(a)(1).
3. Effective April 15, 1997, the Local General Rules, Civil Rules, Criminal Rules, Rules for Admiralty and Maritime Claims, and Rules for Proceedings Before Magistrate Judges currently in effect in this District shall be, and hereby are, repealed.
4. The foregoing amendments to the local rules of this Court shall take effect on April 15, 1997, and shall govern all proceedings in cases thereafter commenced and, insofar as just and practicable, all proceedings in cases then pending.

SO ORDERED.

THOMAS P. GRIESA
CHIEF JUDGE

Dated: New York, New York
March 31, 1997

MICROFILM
APR - 1 1997
-12 00 PM

LOCAL RULES OF THE
UNITED STATES DISTRICT COURTS FOR THE
SOUTHERN AND EASTERN DISTRICTS OF NEW YORK

Adopted by the Boards of Judges of the
United States District Courts for the
Southern and Eastern Districts of New York
Effective April 15, 1997

Table of Rules

Local Civil Rules

<u>Rule</u>	<u>Page</u>
1.1. Application of Rules	1
1.2. Clerk's Office	1
1.3. Admission to the Bar	1
1.4. Withdrawal or Displacement of Attorney of Record	4
1.5. Discipline of Attorneys	5
1.6. Duty of Attorneys in Related Cases	11
1.7. Fees of Clerks and Reporters	12
1.8. Photographs, Radio, Recordings, Television	13
1.9. Disclosure of Interested Parties	13
1.10. Acceptable Substitutes for Affidavits	13
5.1. Filing of Discovery Materials	14
6.1. Service and Filing of Motion Papers	15
6.2. Orders on Motions	16
6.3. Motions for Reconsideration or Reargument	17
6.4. Computation of Time	17
7.1. Memoranda of Law	17
7.2. Specification of Statutes or Rules	18
11.1. Form of Pleadings, Motions, and Other Papers	18
16.1. Exemptions from Mandatory Scheduling Order	19
16.2. Entry and Modification of Mandatory Scheduling Orders by Magistrate Judges	19
23.1. Fees in Stockholder and Class Actions	19
24.1. Notice of Claim of Unconstitutionality	20

<u>Rule</u>	<u>Page</u>
26.1. Address of Party and Original Owner of Claim to Be Furnished	20
26.2. Assertion of Claim of Privilege	21
26.3. Uniform Definitions in Discovery Requests	23
26.4. Opt-Out From Certain Provisions of Federal Rule of Civil Procedure 26 (Southern District Only)	25
26.5. Cooperation Among Counsel in Discovery (Eastern District Only)	26
26.6. Form Discovery Requests (Eastern District Only)	26
26.7. Discovery Requests to Be Read Reasonably (Eastern District Only)	26
30.1. Counsel Fees on Taking Depositions More Than 100 Miles From Courthouse	27
30.2. Opt-Out From Certain Provisions of Federal Rule of Civil Procedure 30 (Southern District Only)	27
30.3. Telephonic Depositions (Eastern District Only)	27
30.4. Persons Attending Depositions (Eastern District Only)	28
30.5. Depositions of Witnesses Who Have No Knowledge of the Facts (Eastern District Only)	28
30.6. Conferences Between Deponent and Defending Attorney (Eastern District Only)	29
30.7. Document Production at Depositions (Eastern District Only)	29
31.1. Opt-Out From Certain Provisions of Federal Rule of Civil Procedure 31 (Southern District Only)	30
33.1. Answering Interrogatory by Reference to Records	30
33.2. Standard Discovery in Prisoner Pro Se Actions	31
33.3. Interrogatories (Southern District Only)	34

<u>Rule</u>	<u>Page</u>
33.4. Opt-Out From Certain Provisions of Federal Rule of Civil Procedure 33 (Southern District Only)	35
34.1. Opt-Out From Certain Provisions of Federal Rule of Civil Procedure 34 (Southern District Only)	35
36.1. Opt-Out From Certain Provisions of Federal Rule of Civil Procedure 36 (Southern District Only)	35
37.1. Verbatim Quotation of Interrogatories, Requests for Admissions, and Objections or Exceptions	36
37.2. Mode of Raising Discovery Disputes With the Court (Southern District Only)	36
37.3. Mode of Raising Discovery and Other Non-Dispositive Pretrial Disputes With the Court (Eastern District Only)	37
39.1. Custody of Exhibits	39
39.2. Order of Summation	39
47.1. Assessment of Jury Costs	39
53.1. Masters	40
54.1. Taxable Costs	41
54.2. Security for Costs	45
54.3. Entering Satisfaction of Money Judgment	45
55.1. Certificate of Default	46
55.2. Default Judgment	46
56.1. Statements of Material Facts on Motion for Summary Judgment	47
58.1. Remand by an Appellate Court	48
65.1.1. Sureties	48
67.1. Order for Deposit in Interest-Bearing Account	50

<u>Rule</u>	<u>Page</u>
72.1. Powers of Magistrate Judges	51
72.2. Reference to Magistrate Judge (Eastern District Only)	52
73.1. Consent Jurisdiction Procedure	53
77.1. Submission of Orders, Judgments and Decrees . .	54
81.1. Removal of Cases from State Courts	54
83.1. Transfer of Cases to Another District	55
83.2. Settlement of Actions by or on Behalf of Infants or Incompetents and Wrongful Death Actions	55
83.3. Habeas Corpus	57
83.4. Proceedings to Stay the Deportation of Aliens in Deportation and Exclusion Cases	57
83.5. Three-Judge Court	60
83.6. Publication of Advertisements	60
83.7. Notice of Sale	61
83.8. Filing of Notice of Appeal	63
83.9. Contempt Proceedings in Civil Cases	63

Local Admiralty and Maritime Rules

A.1. Application of Rules	67
B.1. Affidavit That Defendant Is Not Found Within the District	67
B.2. Notice of Attachment	67
C.1. Intangible Property	68
C.2. Publication of Notice of Action and Arrest; Sale	68

<u>Rule</u>	<u>Page</u>
C.3. Notice Required for Default Judgment in Action In Rem	69
D.1. Return Date in Possessory, Petitory, and Partition Actions	70
E.1. Adversary Hearing Following Arrest, Attachment or Garnishment	71
E.2. Intervenors' Claims	71
E.3. Claims by Suppliers for Payment of Charges . . .	72
E.4. Preservation of Property	72

Local Criminal Rules

1.1. Application of Rules	74
1.2. Applications for Ex Parte Orders	74
12.1. Service and Filing of Motion Papers	74
16.1. Conference of Counsel	75
23.1. Free Press-Fair Trial Directives	75
34.1. Post-Trial Motions	81
44.1. Notice of Appearance	81
45.1. Computation of Time	82
58.1. Powers of Magistrate Judges	82
58.2. Petty Offenses--Collateral and Appearance . . .	83

Tables

	<u>Page</u>
Local Civil Rules Derivation Table	a-1
Local Civil Rules Conversion Table	a-4
Local General Rules Conversion Table	a-7
Local Magistrate Judge Rules Conversion Table	a-7
E.D.N.Y. Standing Orders Conversion Table	a-8
Local Admiralty and Maritime Rules Derivation Table	a-9
Local Admiralty and Maritime Rules Conversion Table	a-10
Local Criminal Rules Derivation Table	a-11
Local Criminal Rules Conversion Table	a-11

LOCAL CIVIL RULES

Local Civil Rule 1.1. Application of Rules

These Local Civil Rules apply in civil actions as defined in Federal Rules of Civil Procedure 1 and 2.

Local Civil Rule 1.2. Clerk's Office

The offices of the clerk are open from 8:30 a.m. to 5:00 p.m. Monday through Friday and closed on Saturdays, Sundays, and legal holidays. A night depository with an automatic time and date stamp shall be maintained by the clerk of the Southern District in the Pearl Street Courthouse and by the clerk of the Eastern District in the Brooklyn Courthouse. After regular business hours, papers for the district court only may be deposited in the night depository. Such papers will be considered as having been filed in the district court as of the time and date stamped thereon, which shall be deemed presumptively correct.

[Source: Former Local General Rule 1.]

Local Civil Rule 1.3. Admission to the Bar

(a) A member in good standing of the bar of the state of New York, or a member in good standing of the bar of the United States District Court in New Jersey, Connecticut or Vermont and of the bar of the State in which such district court is located, provided such district court by its rule extends a corresponding privilege to members of the bar of this court, may be admitted to practice in this court on compliance with the following provisions:

Each applicant for admission shall file with the clerk, at least ten (10) days prior to hearing (unless, for good cause shown, the judge shall shorten the time), a verified written petition for admission on a form supplied by the clerk stating: (1) applicant's residence and office address; (2) the time when, and courts where, admitted; (3) applicant's legal training and experience; (4) whether applicant has ever been held in contempt of court, and, if so, the nature of the contempt and the final disposition thereof; (5) whether applicant has ever been censured, suspended or disbarred by any court, and, if so, the facts and circumstances connected therewith; (6) that applicant has read and is familiar with (a) the provisions of the Judicial Code (Title 28, U.S.C.) which pertain to the jurisdiction of, and practice in, the United States District Courts; (b) the Federal Rules of Civil Procedure; (c) the Federal Rules of Criminal Procedure; (d) the Federal Rules of Evidence; (e) the Local Rules of the United States District Court for the Southern and Eastern Districts of New York; and (f) the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York; and (7) that applicant will faithfully adhere to all rules applicable to applicant's conduct in connection with any activities in this court.

The petition shall be accompanied by a certificate of the clerk of the court for each of the states in which the applicant is a member of the bar, which has been issued within thirty (30) days and states that the applicant is a member in good standing of the bar of that state court. The petition shall also be accompanied by an affidavit of an attorney of this court who has known the applicant for at least one year, stating when the affiant was admitted to practice in this court, how long and under what circumstances the attorney has known the applicant, and what the attorney knows of the applicant's character and experience at the bar. Such petition shall be placed at the head of the calendar and, on the call thereof, the attorney whose affidavit accompanied the petition shall personally move the admission of the applicant. If the petition is granted, the applicant shall take the oath of office and sign the roll of attorneys.

(b) A member in good standing of the bar of either the Southern or Eastern District of New York may be admitted to the bar of the other district without formal application (1) upon filing in that district a certificate of the Clerk of the United States District Court for the district in which the applicant is a member of the bar, which has been issued within thirty (30) days and states that the applicant is a member in good standing of the bar of that court and (2) upon taking the oath of office, signing the roll of

attorneys of that district, and paying the fee required in that district.

(c) A member in good standing of the bar of any state or of any United States District Court may be permitted to argue or try a particular case in whole or in part as counsel or advocate, upon motion and upon filing with the Clerk of the District Court a certificate of the court for each of the states in which the applicant is a member of the bar, which has been issued within thirty (30) days and states that the applicant is a member in good standing of the bar of that state court. Only an attorney who has been so admitted or who is a member of the bar of this court may enter appearances for parties, sign stipulations or receive payments upon judgments, decrees or orders.

(d) If an attorney who is a member of the bar of this court, or who has been authorized to appear in a case in this court, changes his or her residence or office address, the attorney shall immediately notify the clerk of the court, in addition to serving and filing a notice of change of address in each pending case in which the attorney has appeared.

[Source: Former Local General Rule 2.]

Local Civil Rule 1.4. Withdrawal or Displacement of Attorney of Record

An attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the

court and may not withdraw from a case without leave of the court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar.

[Source: Former Local General Rule 3(c).]

Local Civil Rule 1.5. Discipline of Attorneys

(a) **Committee on Grievances.** The chief judge shall appoint a committee of the board of judges known as the Committee on Grievances, which under the direction of the chief judge shall have charge of all matters relating to the discipline of attorneys. The chief judge shall appoint a panel of attorneys who are members of the bar of this court to advise or assist the Committee on Grievances. At the direction of the Committee on Grievances or its chair, members of this panel of attorneys may investigate complaints, may prepare and support statements of charges, or may serve as members of hearing panels.

(b) **Grounds for Discipline or Other Relief.**

Discipline or other relief, of the types set forth in paragraph (c) below, may be imposed, by the Committee on Grievances, after notice and opportunity to respond as set forth in paragraph (d) below, if any of the following grounds is found by clear and convincing evidence:

(1) Any member of the bar of this court has been convicted of a felony or misdemeanor in any federal court, or in a court of any state or territory.

(2) Any member of the bar of this court has been disciplined by any federal court or by a court of any state or territory.

(3) Any member of the bar of this court has resigned from the bar of any federal court or of a court of any state or territory while an investigation into allegations of misconduct by the attorney was pending.

(4) Any member of the bar of this court has an infirmity which prevents the attorney from engaging in the practice of law.

(5) In connection with activities in this court, any attorney is found to have engaged in conduct violative of the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York, and as interpreted and applied by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and this court.

(6) Any attorney not a member of the bar of this court has appeared at the bar of this court without permission to do so.

(c) **Types of Discipline or Other Relief**

(1) In the case of an attorney admitted to the bar of this court, discipline imposed pursuant to paragraph (b) (1), (b) (2), (b) (3), or (b) (5) above may consist of a letter of reprimand or admonition, censure, suspension, or an order striking the name of the attorney from the roll of attorneys admitted to the bar of this court.

(2) In the case of an attorney not admitted to the bar of this court, discipline imposed pursuant to paragraph (b) (5) or (b) (6) above may consist of a letter of reprimand or admonition, censure, or an order precluding the attorney from again appearing at the bar of this court.

(3) Relief required pursuant to paragraph (b) (4) above shall consist of suspending the attorney from practice before this court.

(d) **Procedure**

(1) If it appears that there exists a ground for discipline set forth in paragraph (b) (1), (b) (2), or (b) (3), notice thereof shall be served by the Committee on Grievances upon the attorney concerned by first class mail, directed to the address of the attorney as shown on the rolls of this court and to the last known address of the attorney (if any) as shown in the complaint and any materials submitted therewith, together with an order by the Committee on Grievances directing the attorney to show cause in writing why discipline should not be imposed. If the

attorney fails to respond in writing to the order to show cause, or if the response fails to show good cause to hold an evidentiary hearing, the Committee on Grievances may proceed to impose discipline or to take such other action as justice and this rule may require. If good cause is shown to hold an evidentiary hearing, the Committee on Grievances may direct such a hearing pursuant to paragraph (d) (4) below.

(2) In the case of a ground for discipline set forth in paragraph (b) (2) or (b) (3) above, discipline may be imposed unless the attorney concerned establishes by clear and convincing evidence (i) that there was such an infirmity of proof of misconduct by the attorney as to give rise to the clear conviction that this court could not consistent with its duty accept as final the conclusion of the other court, or (ii) that the procedure resulting in the investigation or discipline of the attorney by the other court was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process, or (iii) that the imposition of discipline by this court would result in grave injustice.

(3) Complaints in writing alleging any ground for discipline or other relief set forth in paragraph (b) above shall be directed to the chief judge, who shall refer such complaints to the Committee on Grievances. The Committee on Grievances, by its chair, may designate an attorney, who may

be selected from the panel of attorneys established pursuant to paragraph (a) above, to investigate the complaint, if it deems investigation necessary or warranted, and to prepare a statement of charges, if the Committee deems that necessary or warranted. Complaints, and any files based on them, shall be treated as confidential unless otherwise ordered by the chief judge for good cause shown.

(4) A statement of charges alleging a ground for discipline or other relief set forth in paragraph (b)(4), (b)(5), or (b)(6) shall be served upon the attorney concerned by certified mail, return receipt requested, directed to the address of the attorney as shown on the rolls of this court and to the last known address of the attorney (if any) as shown in the complaint and any materials submitted therewith, together with an order by the Committee on Grievances directing the attorney to show cause in writing why discipline or other relief should not be imposed. Upon the respondent attorney's answer to the charges the matter will be designated by the Committee on Grievances for a prompt evidentiary hearing before a magistrate judge of the court or before a panel of three attorneys, who may be selected from the panel of attorneys established pursuant to paragraph (a) above. The magistrate judge or panel of attorneys conducting the hearing may grant such pre-hearing discovery as they determine to be necessary, shall hear witnesses called by the attorney

supporting the charges and by the respondent attorney, and may consider such other evidence included in the record of the hearing as they deem relevant and material. The magistrate judge or panel of attorneys conducting the hearing shall report their findings and recommendations in writing to the Committee on Grievances and shall serve them upon the respondent attorney and the attorney supporting the charges. After affording the respondent attorney and the attorney supporting the charges an opportunity to respond in writing to such report, or if no timely answer is made by the respondent attorney, or if the Committee on Grievances determines that the answer raises no issue requiring a hearing, the Committee on Grievances may proceed to impose discipline or to take such action as justice and this rule may require.

(e) **Reinstatement.** Any attorney who has been suspended or precluded from appearing in this court or whose name has been struck from the roll of the members of the bar of this court may apply in writing to the chief judge, for good cause shown, for the lifting of the suspension or preclusion or for reinstatement to the rolls. The chief judge shall refer such application to the Committee on Grievances. The Committee on Grievances may refer the application to a magistrate judge or hearing panel of attorneys (who may be the same magistrate judge or panel of attorneys who previously heard the matter) for findings and

recommendations, or may act upon the application without making such a referral.

(f) **Remedies for Misconduct.** The remedies provided by this rule are in addition to the remedies available to individual judges and magistrate judges under applicable law with respect to lawyers appearing before them. Individual judges and magistrate judges may also refer any matter to the chief judge for referral to the Committee on Grievances to consider the imposition of discipline or other relief pursuant to this rule.

(g) **Notice to Other Courts.** When an attorney is known to be admitted to practice in the court of any state or territory, or in any other federal court, and has been convicted of any crime or disbarred, precluded from appearing, suspended or censured in this court, the clerk shall send to such other court or courts a certified copy of the judgment of conviction or order of disbarment, preclusion, suspension or censure, a certified copy of the court's opinion, if any, and a statement of the attorney's last known office and residence address.

[Source: Former Local General Rule 4.]

Local Civil Rule 1.6. Duty of Attorneys in Related Cases

(a) It shall be the continuing duty of each attorney appearing in any civil or criminal case to bring promptly to the attention of the clerk all facts which said attorney believes are relevant to a determination that said case and

one or more pending civil or criminal cases should be heard by the same judge, in order to avoid unnecessary duplication of judicial effort. As soon as the attorney becomes aware of such relationship, said attorney shall notify the clerk in writing, who shall transmit that notification to the judges to whom the cases have been assigned.

(b) If counsel fails to comply with Local Civil Rule 1.6(a), the court may assess reasonable costs directly against counsel whose action has obstructed the effective administration of the court's business.

[Source: Former Local General Rule 5.]

Local Civil Rule 1.7. Fees of Clerks and Reporters

(a) The clerk shall not be required to render any service for which a fee is prescribed by statute or by the Judicial Conference of the United States unless the fee for the particular service is paid to the clerk in advance or the court orders otherwise.

(b) Every attorney appearing in any proceeding who orders a transcript of any trial, hearing, or any other proceeding, is obligated to pay the cost thereof to the court reporters of the court upon rendition of the invoice unless at the time of such order, the attorney, in writing, advises the court reporter that only the client is obligated to pay.

[Source: Former Local General Rule 6.]

Local Civil Rule 1.8. Photographs, Radio, Recordings, Television

No one other than court officials engaged in the conduct of court business shall bring any camera, transmitter, receiver, portable telephone or recording device into any courthouse or its environs without written permission of a judge of that court.

Environs as used in this rule shall include the entire United States Courthouse property, including all entrances to and exits from the buildings.

[Source: Former Local General Rule 7.]

Local Civil Rule 1.9. Disclosure of Interested Parties

To enable judges and magistrate judges of the court to evaluate possible disqualification or recusal, counsel for a private (non-governmental) party shall submit at the time of filing the initial pleading or other court paper on behalf of that party a certificate of identification of any corporate or other parents, subsidiaries, or affiliates of that party, securities or other interests in which are publicly held.

[Source: Former Local General Rule 9.]

Local Civil Rule 1.10. Acceptable Substitutes for Affidavits

In situations in which any local rule provides for an affidavit or a verified statement, the following are acceptable substitutes: (a) a statement subscribed under

penalty of perjury as prescribed in 28 U.S.C. § 1746; or (b) if accepted by the court as a substitute for an affidavit or a verified statement, (1) a statement signed by an attorney or by a party not represented by an attorney pursuant to Federal Rule of Civil Procedure 11, or (2) an oral representation on the record in open court.

Local Civil Rule 5.1. Filing of Discovery Materials

(a) Depositions and notices of deposition, subpoenas, interrogatories, requests for documents, requests for admissions, and answers and responses thereto, and other discovery requests and materials produced in pretrial disclosure and discovery, shall not be filed with the clerk's office except by order of the court.

(b) A party seeking relief under Rules 26 through 37 inclusive of the Federal Rules of Civil Procedure shall quote or attach only those portions of the depositions, interrogatories, requests for documents, requests for admissions, or other discovery or disclosure materials that are the subject of the motion, together with the objections thereto.

(c) When discovery or disclosure material not on file is needed for an appeal, upon an order of the court, the necessary portion of that material shall be filed with the clerk.

[Source: Former Local Civil Rule 18]

Local Civil Rule 6.1. Service and Filing of Motion Papers

Unless otherwise provided by statute or rule, or unless otherwise ordered by the court in an individual rule or in a direction in a particular case, upon any motion, the notice of motion, supporting affidavits, and memoranda shall be served and filed as follows:

(a) On all motions and exceptions under Rules 26 through 37 inclusive and Rule 45(c)(3) of the Federal Rules of Civil Procedure, (1) the notice of motion, supporting affidavits, and memoranda of law shall be served by the moving party on all other parties that have appeared in the action, (2) any opposing affidavits and answering memoranda of law shall be served within four business days after service of the moving papers, and (3) any reply affidavits and reply memoranda of law shall be served within one business day after service of the answering papers.

(b) On all civil motions, petitions, applications, and exceptions other than those described in Rule 6.1(a), and other than petitions for writs of habeas corpus, (1) the notice of motion, supporting affidavits, and memoranda of law shall be served by the moving party on all other parties that have appeared in the action, (2) any opposing affidavits and answering memoranda shall be served within ten business days after service of the moving papers, and (3) any reply affidavits and memoranda of law shall be served within five business days after service of the answering papers.

(c) The parties and their attorneys shall only appear to argue the motion if so directed by the court by order or by individual rule or upon application.

(d) No *ex parte* order, or order to show cause to bring on a motion, will be granted except upon a clear and specific showing by affidavit of good and sufficient reasons why a procedure other than by notice of motion is necessary, and stating whether a previous application for similar relief has been made.

[Source: Former Local Civil Rules 3(c)(1), (2), and (4) and 6(b)]

Local Civil Rule 6.2. Orders on Motions

A memorandum signed by the court of the decision on a motion that does not finally determine all claims for relief, or an oral decision on such a motion, shall constitute the order unless the memorandum or oral decision directs the submission or settlement of an order in more extended form. The notation in the docket of a memorandum or oral decision that does not direct the submission or settlement of an order in more extended form shall constitute the entry of the order. Where an order in more extended form is required to be submitted or settled, the notation in the docket of such order shall constitute the entry of the order.

[Source: Former Local Civil Rule 6(a)]

Local Civil Rule 6.3. Motions for Reconsideration or Reargument

A notice of motion for reconsideration or reargument shall be served within ten (10) days after the docketing of the court's determination of the original motion. There shall be served with the notice of motion a memorandum setting forth concisely the matters or controlling decisions which counsel believes the court has overlooked. The time periods for the service of answering and reply memoranda, if any, shall be governed by Local Civil Rule 6.1(a) or (b), as in the case of the original motion. No oral argument shall be heard unless the court directs that the matter shall be reargued orally. No affidavits shall be filed by any party unless directed by the court.

[Source: Former Local Civil Rule 3(j)]

Local Civil Rule 6.4. Computation of Time

In computing any period of time prescribed or allowed by the Local Civil Rules or the Local Admiralty and Maritime Rules, the provisions of Federal Rule of Civil Procedure 6(a) and 6(e) shall apply unless otherwise stated.

Local Civil Rule 7.1. Memoranda of Law

Except as otherwise permitted by the court, all motions and all oppositions thereto shall be supported by a memorandum of law, setting forth the points and authorities relied upon in support of or in opposition to the motion, and divided, under appropriate headings, into as many parts

as there are points to be determined. Willful failure to comply with this rule may be deemed sufficient cause for the denial of a motion or for the granting of a motion by default.

[Source: Former Local Civil Rule 3(b)]

Local Civil Rule 7.2. Specification of Statutes or Rules

Upon any motion based upon rules or statutes, the notice of motion or order to show cause shall specify the rules or statutes upon which the motion is predicated.

[Source: Former Local Civil Rule 3(d)]

Local Civil Rule 11.1. Form of Pleadings, Motions, and Other Papers

(a) Every pleading, written motion, and other paper must (1) be plainly written, typed, printed, or copied without erasures or interlineations which materially deface it, (2) bear the docket number and the initials of the judge and any magistrate judge before whom the action or proceeding is pending, and (3) have the name of each person signing it clearly printed or typed directly below the signature.

(b) Every pleading, written motion, and other paper that is signed by an attorney must show directly after the typed name of the attorney (1) the initials of the attorney's first and last name, and (2) the last four digits of the attorney's social security number, or any other four-

digit number registered by the attorney with the clerk of the court.

[Source: Former Local Civil Rule 1]

Local Civil Rule 16.1. Exemptions from Mandatory Scheduling Order

Matters involving habeas corpus petitions, social security disability cases, motions to vacate sentences, forfeitures, and reviews from administrative agencies are exempted from the mandatory scheduling order required by Federal Rule of Civil Procedure 16(b).

[Source: Former Local Civil Rule 45 (Eastern District Only)]

Local Civil Rule 16.2. Entry and Modification of Mandatory Scheduling Orders by Magistrate Judges

In any case referred to a magistrate judge by a district judge, the magistrate judge may make scheduling orders pursuant to Federal Rule of Civil Procedure 16(b), and may modify for good cause shown scheduling orders previously entered.

[Source: Former Local Magistrate Judge Rule 15
(Eastern District Only and Southern District Only Versions)]

Local Civil Rule 23.1. Fees in Stockholder and Class Actions

Fees for attorneys or others shall not be paid upon recovery or compromise in a derivative or class action on behalf of a corporation or class except as allowed by the court after a hearing upon such notice as the court may

direct. The notice shall include a statement of the names and addresses of the applicants for such fees and the amounts requested respectively and shall disclose any fee sharing agreements with anyone. Where the court directs notice of a hearing upon a proposed voluntary dismissal or settlement of a derivative or class action, the above information as to the applications shall be included in the notice.

[Source: Former Local Civil Rule 5(a)]

Local Civil Rule 24.1. Notice of Claim of Unconstitutionality

(a) If, in any action to which neither the United States nor any agency, officer or employee thereof is a party, a party draws in question the constitutionality of an act of Congress affecting the public interest, such party shall notify the court in writing of the existence of such question so as to enable the court to comply with 28 U.S.C. § 2403(a).

(b) If, in any action to which neither a State nor any agency, officer or employee thereof is a party, a party draws in question the constitutionality of a statute of such State affecting the public interest, such party shall notify the court in writing of the existence of such question so as to enable the court to comply with 28 U.S.C. § 2403(b).

Local Civil Rule 26.1. Address of Party and Original Owner of Claim to Be Furnished

A party shall furnish to any other party, within five (5) days after a demand, a verified statement setting forth that party's post office address and residence, and like information as to partners if a partnership is involved and, if a corporation or an unincorporated association, the name, post office addresses and residences of its principal officers. In the case of an assigned claim, the statement shall include the post office address and residence of the original owner of the claim and of any assignee.

[Source: Former Local Civil Rule 2]

Local Civil Rule 26.2. Assertion of Claim of Privilege

(a) Where a claim of privilege is asserted in objecting to any means of discovery or disclosure, including but not limited to a deposition, and an answer is not provided on the basis of such assertion,

(1) the attorney asserting the privilege shall identify the nature of the privilege (including work product) which is being claimed and, if the privilege is governed by state law, indicate the state's privilege rule being invoked; and

(2) the following information shall be provided in the objection, unless divulgence of such information would cause disclosure of the allegedly privileged information:

(A) for documents: (i) the type of document, e.g., letter or memorandum; (ii) the general subject matter of the

document; (iii) the date of the document; and (iv) such other information as is sufficient to identify the document for a subpoena duces tecum, including, where appropriate, the author of the document, the addressees of the document, and any other recipients shown in the document, and, where not apparent, the relationship of the author, addressees, and recipients to each other;

(B) for oral communications: (i) the name of the person making the communication and the names of persons present while the communication was made and, where not apparent, the relationship of the persons present to the person making the communication; (ii) the date and place of communication; and (iii) the general subject matter of the communication.

(b) Where a claim of privilege is asserted during a deposition, and information is not provided on the basis of such assertion, the information set forth in paragraph (a) above shall be furnished (1) at the deposition, to the extent it is readily available from the witness being deposed or otherwise, and (2) to the extent the information is not readily available at the deposition, in writing within ten business days after the deposition session at which the privilege is asserted, unless otherwise ordered by the court.

(c) Where a claim of privilege is asserted in response to discovery or disclosure other than a deposition, and information is not provided on the basis of such assertion,

the information set forth in paragraph (a) above shall be furnished in writing at the time of the response to such discovery or disclosure, unless otherwise ordered by the court.

[Source: Former Local Civil Rule 46(e)(2) (Southern District Only); Eastern District Standing Order 21]

Local Civil Rule 26.3. Uniform Definitions in Discovery Requests

(a) The full text of the definitions and rules of construction set forth in paragraphs (c) and (d) is deemed incorporated by reference into all discovery requests. No discovery request shall use broader definitions or rules of construction than those set forth in paragraphs (c) and (d). This rule shall not preclude (1) the definition of other terms specific to the particular litigation, (2) the use of abbreviations, or (3) a more narrow definition of a term defined in paragraph (c).

(b) This rule is not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Civil Procedure.

(c) The following definitions apply to all discovery requests:

(1) **Communication.** The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

(2) **Document.** The term "document" is defined to be synonymous in meaning and equal in scope to the usage of

this term in Federal Rule of Civil Procedure 34(a), including, without limitation, electronic or computerized data compilations. A draft or non-identical copy is a separate document within the meaning of this term.

(3) **Identify (with respect to persons).** When referring to a person, "to identify" means to give, to the extent known, the person's full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

(4) **Identify (with respect to documents).** When referring to documents, "to identify" means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s).

(5) **Parties.** The terms "plaintiff" and "defendant" as well as a party's full or abbreviated name or a pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

(6) **Person.** The term "person" is defined as any natural person or any business, legal or governmental entity or association.

(7) **Concerning.** The term "concerning" means relating to, referring to, describing, evidencing or constituting.

(d) The following rules of construction apply to all discovery requests:

(1) **All/Each.** The terms "all" and "each" shall be construed as all and each.

(2) **And/Or.** The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

(3) **Number.** The use of the singular form of any word includes the plural and vice versa.

[Source: Former Local Civil Rule 47]

Local Civil Rule 26.4. Opt-Out From Certain Provisions of Federal Rule of Civil Procedure 26 (Southern District Only)

(a) Federal Rules of Civil Procedure 26(a)(1) and 26(d) (first sentence only) are not operative in this District.

(b) Since Federal Rule of Civil Procedure 26(d) (first sentence only) is not operative in this District, Rules 26(f) (insofar only as it relates to disclosures under Rule 26(a)(1)) and 26(g)(1) (insofar only as it relates to

disclosures under Rule 26(a)(1)) are not applicable in this District.

[Source: Former Local Civil Rule 49 (Southern District Only)]

Local Civil Rule 26.5. Cooperation Among Counsel in Discovery (Eastern District Only)

Counsel are expected to cooperate with each other, consistent with the interests of their clients, in all phases of the discovery process and to be courteous in their dealings with each other, including in matters relating to scheduling and timing of various discovery procedures.

[Source: Eastern District Standing Order 1]

Local Civil Rule 26.6. Form Discovery Requests (Eastern District Only)

Attorneys using form discovery requests shall review them to ascertain that they are relevant to the subject matter involved in the particular case. Discovery requests which are not relevant to the subject matter involved in the particular case shall not be used.

[Source: Eastern District Standing Orders 15, 18]

Local Civil Rule 26.7. Discovery Requests to Be Read Reasonably (Eastern District Only)

Discovery requests shall be read reasonably in the recognition that the attorney serving them generally does not have the information being sought and the attorney

receiving them generally does have such information or can obtain it from the client.

[Source: Eastern District Standing Orders 16(b), 19(b)]

Local Civil Rule 30.1. Counsel Fees on Taking Depositions More Than 100 Miles From Courthouse

When a proposed deposition upon oral examination, including a deposition before action or pending appeal, is sought to be taken at a place more than one hundred (100) miles from the courthouse, the court may by order provide that prior to the examination, the applicant pay the expense (including a reasonable counsel fee) of the attendance of one attorney for each adversary party at the place where the deposition is to be taken. The amounts so paid, unless otherwise directed by the court, shall be a taxable cost in the event that the applicant recovers costs of the action or proceeding.

[Source: Former Local Civil Rule 15(a)]

Local Civil Rule 30.2. Opt-Out From Certain Provisions of Federal Rule of Civil Procedure 30 (Southern District Only)

(a) Federal Rule of Civil Procedure 30(a)(2)(A) is not operative in this District.

(b) Since Federal Rule of Civil Procedure 26(d) (first sentence only) is not operative in this District, Rule 30(a)(2)(C) is not applicable in this District.

[Source: Former Local Civil Rule 49 (Southern District Only)]

Local Civil Rule 30.3. Telephonic Depositions (Eastern District Only)

The motion of a party to take the deposition of an adverse party by telephone will presumptively be granted. Where the opposing party is a corporation, the term "adverse party" means an officer, director, managing agent or corporate designee pursuant to Federal Rule of Civil Procedure 30(b)(6).

[Source: Eastern District Standing Order 8]

Local Civil Rule 30.4. Persons Attending Depositions (Eastern District Only)

A person who is a party in the action may attend the deposition of a party or witness. A witness or potential witness in the action may attend the deposition of a party or witness unless otherwise ordered by the court.

[Source: Eastern District Standing Order 9]

Local Civil Rule 30.5. Depositions of Witnesses Who Have No Knowledge of the Facts (Eastern District Only)

(a) Where an officer, director or managing agent of a corporation or a government official is served with a notice of deposition or subpoena regarding a matter about which he or she has no knowledge, he or she may submit reasonably before the date noticed for the deposition an affidavit to the noticing party so stating and identifying a person within the corporation or government entity having knowledge of the subject matter involved in the pending action.

(b) The noticing party may, notwithstanding such affidavit of the noticed witness, proceed with the deposition, subject to the witness's right to seek a protective order.

[Source: Eastern District Standing Order 10]

Local Civil Rule 30.6. Conferences Between Deponent and Defending Attorney (Eastern District Only)

An attorney for a deponent shall not initiate a private conference with the deponent during the actual taking of a deposition, except for the purpose of determining whether a privilege should be asserted.

[Source: Eastern District Standing Order 13]

Local Civil Rule 30.7. Document Production at Depositions (Eastern District Only)

Consistent with the requirements of Federal Rules of Civil Procedure 30 and 34, a party seeking production of documents of another party in connection with a deposition should schedule the deposition to allow for the production of the documents in advance of the deposition. If documents which have been so requested are not produced prior to the deposition, the party noticing the deposition may either adjourn the deposition until after such documents are produced or, without waiving the right to have access to the documents, may proceed with the deposition.

[Source: Eastern District Standing Order 14]

Local Civil Rule 31.1. Opt-Out From Certain Provisions of Federal Rule of Civil Procedure 31 (Southern District Only)

(a) Federal Rule of Civil Procedure 31(a)(2)(A) is not operative in this District.

(b) Since Federal Rule of Civil Procedure 26(d) (first sentence only) is not operative in this District, Rule 31(a)(2)(C) is not applicable in this District.

[Source: Former Local Civil Rule 49 (Southern District Only)]

Local Civil Rule 33.1. Answering Interrogatory by Reference to Records

Whenever a party answers any interrogatory by reference to records from which the answer may be derived or ascertained, as permitted in Federal Rule of Civil Procedure 33(d):

(a) The specifications of documents to be produced shall be in sufficient detail to permit the interrogating party to locate and identify the records and to ascertain the answer as readily as could the party from whom discovery is sought.

(b) The producing party shall also make available any computerized information or summaries thereof that it either has, or can adduce by a relatively simple procedure, unless these materials are privileged or otherwise immune from discovery.

(c) The producing party shall also provide any relevant compilations, abstracts or summaries in its custody

or readily obtainable by it, unless these materials are privileged or otherwise immune from discovery.

(d) Unless otherwise ordered by the court, the documents shall be made available for inspection and copying within ten days after service of the answers to interrogatories or at a date agreed upon by the parties.

[Source: Former Local Civil Rule 46(f) (Southern District Only)]

Local Civil Rule 33.2. Standard Discovery in Prisoner Pro Se Actions

(a) This rule shall apply in any action commenced pro se in which the plaintiff's complaint includes any claim described in paragraph (b) of this rule and in which the named defendants include one or more current or former employees of New York State or New York City sued in matters arising out of events alleged to have occurred while the plaintiff was in the custody of either the Department of Corrections of the City of New York or the New York State Department of Correctional Services. In each such action in the Southern District of New York, such defendants shall, except as otherwise set forth herein, respond to the standing discovery requests adopted by the court, in accordance with the instructions and definitions set forth in the standing requests, unless otherwise ordered by the court. In each such action in the Eastern District of New York, such defendants shall respond to the standing discovery requests if so ordered by the court.

(b) The claims to which the standard discovery requests shall apply are Use of Force Cases, Inmate Against Inmate Assault Cases and Disciplinary Due Process Cases, as defined below, in which the events alleged in the complaint have occurred while the plaintiff was in the custody of either the Department of Corrections of the City of New York or the New York State Department of Correctional Services.

(1) "Use of Force Case" refers to an action in which the complaint alleges that any employee of the Department used physical force against the plaintiff in violation of the plaintiff's rights.

(2) "Inmate against Inmate Assault Case" refers to an action in which the complaint alleges that any defendant was responsible for the plaintiff's injury resulting from physical contact with another inmate.

(3) "Disciplinary Due Process Case" refers to an action in which (i) the complaint alleges that a defendant violated or permitted the violation of a right or rights in a disciplinary proceeding against plaintiff, and (ii) the punishment imposed upon plaintiff as a result of that proceeding was placement in a special housing unit for more than thirty days.

(c) Responses to the requests shall be made on behalf of the individual defendants, but shall be made on the basis of information and documents within the possession, custody or control of the City or State of New York in accordance with the instructions contained in the requests. If no

defendant is represented by the Office of Corporation Counsel of the City of New York or the New York State Department of Law, responses based upon such information need not be made pursuant to this local rule, without prejudice to such other discovery procedures as the plaintiff shall initiate.

(d) The two requests, denominated Plaintiff's First and Second Set of Interrogatories and Requests for Production of Documents, shall be answered within 90 and 150 days of service of the complaint respectively except (i) as otherwise ordered by the court, for good cause shown, which shall be based upon the facts and procedural status of the particular case and not upon a generalized claim of burden, expense or relevance or (ii) as otherwise provided in the instructions to the requests. The responses to the requests shall be served upon the plaintiff and shall be filed with the Pro Se Office of the court. Copies of the requests are available through the Pro Se Office of the court.

(e) Except upon permission of the court, for good cause shown, the requests shall constitute the sole form of discovery available to plaintiff during the 150 day period as designated above.

(f) If the Pro Se Office determines that this rule applies, it shall provide copies of the standard requests to

those pro se plaintiffs for service upon defendants together with the summons and complaint.

[Source: Former Local Civil Rule 48 (Southern District Only)]

Local Civil Rule 33.3. Interrogatories (Southern District Only)

(a) Unless otherwise ordered by the court, at the commencement of discovery, interrogatories will be restricted to those seeking names of witnesses with knowledge of information relevant to the subject matter of the action, the computation of each category of damage alleged, and the existence, custodian, location and general description of relevant documents, including pertinent insurance agreements, and other physical evidence, or information of a similar nature.

(b) During discovery, interrogatories other than those seeking information described in paragraph (a) above may only be served (1) if they are a more practical method of obtaining the information sought than a request for production or a deposition, or (2) if ordered by the court.

(c) At the conclusion of other discovery, and at least 30 days prior to the discovery cut-off date, interrogatories seeking the claims and contentions of the opposing party may be served unless the court has ordered otherwise.

[Source: Former Local Civil Rule 46 (Southern District Only)]

Local Civil Rule 33.4. Opt-Out From Certain Provisions of Federal Rule of Civil Procedure 33 (Southern District Only)

(a) Federal Rule of Civil Procedure 33(a) (only insofar as it limits the number of interrogatories) is not operative in this District.

(b) Since Federal Rule of Civil Procedure 26(d) (first sentence only) is not operative in this District, Rule 33(a) (third sentence only) is not applicable in this District.

[Source: Former Local Civil Rule 49 (Southern District Only)]

Local Civil Rule 34.1. Opt-Out From Certain Provisions of Federal Rule of Civil Procedure 34 (Southern District Only)

Since Federal Rule of Civil Procedure 26(d) (first sentence only) is not operative in this District, Rule 34(b) (third sentence only) is not applicable in this District.

[Source: Former Local Civil Rule 49 (Southern District Only)]

Local Civil Rule 36.1. Opt-Out From Certain Provisions of Federal Rule of Civil Procedure 36 (Southern District Only)

Since Federal Rule of Civil Procedure 26(d) (first sentence only) is not operative in this District, Rule 36(a) (third sentence only) is not applicable in this District.

[Source: Former Local Civil Rule 49 (Southern District Only)]

Local Civil Rule 37.1. Verbatim Quotation of Interrogatories, Requests for Admissions, and Objections or Exceptions

Upon any motion involving objections or exceptions addressed to interrogatories, answers to interrogatories or requests for admissions, under Rule 37(a) of the Federal Rules of Civil Procedure, the moving party shall specify and quote or set forth verbatim in the motion papers (a) each interrogatory, answer or request to which the objection or exception is taken, and, immediately thereafter, (b) the objection or exception to such interrogatory, answer or request. The motion shall also set forth the grounds upon which the moving party is entitled to prevail as to each interrogatory, answer or request to which the objection or exception is taken.

[Source: Former Local Civil Rule 3(e)]

Local Civil Rule 37.2. Mode of Raising Discovery Disputes With the Court (Southern District Only)

No motion under Rules 26 through 37 inclusive of the Federal Rules of Civil Procedure shall be heard unless counsel for the moving party has first requested an informal conference with the court and such request has either been denied or the discovery dispute has not been resolved as a consequence of such a conference.

[Source: Former Local Civil Rule 3(1) (Southern District Only)]

Local Civil Rule 37.3. Mode of Raising Discovery and Other Non-Dispositive Pretrial Disputes With the Court (Eastern District Only)

(a) **Premotion Conference.** Prior to seeking judicial resolution of a discovery or non-dispositive pretrial dispute, the attorneys for the affected parties or non-party witness shall attempt to confer in good faith in person or by telephone in an effort to resolve the dispute.

(b) **Disputes Arising During Depositions.** Where the attorneys for the affected parties or a non-party witness cannot agree on a resolution of a discovery dispute that arises during a deposition, they shall, to the extent practicable, notify the court by telephone and seek a ruling while the deposition is in progress. If a prompt ruling cannot be obtained, and the dispute involves an instruction to the witness not to answer a question, the instruction not to answer may stand and the deposition shall continue until a ruling is obtained pursuant to the procedure set forth in paragraph (c) below.

(c) **Other Discovery and Non-Dispositive Pretrial Disputes.** Where the attorneys for the affected parties or non-party witness cannot agree on a resolution of any other discovery dispute or non-dispositive pretrial dispute, or if they are unable to obtain a telephonic ruling on a discovery dispute that arises during a deposition as provided in paragraph (b) above, they shall notify the court, at the option of the attorney for any affected party or non-party witness, either by telephone conference with all affected

parties on the line or by letter not exceeding three pages in length outlining the nature of the dispute and attaching relevant materials. Within three days of receiving such a letter, any opposing affected party or non-party witness may submit a responsive letter not exceeding three pages attaching relevant materials. Except for the letters and attachments authorized herein, or where a ruling which was made exclusively as a result of a telephone conference is the subject of *de novo* review pursuant to paragraph (d) hereof, papers shall not be submitted with respect to a dispute governed by this rule unless the court has so directed.

(d) **Motion for Reconsideration.** A ruling made exclusively as a result of a telephone conference may be the subject of *de novo* reconsideration by a letter not exceeding five pages in length attaching relevant materials submitted by any affected party or non-party witness. Within three days of receiving such a letter, any other affected party or non-party witness may submit a responsive letter not exceeding five pages in length attaching relevant materials.

(e) **Decision of the Court.** The court shall record or arrange for the recording of the court's decision in writing. Such written order may take the form of an oral order read into the record of a deposition or other proceeding, a handwritten memorandum, a handwritten marginal notation on a letter or other document, or any other form the court deems appropriate.

[Source: Eastern District Standing Orders 6, 11(c)]

Local Civil Rule 39.1. Custody of Exhibits

(a) Except in proceedings before a master or commissioner, and unless the court orders otherwise, exhibits shall not be filed with the clerk, but shall be retained in the custody of the respective attorneys who produced them in court.

(b) Exhibits which have been filed with the clerk shall be removed by the party responsible for them (1) if no appeal is taken, within ninety (90) days after a final decision is rendered, or (2) if an appeal has been taken, within thirty (30) days after the final disposition of the appeal. Parties failing to comply with this rule shall be notified by the clerk to remove their exhibits and upon their failure to do so within thirty (30) days, the clerk may dispose of them as the clerk may see fit.

[Source: Former Local Civil Rule 24(a), (d)]

Local Civil Rule 39.2. Order of Summation

After the close of evidence in civil trials, the order of summation shall be determined in the discretion of the court.

[Source: Former Local Civil Rule 44]

Local Civil Rule 47.1. Assessment of Jury Costs

All counsel in civil cases shall seriously discuss the possibility of settlement a reasonable time prior to trial.

The court may, in its discretion, assess the parties or counsel with the cost of one day's attendance of the jurors if a case is settled after the jury has been summoned or during trial, the amount to be paid to the clerk of the court. For purposes of this rule, a civil jury is considered summoned for a trial as of Noon of the business day prior to the designated date of the trial.

[Source: Former Local Civil Rule 22]

Local Civil Rule 53.1. Masters

(a) **Oath.** Every person appointed master, special master, commissioner, special commissioner, assessor or appraiser shall before entering upon those duties take and subscribe an oath, which, except as otherwise prescribed by statute or rule, shall be the same as the oath prescribed for judges pursuant to 28 U.S.C. § 453, with the addition of the words "in conformance with the order of appointment" after the words "administer justice." Such an oath may be taken before any federal or state officer authorized by federal law to administer oaths, and shall be filed in the office of the clerk.

(b) **Agreement on a Master.** Upon a stipulation by the parties to a civil action, either in writing or upon the record in open court, the court may appoint a master to report on particular issues, or upon all the issues. The stipulation may suggest the master, in which case the court may appoint the person named. The procedure covering such a

reference shall be the same as that governing any other reference to a master.

(c) **May Sit Outside District.** A master may sit within or outside the district. When the master is requested to sit outside the district for the convenience of a party and there is opposition by another party, the master may make an order for the holding of the hearing, or a part thereof, outside the district, upon such terms and conditions as shall be just. Such order may be reviewed by the court upon motion of any party, served within ten (10) days after service on all parties by the master of the order.

[Source: Former Local Civil Rules 19(a) and (b) and 20]

Local Civil Rule 54.1. Taxable Costs

(a) **Request to Tax Costs.** Within thirty (30) days after the entry of final judgment, or, in the case of an appeal by any party, within thirty (30) days after the final disposition of the appeal, unless this period is extended by the court for good cause shown, any party seeking to recover costs shall file with the clerk a request to tax costs annexing a bill of costs and indicating the date and time of taxation. Costs will not be taxed during the pendency of any appeal. Any party failing to file a request to tax costs within this thirty (30) day period will be deemed to have waived costs. The request to tax costs shall be served upon each other party not less than three (3) days (if

service is made by hand delivery) or six (6) days (if service is made by any means other than hand delivery) before the date and time fixed for taxation. The bill of costs shall include an affidavit that the costs claimed are allowable by law, are correctly stated and were necessarily incurred. Bills for the costs claimed shall be attached as exhibits.

(b) **Objections to Bill of Costs.** A party objecting to any cost item shall serve objections in writing prior to or at the time for taxation. The clerk will proceed to tax costs at the time noticed and allow such items as are properly taxable. In the absence of written objection, any item listed may be taxed within the discretion of the clerk.

(c) **Items Taxable as Costs**

(1) **Transcripts.** The cost of any part of the original trial transcript that was necessarily obtained for use in this court or on appeal is taxable. The cost of a transcript of court proceedings prior to or subsequent to trial is taxable only when authorized in advance or ordered by the court.

(2) **Depositions.** Unless otherwise ordered by the court, the original transcript of a deposition, plus one copy, is taxable if the deposition was used or received in evidence at the trial, whether or not it was read in its entirety. Costs for depositions are also taxable if they were used by the court in ruling on a motion for summary judgment or other dispositive substantive motion. Costs for

depositions taken solely for discovery are not taxable. Counsel's fees and expenses in attending the taking of a deposition are not taxable except as provided by statute, rule (including Local Civil Rule 30.1), or order of the court. Fees, mileage, and subsistence for the witness at the deposition are taxable at the same rates as for attendance at trial if the deposition taken was used or received in evidence at the trial.

(3) **Witness Fees, Mileage and Subsistence.** Witness fees and mileage pursuant to 28 U.S.C. § 1821 are taxable if the witness testifies. Subsistence pursuant to 28 U.S.C. § 1821 is taxable if the witness testifies and it is not practical for the witness to return to his or her residence from day to day. No party to the action may receive witness fees, mileage, or subsistence. Fees for expert witnesses are taxable only to the extent of fees for ordinary witnesses unless prior court approval was obtained.

(4) **Interpreting Costs.** The reasonable fee of a competent interpreter, and the reasonable cost of special interpretation services pursuant to 28 U.S.C. § 1828, are taxable if the fee of the witness involved is taxable. The reasonable fee of a translator is also taxable if the document translated is used or received in evidence.

(5) **Exemplifications and Copies of Papers.** A copy of an exhibit is taxable if the original was not available and the copy was used or received in evidence. The cost of copies used for the convenience of counsel or the court are

not taxable. The fees for a search and certification or proof of the non-existence of a document in a public office is taxable.

(6) **Maps, Charts, Models, Photographs and Summaries.**

The cost of photographs, 8" x 10" in size or less, is taxable if used or received in evidence. Enlargements greater than 8" x 10" are not taxable except by order of court. Costs of maps, charts, and models, including computer generated models, are not taxable except by order of court. The cost of compiling summaries, statistical comparisons and reports is not taxable.

(7) **Attorney Fees and Related Costs.**

Attorney fees and disbursements and other related fees and paralegal expenses are not taxable except by order of the court.

(8) **Fees of Masters, Receivers, Commissioners and**

Court Appointed Experts. Fees of masters, receivers, commissioners, and court appointed experts are taxable as costs, unless otherwise ordered by the court.

(9) **Costs for Title Searches.**

A party is entitled to tax necessary disbursements for the expenses of searches made by title insurance, abstract or searching companies, or by any public officer authorized to make official searches and certify to the same, taxable at rates not exceeding the cost of similar official searches.

(10) **Docket and Miscellaneous Fees.**

Docket fees, and the reasonable and actual fees of the clerk and of a

marshal, sheriff, and process server, are taxable unless otherwise ordered by the court.

[Source: Former Local Civil Rules 11, 12]

Local Civil Rule 54.2. Security for Costs

The court, on motion or on its own initiative, may order any party to file an original bond for costs or additional security for costs in such an amount and so conditioned as it may designate. For failure to comply with the order the court may make such orders in regard to non-compliance as are just, and among others the following: an order striking out pleadings or staying further proceedings until the bond is filed or dismissing the action or rendering a judgment by default against the non-complying party.

[Source: Former Local Civil Rule 39]

Local Civil Rule 54.3. Entering Satisfaction of Money Judgment

Satisfaction of a money judgment recovered or registered in this district shall be entered by the clerk as follows:

(a) upon the payment into the court of the amount thereof, plus interest, and the payment of the clerk's and marshal's fees, if any;

(b) upon the filing of a satisfaction executed and acknowledged by: (1) the judgment creditor; or (2) the judgment creditor's legal representatives or assigns, with

evidence of their authority; or (3) the judgment creditor's attorney if within ten (10) years of the entry of the judgment or decree;

(c) if the judgment creditor is the United States, upon the filing of a satisfaction executed by the United States Attorney;

(d) pursuant to an order of satisfaction entered by the court; or

(e) upon the registration of a certified copy of a satisfaction entered in another district.

[Source: Former Local Civil Rule 13]

Local Civil Rule 55.1. Certificate of Default

A party applying for a certificate of default by the clerk pursuant to Federal Rule of Civil Procedure 55(a) shall submit an affidavit showing (1) that the party against whom a notation of default is sought is not an infant, in the military, or an incompetent person; (2) that the party has failed to plead or otherwise defend the action; and (3) that the pleading to which no response has been made was properly served.

[Source: Former Local Civil Rule 10(a)]

Local Civil Rule 55.2. Default Judgment

(a) **By the Clerk.** Upon issuance of a clerk's certificate of default, if the claim to which no response has been made only sought payment of a sum certain, and does not include a request for attorney's fees or other

substantive relief, and if a default judgment is sought against all remaining parties to the action, the moving party may request the clerk to enter a default judgment, by submitting an affidavit showing the principal amount due and owing, not exceeding the amount sought in the claim to which no response has been made, plus interest, if any, computed by the party, with credit for all payments received to date clearly set forth, and costs, if any, pursuant to 28 U.S.C. § 1920.

(b) **By the Court.** In all other cases the party seeking a judgment by default shall apply to the court as described in Federal Rule of Civil Procedure 55(b)(2), and shall append to the application (1) the clerk's certificate of default, (2) a copy of the claim to which no response has been made, and (3) a proposed form of default judgment.

[Source: Former Local Civil Rule 10]

Local Civil Rule 56.1. Statements of Material Facts on Motion for Summary Judgment

(a) Upon any motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, there shall be annexed to the notice of motion a separate, short and concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried. Failure to submit such a statement may constitute grounds for denial of the motion.

(b) The papers opposing a motion for summary judgment shall include a separate, short and concise statement of the

material facts as to which it is contended that there exists a genuine issue to be tried.

(c) All material facts set forth in the statement required to be served by the moving party will be deemed to be admitted unless controverted by the statement required to be served by the opposing party.

(d) Each statement of material fact by a movant or opponent must be followed by citation to evidence which would be admissible, set forth as required by Federal Rule of Civil Procedure 56(e).

[Source: Former Local Civil Rule 3(g)]

Local Civil Rule 58.1. Remand by an Appellate Court

Any order or judgment of an appellate court, when filed in the office of the clerk of the district court, shall automatically become the order or judgment of the district court and be entered as such by the clerk without further order, except if such order or judgment of the appellate court requires further proceedings in the district court other than a new trial, an order shall be entered making the order or judgment of the appellate court the order or judgment of the district court.

[Source: Former Local Civil Rule 42]

Local Civil Rule 65.1.1. Sureties

(a) Whenever a bond, undertaking or stipulation is required, it shall be sufficient, except as otherwise

prescribed by law, if the instrument is executed by the surety or sureties only.

(b) Except as otherwise provided by law, every bond, undertaking or stipulation must be secured by: (1) the deposit of cash or government bonds in the amount of the bond, undertaking or stipulation; or (2) the undertaking or guaranty of a corporate surety holding a certificate of authority from the Secretary of the Treasury; or (3) the undertaking or guaranty of two individual residents of the district in which the case is pending, each of whom owns real or personal property within the district worth double the amount of the bond, undertaking or stipulation, over all his or her debts and liabilities, and over all obligations assumed by said surety on other bonds, undertakings or stipulations, and exclusive of all legal exemptions.

(c) Except as otherwise provided by law, all bonds, undertakings and stipulations of corporate sureties holding certificates of authority from the Secretary of the Treasury, where the amount of such bonds or undertakings has been fixed by a judge or by court rule or statute, may be approved by the clerk.

(d) In the case of a bond, or undertaking, or stipulation executed by individual sureties, each surety shall attach the surety's affidavit of justification, giving the surety's full name, occupation, residence and business addresses, and showing that the surety is qualified as an individual surety under paragraph (b) of this rule.

(e) Members of the bar who have appeared in the case, administrative officers and employees of the court, the marshal, and the marshal's deputies and assistants, shall not act as a surety in any suit, action or proceeding pending in this court.

(f) Whenever a notice of motion to enforce the liability of a surety upon an appeal or a supersedeas bond is served upon the clerk pursuant to Federal Rule of Appellate Procedure 8(b), the party making such motion shall deposit with the clerk the original, three copies, and one additional copy for each surety to be served.

[Source: Former Local Civil Rules 37, 38, 40(b)]

Local Civil Rule 67.1. Order for Deposit in Interest-Bearing Account

(a) Whenever a party seeks a court order for money to be deposited by the clerk in an interest-bearing account, the party shall personally deliver the order to the clerk or financial deputy who will inspect the proposed order for proper form and content and compliance with this rule prior to signature by the judge for whom the order is prepared. After the judge has signed the order, the person who obtained the order shall serve the clerk and the financial deputy with a copy of the order signed by the judge.

(b) Proposed orders directing the clerk to invest such funds in an interest-bearing account or other instrument shall include the following:

(1) the exact United States dollar amount of the principal sum to be invested; and

(2) wording which directs the clerk to deduct from the income on the investment a fee equal to ten per cent (10%) of the income earned, but not exceeding the fee authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office.

[Source: Former Local Civil Rule 8(c)]

Local Civil Rule 72.1. Powers of Magistrate Judges

In addition to other powers of magistrate judges:

(a) Full-time magistrate judges are hereby specially designated to exercise the jurisdiction set forth in 28 U.S.C. § 636(c).

(b) Magistrate judges are authorized to entertain *ex parte* applications by appropriate representatives of the United States government for the issuance of administrative inspection orders or warrants.

(c) Magistrate judges may issue subpoenas, writs of *habeas corpus ad testificandum* or *ad prosequendum* or other orders necessary to obtain the presence of parties or witnesses or evidence needed for court proceedings, and may sign *in forma pauperis* orders.

(d) Matters arising under 28 U.S.C. §§ 2254 and 2255 or challenging the conditions of the confinement of prisoners may be referred to a magistrate judge by the judge to whom the case has been assigned. A magistrate judge may

perform any or all of the duties imposed upon a judge by the rules governing such proceedings in the United States district courts. In so doing, a magistrate judge may issue any preliminary orders and conduct any necessary evidentiary hearing or other appropriate proceeding and shall submit to a judge a report containing proposed findings of fact and recommendations for disposition of the matter by the judge. Any order disposing of the petition may only be made by a judge.

[Source: Former Local Magistrate Judge Rules 1, 4, 6, and 10]

**Local Civil Rule 72.2. Reference to Magistrate Judge
(Eastern District Only)**

(a) **Selection of Magistrate Judge.** A magistrate judge shall be assigned to each case upon the commencement of the action, except in those categories of actions set forth in Local Civil Rule 16.1. In any courthouse in this District in which there is more than one magistrate judge such assignment shall be at random on a rotating basis. Except in multi-district cases and antitrust cases, a magistrate judge so assigned is empowered to act with respect to all non-dispositive pretrial matters unless the assigned district judge orders otherwise.

(b) **Orders Affecting Reference.** The attorneys for the parties shall be provided with copies of all orders

affecting the scope of the reference to the magistrate judge.

[Source: Eastern District Standing Order 4(a), (c)]

Local Civil Rule 73.1. Consent Jurisdiction Procedure

(a) When a civil action is filed with the clerk, the clerk shall give the filing party notice of the magistrate judge's consent jurisdiction in a form approved by the court, with sufficient copies to be served with the complaint on adversary parties. A copy of such notice shall be attached to any third-party complaint served by a defendant.

(b) When a completed consent form has been filed, the clerk shall forward the form for final approval to the district judge to whom the case was originally assigned. Once the district judge has approved the transfer and returned the consent form to the clerk for filing, the clerk shall reassign the case for all purposes to the magistrate judge previously designated to receive any referrals or to whom the case has previously been referred for any purpose. If no designation or referral has been made, or in the Eastern District upon application of the parties, the clerk shall select a new magistrate judge at random.

[Source: Former Local Magistrate Judge Rule 8(a) and (c)]

Local Civil Rule 77.1. Submission of Orders, Judgments and Decrees

(a) Proposed orders, judgments and decrees shall be presented to the clerk, and not presented directly to the judge. Unless the form of order, judgment or decree is consented to in writing, or unless the court otherwise directs, three (3) days' notice of settlement is required. One (1) day's notice is required of all counter-proposals. Unless adopted by the court or submitted for docketing by a party in connection with an anticipated appeal, such proposed orders, judgments or decrees shall not form any part of the record of this action.

(b) The party who obtains entry of an order or judgment shall append to or endorse upon it a list of the names of the parties entitled to be notified of the entry thereof and the names and addresses of their respective attorneys.

[Source: Former Local Civil Rule 8]

Local Civil Rule 81.1. Removal of Cases from State Courts

(a) If the court's jurisdiction is based upon diversity of citizenship, and regardless of whether or not service of process has been effected on all parties, the notice of removal shall set forth (1) in the case of each individual named as a party, the states of citizenship and residence and the address of that party, (2) in the case of each corporation named as a party, the state of incorporation and of its principal place of business, and

(3) the date on which each party that has been served was served. If such information or a designated part is unknown to the removing party, the removing party may so state, and in that case plaintiff within twenty (20) days after removal shall file in the office of the clerk a statement of the omitted information.

(b) Unless otherwise ordered by the court, within twenty (20) days after filing the notice of removal, the removing party shall file with the clerk a copy of all records and proceedings in the state court.

[Source: Former Local Civil Rule 25(b), (c)]

Local Civil Rule 83.1. Transfer of Cases to Another District

In a case ordered transferred from this district, the clerk, unless otherwise ordered, shall upon the expiration of five (5) days mail to the clerk of the court to which the case is transferred (1) certified copies of the court's opinion ordering the transfer, of its order, and of the docket entries in the case, and (2) the originals of all other papers on file in the case.

[Source: Former Local Civil Rule 26]

Local Civil Rule 83.2. Settlement of Actions by or on Behalf of Infants or Incompetents and Wrongful Death Actions

(a) Settlement of Actions by or on Behalf of Infants or Incompetents

(1) An action by or on behalf of an infant or incompetent shall not be settled or compromised, or

voluntarily discontinued, dismissed or terminated, without leave of the court embodied in an order, judgment or decree. The proceeding upon an application to settle or compromise such an action shall conform, as nearly as may be, to the New York State statutes and rules, but the court, for cause shown, may dispense with any New York State requirement.

(2) The court shall authorize payment to counsel for the infant or incompetent of a reasonable attorney's fee and proper disbursements from the amount recovered in such an action, whether realized by settlement, execution or otherwise and shall determine the said fee and disbursements, after due inquiry as to all charges against the fund.

(3) The court shall order the balance of the proceeds of the recovery or settlement to be distributed as it deems may best protect the interest of the infant or incompetent.

(b) Settlement of Wrongful Death Actions

In an action for wrongful death:

(1) Where required by statute or otherwise, the court shall apportion the avails of the action, and shall approve the terms of any settlement.

(2) The court shall approve an attorney's fee only upon application in accordance with the provisions of the New York State statutes and rules.

[Source: Former Local Civil Rules 28, 29]

Local Civil Rule 83.3. Habeas Corpus

Unless otherwise provided by statute, applications for a writ of habeas corpus made by persons under the judgment and sentence of a court of the State of New York shall be filed, heard and determined in the district court for the district within which they were convicted and sentenced; provided, however, that if the convenience of the parties and witnesses requires a hearing in a different district, such application may be transferred to any district which is found by the assigned judge to be more convenient. The clerks of the Southern and Eastern District Courts are authorized and directed to transfer such applications to the District herein designated for filing, hearing and determination.

[Source: Former Local Civil Rule 32(d)]

Local Civil Rule 83.4. Proceedings to Stay the Deportation of Aliens in Deportation and Exclusion Cases

(a) **The Petition or Complaint**

(1) Any application to stay an alien's deportation must be verified and, if made by someone other than the alien, must show either that the applicant has been authorized by the alien to make the application, or that the applicant is the parent, child, spouse, brother, sister, attorney or next friend of the alien.

(2) The application must state in detail why the alien's deportation is invalid. This shall include a statement setting forth the reasons why a stay is warranted,

including a description of the irreparable harm that the alien will suffer if the application is not granted. The application shall also state in what manner the applicable administrative remedies have been exhausted or why such exhaustion is not required and whether any prior application to the court for the same or similar relief has been made.

(3) The application shall recite the source of the factual allegations it contains. If the Immigration and Naturalization Service has been requested to grant the alien, the alien's attorney or the alien's representative access to the alien's records and access has been refused, the application shall state who made the request to review the records, when and to whom it was made, and by whom access was refused. In the event it is claimed that insufficient time was available to examine the alien's records, the application shall state when the alien was informed of his deportation and why he has been unable to examine the records since that time.

(4) Every application to stay the alien's deportation shall contain the alien's immigration file number or other identifying information supplied to the applicant, and the decision, if any, the alien seeks the court to review. In the event this decision was oral, the application shall state the nature of the relief requested, who denied the request, the reasons for the denial and the date the request was denied.

(5) The application shall also state the basis upon which the applicant believes that this court has jurisdiction over the custodian of the alien.

(b) **Commencement of the Proceeding.** In any proceeding to stay the deportation of an alien, the original verified petition or complaint shall be filed with the clerk. In addition to service pursuant to Federal Rule of Civil Procedure 4, a copy of the petition or complaint, and application for a writ of habeas corpus or order to show cause shall be delivered to the United States attorney prior to the issuance of any writ or order staying the deportation; if the United States attorney's office is closed, delivery shall be made before 10:00 A.M. the following business day, unless the court otherwise directs.

(c) **Procedure for Issuance of an Order or Writ**

(1) In the event the court determines to stay temporarily an alien's deportation, it shall briefly set forth why the order or writ was issued, endorse upon the order or writ the date and time it was issued, and set the matter for prompt hearing on the merits.

(2) All orders or writs temporarily enjoining an alien's expulsion shall expire by their terms within such time after entry, not to exceed ten (10) days, as the court fixes, unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the government consents to an extension for a longer period.

(d) Service of the writ or order upon the United States attorney's office within the time specified by the court shall be sufficient service to stay an alien's deportation.

(e) After delivery of an alien for deportation to the master of a ship or the commanding officer of an airplane, the writ or order staying the alien's deportation shall be addressed to and served upon only such master or commanding officer. Notice to the respondent, or the United States attorney's office, of the allowance of the writ or issuance of the order shall not operate to stay an alien's deportation if the alien is no longer in the government's custody. Service of the writ or order may not be made upon a master after the ship has left on her voyage or upon a commanding officer once the airplane has closed its doors and left the terminal.

[Source: Former Local Civil Rules 30, 31]

Local Civil Rule 83.5. Three-Judge Court

Whenever upon an application for injunctive relief counsel is of opinion that the relief is such as may be granted only by a three-judge court, the petition shall so state, and the proposed order to show cause (whether or not containing a stay), or the notice of motion, shall include a request for a hearing before a three-judge court. Upon the convening of a three-judge court, in addition to the

original papers on file, there shall be submitted three additional copies of all papers filed with the court.

[Source: Former Local Civil Rule 34]

Local Civil Rule 83.6. Publication of Advertisements

(a) All advertisements except notices of sale of real estate or of any interest in land shall be published in a newspaper which has a general circulation in this district or a circulation reasonably calculated to give public notice of a legal publication. The court may direct the publication of such additional advertisement as it may deem advisable.

(b) Unless otherwise ordered, notices for the sale of real estate or of any interest in land shall be published in a newspaper of general circulation in the county in which the real estate or the land in question is located.

[Source: Former Local Civil Rule 35]

Local Civil Rule 83.7. Notice of Sale

In any civil action, the notice of any proposed sale of property directed to be made by any order or judgment of the court, unless otherwise ordered by the court, need not set out the terms of sale specified in the order or judgment,

and the notice will be sufficient if in substantially the following form:

UNITED STATES DISTRICT COURT
..... DISTRICT OF NEW YORK

[CAPTION] [Docket No. and Judge's Initials]

NOTICE OF SALE

Pursuant to of the United
(Order or Judgment)

States Court for the District of New
York, filed in the office of the clerk on

..... in the
(Date)

case entitled
(Name and Docket Number)

..... the undersigned will sell
at

(Place of Sale)

on
(Date and Hour of Sale)

the property in said

.....
(Order or Judgment)

described and therein directed to be sold, to which

.....
(Order or Judgment)

reference is made for the terms of sale and for a
description of the property which may be briefly described
as follows:

Dated:

Signature and Official Title

The notice need not describe the property by metes and
bounds or otherwise in detail and will be sufficient if in

general terms it identifies the property by specifying its nature and location. However, it shall state: the approximate acreage of any real estate outside the limits of any town or city; the street, lot and block number of any real estate within any town or city; and a general statement of the character of any improvements upon the property.

[Source: Former Local Civil Rule 36]

Local Civil Rule 83.8. Filing of Notice of Appeal

A notice of appeal shall state the names of the several parties to the judgment, and the names and addresses of their respective attorneys of record. Upon the filing of the notice of appeal the appellant shall furnish the clerk with three additional copies thereof, as well as a sufficient number of further copies thereof to enable the clerk to comply with the provisions of Federal Rule of Appellate Procedure 3(a).

[Source: Former Local Civil Rule 40(a)]

Local Civil Rule 83.9. Contempt Proceedings in Civil Cases

(a) A proceeding to adjudicate a person in civil contempt, including a case provided for in Federal Rules of Civil Procedure 37(b)(1) and 37(b)(2)(D), shall be commenced by the service of a notice of motion or order to show cause. The affidavit upon which such notice of motion or order to show cause is based shall set out with particularity the misconduct complained of, the claim, if any, for damages occasioned thereby and such evidence as to the amount of

damages as may be available to the moving party. A reasonable counsel fee, necessitated by the contempt proceedings, may be included as an item of damage. Where the alleged contemnor has appeared in the action by an attorney, the notice of motion or order to show cause and the papers upon which it is based may be served upon said attorney; otherwise service shall be made personally, in the manner provided for by the Federal Rules of Civil Procedure for the service of a summons. If an order to show cause is sought, such order may, upon necessity shown, embody a direction to the United States marshal to arrest the alleged contemnor and hold such person unless bail is posted in an amount fixed by the order, conditioned on the appearance of such person in all further proceedings on the motion, and further conditioned that the alleged contemnor will hold himself or herself amenable to all orders of the court for surrender.

(b) If the alleged contemnor puts in issue his or her alleged misconduct or the damages thereby occasioned, said person shall upon demand be entitled to have oral evidence taken, either before the court or before a master appointed by the court. When by law such alleged contemnor is entitled to a trial by jury, said person shall make written demand before the beginning of the hearing on the application; otherwise the alleged contemnor will be deemed to have waived a trial by jury.

(c) If the alleged contemnor is found to be in contempt of court, an order shall be entered (1) reciting or referring to the verdict or findings of fact upon which the adjudication is based; (2) setting forth the amount of damages, if any, to which the complainant is entitled; (3) fixing the fine, if any, imposed by the court, which fine shall include the damages found and naming the person to whom such fine shall be payable; (4) stating any other conditions, the performance of which will operate to purge the contempt; and (5) directing, where appropriate, the arrest of the contemnor by the United States marshal and confinement until the performance of the condition fixed in the order and the payment of the fine, or until the contemnor be otherwise discharged pursuant to law. Upon such an order, no person shall be detained in prison by reason of the non-payment of the fine for a period exceeding six months. A certified copy of the order committing the contemnor shall be sufficient warrant to the marshal for the arrest and confinement of the contemnor. The complainant shall also have the same remedies against the property of the contemnor as if the order awarding the fine were a final judgment.

(d) If the alleged contemnor is found not guilty of the charges, said person shall be discharged from the proceedings and, in the discretion of the court, may have

judgment against the complainant for costs and disbursements and a reasonable counsel fee.

[Source: Former Local Civil Rule 43]

LOCAL ADMIRALTY AND MARITIME RULES

Local Admiralty Rule A.1. Application of Rules

(a) These Local Admiralty and Maritime Rules apply to the procedure in the claims and proceedings governed by the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

(b) The Local Civil Rules also apply to the procedure in such claims and proceedings, except to the extent that they are inconsistent with the Supplemental Rules or with these Local Admiralty and Maritime Rules.

[Source: Former Local Admiralty Rule 1 and Supplemental Rule 1]

Local Admiralty Rule B.1. Affidavit That Defendant Is Not Found Within the District

The affidavit required by Supplemental Rule B(1) to accompany the complaint, and the affidavit required by Supplemental Rule B(2)(c), shall list the efforts made by and on behalf of the plaintiff to find and serve the defendant within the district.

[Source: Maritime Law Association Model Rule (b)(1)]

Local Admiralty Rule B.2. Notice of Attachment

In an action where any property of a defendant is attached, the plaintiff shall give prompt notice to the defendant of the attachment. Such notice shall be in

writing, and may be given by telex, telegram, cable, fax, or other verifiable electronic means.

[Source: Former Local Admiralty Rule 10(b)]

Local Admiralty Rule C.1. Intangible Property

The summons issued pursuant to Supplemental Rule C(3) shall direct the person having control of freight or proceeds of property sold or other intangible property to show cause at a date which shall be at least ten (10) days after service (unless the court, for good cause shown, shortens the period) why the intangible property should not be delivered to the court to abide the judgment. The person who is served may deliver or pay over to the marshal the intangible property proceeded against to the extent sufficient to satisfy the plaintiff's claim. If such delivery or payment is made, the person served is excused from the duty to show cause.

[Source: Former Local Admiralty Rule 2]

Local Admiralty Rule C.2. Publication of Notice of Action and Arrest; Sale

(a) The notice required by Supplemental Rule C(4) shall be published at least once and shall contain (1) the fact and date of the arrest, (2) the caption of the case, (3) the nature of the action, (4) the amount demanded, (5) the name of the marshal, (6) the name, address, and telephone number of the attorney for the plaintiff, and (7) a statement that claimants must file their claims with the

clerk of this court within ten (10) days after notice or first publication (whichever is earlier) or within such additional time as may be allowed by the court and must serve their answers within twenty (20) days after the filing of their claims. The notice shall also state that all interested persons should file claims and answers within the times so fixed otherwise default will be noted and condemnation ordered.

(b) Except in the event of private sale pursuant to 28 U.S.C. §§ 2001 and 2004, or unless otherwise ordered as provided by law, notice of sale of the property after condemnation in suits in rem shall be published daily for at least six (6) days before sale.

[Source: Former Local Admiralty Rule 3(a), (c)]

Local Admiralty Rule C.3. Notice Required for Default Judgment in Action In Rem

(a) **Notice Required in General.** A party seeking a default judgment in an action in rem must satisfy the court that due notice of the action and arrest of the property has been given:

(1) by publication as required in Supplemental Rule C(4) and Local Admiralty Rule C.2;

(2) by service upon the master or other person having custody of the property; and

(3) by service under Federal Rule of Civil Procedure 5(b) upon every other person who has not

appeared in the action and is known to have an interest in the property.

(b) Notice Required to Persons With Recorded Interests

(1) If the defendant property is a vessel documented under the laws of the United States, plaintiff must attempt to notify all persons named in the certificate of ownership issued by the United States Coast Guard, or other designated agency of the United States, as holding an ownership interest in or as holding a lien in or as having filed a notice of claim of lien with respect to the vessel.

(2) If the defendant property is a vessel numbered as provided in 46 U.S.C. § 12301(a), plaintiff must attempt to notify the persons named in the records of the issuing authority.

(3) If the defendant property is of such character that there exists a governmental registry of recorded property interests or security interests in the property, the plaintiff must attempt to notify all persons named in the records of each such registry.

[Source: Maritime Law Association Model Rule (c)(3)]

Local Admiralty Rule D.1. Return Date in Possessory, Petitory, and Partition Actions

In an action under Supplemental Rule D, the court may order that the claim and answer be filed on a date earlier than twenty (20) days after arrest, and may by order set a date for expedited hearing of the action.

[Source: Maritime Law Association Model Rule (d)(1)]

Local Admiralty Rule E.1. Adversary Hearing Following Arrest, Attachment or Garnishment

The adversary hearing following arrest or attachment or garnishment that is called for in Supplemental Rule E(4)(f) shall be conducted by a judicial officer within three court days, unless otherwise ordered.

[Source: Maritime Law Association Model Rule (e)(8)]

Local Admiralty Rule E.2. Intervenors' Claims

(a) **Presentation of Claim.** When a vessel or other property has been arrested, attached, or garnished, and is in the hands of the marshal or custodian substituted therefor, anyone having a claim against the vessel or property is required to present the claim by filing an intervening complaint, and not by filing an original complaint, unless otherwise ordered by a judicial officer. Upon the satisfaction of the requirements of Federal Rule of Civil Procedure 24, the clerk shall forthwith deliver a conformed copy of the complaint to the marshal, who shall deliver the copy to the vessel or custodian of the property. Intervenors shall thereafter be subject to the rights and obligations of parties, and the vessel or property shall stand arrested, attached, or garnished by the intervenor.

(b) **Sharing Marshal's Fees and Expenses.** An intervenor shall have a responsibility to the first plaintiff, enforceable on motion, consisting of the intervenor's share of the marshal's fees and expenses in the

proportion that the intervenor's claim bears to the sum of all the claims. If a party plaintiff permits vacation of an arrest, attachment, or garnishment, remaining plaintiffs share the responsibility to the marshal for the fees and expenses in proportion to the remaining claims and for the duration of the marshal's custody because of each claim.

[Source: Maritime Law Association Model Rule (e)(11)]

Local Admiralty Rule E.3. Claims by Suppliers for Payment of Charges

A person who furnishes supplies or services to a vessel, cargo, or other property in custody of the court who has not been paid and claims the right to payment as an expense of administration shall submit an invoice to the clerk in the form of a verified claim at any time before the vessel, cargo or other property is released or sold. The supplier must serve copies of the claim on the marshal, substitute custodian if one has been appointed, and all parties of record. The court may consider the claims individually or schedule a single hearing for all claims.

[Source: Maritime Law Association Model Rule (e)(12)(d)]

Local Admiralty Rule E.4. Preservation of Property

Whenever property is attached or arrested pursuant to the provisions of Supplemental Rule E(4)(b) that permit the marshal or other person having the warrant to execute the process without taking actual possession of the property,

and the owner or occupant of the property is thereby permitted to remain in possession, the court, on motion of any party or on its own motion, may enter any order necessary to preserve the value of the property, its contents, and any income derived therefrom, and to prevent the destruction, removal or diminution in value of such property, contents and income.

LOCAL CRIMINAL RULES

Local Criminal Rule 1.1. Application of Rules

(a) These Local Criminal Rules apply in criminal proceedings.

(b) In addition to these Local Criminal Rules, Local Civil Rules 1.2 through 1.10, 39.1, 58.1, and 67.1 apply in criminal proceedings.

Local Criminal Rule 1.2. Applications for Ex Parte Orders

Any application for an ex parte order shall state whether a previous application for similar relief has been made and, if so, shall state (a) the nature of the previous application, (b) the judicial officer to whom such application was presented, and (c) the disposition of such application.

Local Criminal Rule 12.1. Service and Filing of Motion Papers

Unless otherwise provided by statute or rule, or unless otherwise ordered by the court in an individual rule or in a direction in a particular case, upon any motion, the papers shall be served and filed as follows:

(a) All papers in support of the motion shall be served by the moving party on all other parties that have appeared in the action.

(b) Any opposing papers shall be served within ten business days after service of the motion papers.

(c) Any reply papers shall be served within five business days after service of the opposing papers.

(d) All papers in support of or in opposition to a motion shall be filed, with proof of service specifying the means of service, within a reasonable time after service. The parties and their attorneys shall only appear to argue the motion if so directed by the court by order or by individual rule or upon application.

[Source: Former Local Criminal Rule 3(a)]

Local Criminal Rule 16.1. Conference of Counsel

No motion addressed to a bill of particulars or answers or to discovery and inspection shall be heard unless counsel for the moving party files with the court simultaneously with the filing of the moving papers an affidavit certifying that said counsel has conferred with counsel for the opposing party in an effort in good faith to resolve by agreement the issues raised by the motion without the intervention of the court and has been unable to reach such an agreement. If some of the issues raised by the motion have been resolved by agreement, the affidavit shall specify the issues remaining unresolved.

[Source: Former Local Criminal Rule 3(d)]

Local Criminal Rule 23.1. Free Press-Fair Trial Directives

(a) It is the duty of the lawyer or law firm, and of non-lawyer personnel employed by a lawyer's office or subject to a lawyer's supervision, private investigators

acting under the supervision of a criminal defense lawyer, and government agents and police officers, not to release or authorize the release of non-public information or opinion which a reasonable person would expect to be disseminated by means of public communication, in connection with pending or imminent criminal litigation with which they are associated, if there is a substantial likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.

(b) With respect to a grand jury or other pending investigation of any criminal matter, a lawyer participating in or associated with the investigation (including government lawyers and lawyers for targets, subjects, and witnesses in the investigation) shall refrain from making any extrajudicial statement which a reasonable person would expect to be disseminated by means of public communication that goes beyond the public record or that is not necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers or otherwise to aid in the investigation, if there is a substantial likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the administration of justice.

(c) During a jury trial of any criminal matter, including the period of selection of the jury, no lawyer or law firm associated with the prosecution or defense shall

give or authorize any extrajudicial statement or interview relating to the trial or the parties or issues in the trial which a reasonable person would expect to be disseminated by means of public communication if there is a substantial likelihood that such dissemination will interfere with a fair trial; except that the lawyer or the law firm may quote from or refer without comment to public records of the court in the case.

(d) Statements concerning the following subject matters presumptively involve a substantial likelihood that their public dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice within the meaning of this rule:

(1) The prior criminal record (including arrests, indictments or other charges of crime), or the character or reputation of the accused, except that the lawyer or law firm may make a factual statement of the accused's name, age, residence, occupation and family status; and if the accused has not been apprehended, a lawyer associated with the prosecution may release any information necessary to aid in the accused's apprehension or to warn the public of any dangers the accused may present;

(2) The existence or contents of any confession, admission or statement given by the accused, or the refusal or failure of the accused to make any statement;

(3) The performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;

(4) The identity, testimony or credibility of prospective witnesses, except that the lawyer or law firm may announce the identity of the victim if the announcement is not otherwise prohibited by law;

(5) The possibility of a plea of guilty to the offense charged or a lesser offense;

(6) Information the lawyer or law firm knows is likely to be inadmissible at trial and would if disclosed create a substantial likelihood of prejudicing an impartial trial; and

(7) Any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.

(e) Statements concerning the following subject matters presumptively do not involve a substantial likelihood that their public dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice within the meaning of this rule:

(1) An announcement, at the time of arrest, of the fact and circumstances of arrest (including time and place of arrest, resistance, pursuit and use of weapons), the identity of the investigating and arresting officer or agency and the length of investigation;

(2) An announcement, at the time of seizure, stating whether any items of physical evidence were seized and, if

so, a description of the items seized (but not including any confession, admission or statement);

(3) The nature, substance or text of the charge, including a brief description of the offense charged;

(4) Quoting or referring without comment to public records of the court in the case;

(5) An announcement of the scheduling or result of any stage in the judicial process, or an announcement that a matter is no longer under investigation;

(6) A request for assistance in obtaining evidence; and

(7) An announcement, without further comment, that the accused denies the charges, and a brief description of the nature of the defense.

(f) Nothing in this rule is intended to preclude the formulation or application of more restrictive rules relating to the release of information about juvenile or other offenders, to preclude the holding of hearings or the lawful issuance of reports by legislative, administrative or investigative bodies, or to preclude any lawyer from replying to charges of misconduct that are publicly made against said lawyer.

(g) All court supporting personnel, including, among others, marshals, deputy marshals, court clerks, bailiffs and court reporters and employees or sub-contractors retained by the court-appointed official reporters, are prohibited from disclosing to any person, without

authorization by the court, information relating to a pending grand jury proceeding or criminal case that is not part of the public records of the court. The divulgence by such court supporting personnel of information concerning grand jury proceedings, *in camera* arguments and hearings held in chambers or otherwise outside the presence of the public is also forbidden.

(h) The court, on motion of either party or on its own motion, may issue a special order governing such matters as extrajudicial statements by parties and witnesses likely to interfere with the rights of the accused to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses and any other matters which the court may deem appropriate for inclusion in such order. In determining whether to impose such a special order, the court shall consider whether such an order will be necessary to ensure an impartial jury and must find that other, less extreme available remedies, singly or collectively, are not feasible or would not effectively mitigate the pretrial publicity and bring about a fair trial. Among the alternative remedies to be considered are: change of venue, postponing the trial, a searching voir dire, emphatic jury instructions, and sequestration of jurors.

(i) Any lawyer who violates the terms of this rule may be disciplined pursuant to Local Civil Rule 1.5.

[Source: Former Local Criminal Rule 7]

Local Criminal Rule 34.1. Post-Trial Motions

Post-trial motions in criminal cases, including motions for correction or reduction of sentence under Federal Rule of Criminal Procedure 35, or to suspend execution of sentence, or in arrest of judgment under Federal Rule of Criminal Procedure 34, shall be referred to the trial judge. If the trial judge served by designation and assignment under 28 U.S.C. §§ 291-296, and is absent from the district, such motions may be referred to said judge for consideration and disposition.

[Source: Former Local Criminal Rule 3(c)]

Local Criminal Rule 44.1. Notice of Appearance

(a) Attorneys representing defendants in criminal cases shall file a notice of appearance in the clerk's office and serve a copy on the United States attorney. Once such a notice of appearance has been filed, the attorney may not withdraw except upon prior order of the court pursuant to Local Civil Rule 1.4.

(b) Within twenty (20) days after an attorney files and serves a notice of appearance in a criminal case, said attorney shall submit to the Clerk of the District Court a certificate of the court for at least one of the states in which the attorney is a member of the bar, which has been

issued within thirty (30) days and states that the attorney is a member in good standing of the bar of that state court. If the Clerk is satisfied that the submitted certificate shows the attorney to be a member in good standing of the bar of a state described in Local Civil Rule 1.3(a), said attorney need not file and serve any further certification to the Clerk pursuant to this rule in connection with any subsequent appearances in this court.

[Source: Former Local Criminal Rule 1]

Local Criminal Rule 45.1. Computation of Time

In computing any period of time prescribed or allowed by the Local Criminal Rules, the provisions of Federal Rule of Criminal Procedure 45(a) and 45(e) shall apply unless otherwise stated.

Local Criminal Rule 58.1. Powers of Magistrate Judges

In addition to other powers of magistrate judges:

(a) Full-time magistrate judges are hereby specially designated to exercise the jurisdiction set forth in 18 U.S.C. § 3401. Unless there is a pending related indictment before a district judge, the clerk shall automatically refer misdemeanor cases initiated by information or indictment or transferred to the district under Federal Rule of Criminal Procedure 20 to a magistrate judge for arraignment. A petition by the government that the trial of a misdemeanor proceed before a district judge pursuant to 18 U.S.C. §

3401(f) shall be filed prior to arraignment of the defendant.

(b) Magistrate judges are hereby authorized to exercise the jurisdiction set forth in 18 U.S.C. § 3184.

(c) Magistrate judges may issue subpoenas, writs of *habeas corpus ad testificandum* or *ad prosequendum* or other orders necessary to obtain the presence of parties or witnesses or evidence needed for court proceedings, and may sign in forma pauperis orders.

[Source: Former Local Magistrate Judge Rules 2, 5, 6, and 9]

Local Criminal Rule 58.2. Petty Offenses--Collateral and Appearance

(a) A person who is charged with a petty offense as defined in 18 U.S.C. § 19, or with violating any regulation promulgated by any department or agency of the United States government, may, in lieu of appearance, post collateral in the amount indicated in the summons or other accusatory instrument, waive appearance before a United States magistrate judge, and consent to forfeiture of collateral.

(b) For all other petty offenses the person charged must appear before a magistrate judge.

[Source: Former Local Magistrate Judge Rule 11]

Local Civil Rules Derivation Table

<u>New Rule</u>	<u>Derivation</u>
1.1	New
1.2	Gen. R. 1
1.3	Gen. R. 2
1.4	Gen. R. 3(c)
1.5	Gen. R. 4
1.6	Gen. R. 5(a)
1.7	Gen. R. 6
1.8	Gen. R. 7
1.9	Gen. R. 9
1.10	New
5.1	Civ. R. 18
6.1	Civ. R. 3(c), 6(b)
6.2	Civ. R. 6(a)
6.3	Civ. R. 3(j)
6.4	New
7.1	Civ. R. 3(b)
7.2	Civ. R. 3(d)
11.1	Civ. R. 1
16.1	Civ. R. 45 (E.D.N.Y.)
16.2	Mag. J. R. 15
23.1	Civ. R. 5(a)
24.1	Civ. R. 33
26.1	Civ. R. 2
26.2	Civ. R. 46(e)(2) (S.D.N.Y.), E.D.N.Y. S.O. 21

New Rule

Derivation

26.3	. . . . .	Civ. R. 47
26.4	. . . . .	Civ. R. 49 (S.D.N.Y.)
26.5	. . . . .	E.D.N.Y. S.O. 1
26.6	. . . . .	E.D.N.Y. S.O. 15, 18
26.7	. . . . .	E.D.N.Y. S.O. 16(b), 19(b)
30.1	. . . . .	Civ. R. 15(a)
30.2	. . . . .	Civ. R. 49 (S.D.N.Y.)
30.3	. . . . .	E.D.N.Y. S.O. 8
30.4	. . . . .	E.D.N.Y. S.O. 9
30.5	. . . . .	E.D.N.Y. S.O. 10
30.6	. . . . .	E.D.N.Y. S.O. 13
30.7	. . . . .	E.D.N.Y. S.O. 14
31.1	. . . . .	Civ. R. 49 (S.D.N.Y.)
33.1	. . . . .	Civ. R. 46(f) (S.D.N.Y.)
33.2	. . . . .	Civ. R. 48 (S.D.N.Y.)
33.3	. . . . .	Civ. R. 46 (S.D.N.Y.)
33.4	. . . . .	Civ. R. 49 (S.D.N.Y.)
34.1	. . . . .	Civ. R. 49 (S.D.N.Y.)
36.1	. . . . .	Civ. R. 49 (S.D.N.Y.)
37.1	. . . . .	Civ. R. 3(e)
37.2	. . . . .	Civ. R. 3(l) (S.D.N.Y.)
37.3	. . . . .	E.D.N.Y. S.O. 6, 11(c)
39.1	. . . . .	Civ. R. 24(a), (d)
39.2	. . . . .	Civ. R. 44
47.1	. . . . .	Civ. R. 22

New Rule

Derivation

53.1 Civ. R. 19(a), (b), 20

54.1 Civ. R. 11, 12

54.2 Civ. R. 39

54.3 Civ. R. 13

55.1 Civ. R. 10(a)

55.2 Civ. R. 10

56.1 Civ. R. 3(g)

58.1 Civ. R. 42

65.1.1 Civ. R. 37, 38, 40(b)

67.1 Civ. R. 8(c)

72.1 Mag. J. R. 1, 4, 6, 10

72.2 E.D.N.Y. S.O. 4(a), (c)

73.1 Mag. J. R. 8(a), (c)

77.1 Civ. R. 8

81.1 Civ. R. 25(b), (c)

83.1 Civ. R. 26

83.2 Civ. R. 28, 29

83.3 Civ. R. 32(d)

83.4 Civ. R. 30, 31

83.5 Civ. R. 34

83.6 Civ. R. 35

83.7 Civ. R. 36

83.8 Civ. R. 40(a)

83.9 Civ. R. 43

Local Civil Rules Conversion Table

<u>Prior Rule</u>	<u>New Rule</u>
1	Civ. R. 11.1(a)
2	Civ. R. 26.1
3 (b)	Civ. R. 7.1
3 (c)	Civ. R. 6.1
3 (d)	Civ. R. 7.2
3 (e)	Civ. R. 37.1
3 (f)	Deleted
3 (g)	Civ. R. 56.1
3 (h)	Deleted
3 (i)	Deleted
3 (j)	Civ. R. 6.3
3 (l) (S.D.N.Y.)	Civ. R. 37.2 (S.D.N.Y.)
5 (a)	Civ. R. 23.1
5 (b)	Deleted
6 (a)	Civ. R. 6.2
6 (b)	Civ. R. 6.1(d)
7	Deleted
8 (a), (b)	Civ. R. 77.1
8 (c)	Civ. R. 67.1
10 (a)	Civ. R. 55.1, 55.2(a)
10 (b)	Civ. R. 55.2(b)
11	Civ. R. 54.1
12	Civ. R. 54.1(c) (1)
13	Civ. R. 54.3

Prior Rule

New Rule

15(a)	Civ. R. 30.1
15(b)	Deleted
18	Civ. R. 5.1
19(a), (b)	Civ. R. 53.1
19(d), (e), (f), (g)	Deleted
20	Civ. R. 53.1(a)
21	Deleted
22	Civ. R. 47.1
23	Deleted
24(a)	Civ. R. 39.1(a)
24(b), (c)	Deleted
24(d)	Civ. R. 39.1(b)
25(b), (c)	Civ. R. 81.1
25(d)	Deleted
26	Civ. R. 83.1
27	Deleted
28	Civ. R. 83.2(a)
29	Civ. R. 83.2(b)
30	Civ. R. 83.4
31 (E.D.N.Y.)	Civ. R. 83.4(d), (e)
32(a), (b), (c)	Deleted
32(d)	Civ. R. 83.3
33 (Repealed by S.D.N.Y.)	Civ. R. 24.1
34	Civ. R. 83.5
35	Civ. R. 83.6

Prior Rule

New Rule

36	Civ. R. 83.7
37	Civ. R. 65.1.1
38	Civ. R. 65.1.1
39	Civ. R. 54.2
40(a)	Civ. R. 83.8
40(b)	Civ. R. 65.1.1
42	Civ. R. 58.1
43	Civ. R. 83.9
44	Civ. R. 39.2
45 (E.D.N.Y.)	Civ. R. 16.1
46(a), (b), (c) (S.D.N.Y.)	Civ. R. 33.3
46(d) (S.D.N.Y.)	Deleted
46(e) (1) (S.D.N.Y.)	Deleted
46(e) (2) (S.D.N.Y.)	Civ. R. 26.2
46(f) (S.D.N.Y.)	Civ. R. 33.1
47	Civ. R. 26.3
48 (S.D.N.Y.)	Civ. R. 33.2
49(a), (b) (S.D.N.Y.)	Civ. R. 26.4, 30.2, 31.1, 33.4, 34.1, 36.1
49(c) (S.D.N.Y.)	Civ. R. 5.1(a)

Local General Rules Conversion Table

<u>Prior Rule</u>	<u>New Rule</u>
1	Civ. R. 1.2
2	Civ. R. 1.3
3(a), (b)	Deleted
3(c)	Civ. R. 1.4
4	Civ. R. 1.5
5(a)	Civ. R. 1.6(a)
5(b)	Deleted
5(c)	Civ. R. 1.6(b)
6	Civ. R. 1.7
7	Civ. R. 1.8
8	Deleted
9	Civ. R. 1.9

Local Magistrate Judge Rules Conversion Table

<u>Prior Rule</u>	<u>New Rule</u>
1	Civ. R. 72.1
2	Crim. R. 58.1
3	Deleted
4	Civ. R. 72.1(d)
5	Crim. R. 58.1(a)
6	Civ. R. 58.1(c)
8(a)	Civ. R. 73.1(a)
8(c)	Civ. R. 73.1(b)

<u>Prior Rule</u>	<u>New Rule</u>
8 (d), (e)	Deleted
9	Crim. R. 58.1(b)
10	Civ. R. 72.1(b)
11	Crim. R. 58.2
12	Deleted
13	Deleted
14	Deleted
15	Civ. R. 16.2

E.D.N.Y. Standing Orders Conversion Table

<u>Prior Standing Order</u>	<u>New Rule</u>
1	Civ. R. 26.5 (E.D.N.Y.)
2	Deleted
3	Deleted
4 (a)	Civ. R. 72.1(a) (E.D.N.Y.)
4 (b)	Deleted
4 (c)	Civ. R. 72.1(b) (E.D.N.Y.)
5	Deleted
6	Civ. R. 37.3 (E.D.N.Y.)
7	Deleted
8	Civ. R. 30.3 (E.D.N.Y.)
9	Civ. R. 30.4 (E.D.N.Y.)
10	Civ. R. 30.5 (E.D.N.Y.)
11	Deleted
12	Deleted

<u>Prior Standing Order</u>	<u>New Rule</u>
13	Civ. R. 30.6 (E.D.N.Y.)
14	Civ. R. 30.7 (E.D.N.Y.)
15	Civ. R. 26.6 (E.D.N.Y.)
16(a)	Deleted
16(b)	26.7 (E.D.N.Y.)
17	Deleted
18	Civ. R. 26.6 (E.D.N.Y.)
19(a)	Deleted
19(b)	Civ. R. 26.7 (E.D.N.Y.)
20	Deleted
21	Civ. R. 26.2

Local Admiralty and Maritime Rules Derivation Table

<u>New Rule</u>	<u>Derivation</u>
A.1	Adm. R. 1; Supp. Fed. Adm. R. 1
B.1	Model R. (b)(1)
B.2	Adm. R. 10(b)
C.1	Adm. R. 2
C.2	Adm. R. 3(a), (c)
C.3	Model R. (c)(3)
D.1	Model R. (d)(1)
E.1	Model R. (e)(8)
E.2	Model R. (e)(11)
E.3	Model R. (e)(12)(d)
E.4	New

Local Admiralty and Maritime Rules Conversion Table

<u>Prior Rule</u>	<u>New Rule</u>
1	Adm. R. A.1(a)
2	Adm. R. C.1
3(a)	Adm. R. C.2(a)
3(b)	Deleted
3(c)	Adm. R. C.2(b)
3(d), (e)	Deleted
4	Deleted
5	Deleted
6	Deleted; <u>see</u> Adm. R. C.3
7	Deleted
8	Deleted
9	Deleted
10(a)	Deleted
10(b)	Adm. R. B.2
11	Deleted
12	Deleted
13	Deleted
14	Deleted; <u>see</u> Adm. R. E.3
15	Deleted
16	Deleted

Local Criminal Rules Derivation Table

<u>New Rule</u>	<u>Derivation</u>
1.1	New
1.2	New; <u>see</u> Civ. R. 6(b)
12.1	Crim. R. 3(a)
16.1	Crim. R. 3(d)
23.1	Crim. R. 7
34.1	Crim. R. 3(c)
44.1	Crim. R. 1
45.1	New
58.1	Mag. J. R. 2, 5, 6, 9
58.2	Mag. J. R. 11

Local Criminal Rules Conversion Table

<u>Prior Rule</u>	<u>New Rule</u>
1	Crim. R. 44.1
2	Deleted
3(a)	Crim. R. 12.1
3(b)	Deleted
3(c)	Crim. R. 34.1
3(d)	Crim. R. 16.1
4	Deleted
5	Deleted; <u>see</u> Civ. R. 67.1
6	Deleted
7	Crim. R. 23.1