

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
NEW YORK, NEW YORK 10007

CLIFFORD P. KIRSCH
DISTRICT COURT EXECUTIVE

February 16, 1993

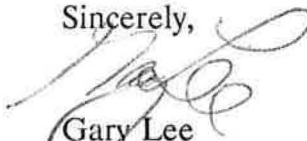
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Mr. Abel Mattos
Court Administration Division
Administrative Office of the
U.S. Courts
Washington, D.C. 20002

Dear Mr. Mattos :

I'm enclosing for your information a copy of the Guide to the Southern District of New York's Civil Justice Expense and Delay Reduction Plan which was prepared by the Court's Advisory Group.

Sincerely,



Gary Lee
Assistant District Executive

GUIDE TO
THE SOUTHERN DISTRICT OF NEW YORK
CIVIL JUSTICE EXPENSE
AND DELAY REDUCTION PLAN

January, 1993

*UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK*

*GUIDE TO THE SOUTHERN DISTRICT OF NEW YORK
CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLAN*

This document is a user's Guide to the Southern District of New York's Civil Justice Expense and Delay Reduction Plan adopted by the Court in December 1991. See Plan annexed to this Guide as Exhibit 1. Intended to be an aid in using the Plan, it contains practical commentary on how the provisions of the Plan should be used by lawyers, litigants and judges. Neither this Guide nor the Plan vests any additional rights in lawyers or litigants; final discretion as to the matters discussed here remains with the individual judge.

I. Case Management

A. Initial Case Management

All cases filed after January 1, 1992 shall be designated as either Complex, Standard or Expedited. There are no precise boundaries defining these categories. Both judges and lawyers should take the terms according to their meaning, make a good faith attempt to classify each case, and let the matter rest. In no event shall lawyers engage in motion practice concerning these categories. Nor should judges attempt to develop a new technical jurisprudence concerning these classifications. Plan at ¶¶ 1, 2.

1. Expedited Cases: Defined and Designation

a. What is an Expedited case?

1. An Expedited case is one which is relatively simple, where it is believed that there will be no more than one or two depositions by each party; where the documents to be exchanged are clear-cut in nature and relatively small in volume; where the use of interrogatories will be minimal; where there will be little or no motion practice; and where relatively little judicial supervision is needed. An Expedited case should be ready for trial within 12 months after the filing of an answer.

b. Designating an Expedited case.

1. Plaintiffs are required by the Plan to indicate on a case information sheet attached to the civil cover sheet if they consider the case to be an expedited case.

2. Defendants are required by the Plan to indicate on a case information sheet filed together with their first pleading if they consider the case to be an expedited case.

3. If the parties agree that the case should be designated as Expedited, the Court should so designate the case at the Case Management Conference discussed at B(1) below, unless the Court finds that the case is inappropriate for such designation.

4. If the parties do not agree as to the "Expedited" designation, each party shall file with the court, no later than three days before the first Case Management Conference, a statement setting forth the reasons why the case should or should not be Expedited. This statement cannot exceed two double-spaced typewritten pages. If the parties do not agree, the Court shall decide whether the case should be designated as Expedited. Finally, the Court may, sua sponte, designate the case as Expedited. Plan at ¶ 4.

2. Complex Cases: Defined and Designation

a. What is a Complex case?

This kind of a case typically involves issues of law and fact of some difficulty. This can lead to the taking of numerous depositions, exchanges of large quantities of documents, lengthy interrogatories - all of which have the potential for excessive delay and expense unless there is appropriate supervision by a judicial officer. There may also be motion practice to a degree which can greatly delay disposition of the case unless it is promptly handled. Complex cases have certain characteristics including (1) the type of action (e.g., class action, derivative action); (2) category and number of parties; (3) substance of the claims presented (e.g., tax, patent, RICO, takeover); (4) a broad scope of discovery; and (5) the likelihood of a number of pretrial motions. Plan at ¶ 5.

b. Designating a Complex case.

1. Each party shall indicate on a case information statement, if it considers the case to be a complex case.

2. If the parties agree that the case is Complex, the Court should so designate the case at the Case Management Conference discussed at B(1) below, unless it finds that the case is inappropriate for such a designation. If the parties do not agree, the Court shall decide whether the case should be designated as Complex. Finally, the Court may, sua sponte, designate the case as Complex.

3. Standard Cases

a. What is a Standard case?

A Standard case is one which is neither Complex nor Expedited. It is anticipated that this will be the largest of the three categories. It shall include those cases which the parties do not believe can be tried within one year of filing but which do not involve an unusually large number of parties, complex issues, or anticipated discovery disputes and motions.

b. Designating a case as Standard.

1. Each party shall indicate on a Case Information Statement if it considers the case to be a standard case.

2. If the parties agree that the case should be designated as Standard, the Court should so designate the case at the Case Management Conference, described at B(1) below, unless the Court finds that the case is inappropriate for such designation. If they do not agree, the Court shall determine whether the case is to be designated as Standard or Expedited.

4. Recording the Case Designation

After the initial Case Management Conference, the courtroom deputy or judge shall note on the Case Designation Form the designation assigned to a particular case. See Form A annexed to this Guide. This designation shall then be recorded on the docket sheet, along with the entry of the first conference. Plan at ¶ 6.

B. Case Management Techniques

1. Case Conferences

An initial Case Management Conference is to be held for all civil cases regardless of category.

a. Expedited Cases: A Case Management Conference, shall be held within 120 days after the complaint is filed. At that conference, a trial date shall be set within one year from the date an answer is filed. For Expedited Cases, the Case Management Conference will be limited to a brief review of the issues, discovery deadlines, settlement and other topics if and when appropriate. An order will also be entered setting a timetable for the prompt completion of discovery. Plan at ¶ 3. See Forms B and C annexed to this Guide.

b. Standard and Complex Cases: A Case Management Conference shall be conducted not more than 120 days after the filing of the complaint. This conference is to combine the requirements set forth in Fed. R. Civ. P. 16 and 26(f). Counsel should be prepared to address each of the issues set forth below at the Case Management

at ¶ 6. Case Management Conferences should be conducted periodically to ensure adequate court supervision and, at a minimum, within one year of the date of the initial Case Management Conference in order to assess the status of the case and evaluate the parties' progress. If a Standard or a Complex case has not been tried within eighteen months of the filing of the complaint, an additional case management conference should be held to set dates for the completion of discovery and for trial. Settlement may be discussed at any conference with the district judge or magistrate judge.

2. Case Management Plan

In Standard and Complex cases, the Court shall issue a Case Management Plan as an order. See Forms D and E annexed to this Guide. This order shall be issued at the conclusion of the Case Management Conference in consultation with counsel. The Case Management Plan is subject to modification as circumstances warrant and should provide for the filing of a pre-trial order. See Sample Pretrial Order annexed as Form F to this Guide.

3. Settlement Conference

Although any Case Management Conference will include, as one possible subject, the matter of settlement, there should be one conference in every Standard and Complex case specifically devoted to settlement, and this should occur not more than one year from the filing of the complaint.

Conference, as appropriate to their case. The counsel attending the Conference should be authorized to enter into stipulations where practical.

The following subjects should be addressed at the Case Management Conference:

- (1) the identification and simplification of the principal issues in contention;
- (2) the discovery proceedings that are anticipated to be necessary and the sequence of such proceedings, including an identification of the persons with knowledge of the relevant facts and documents;
- (3) dispositive motions;
- (4) the joinder of additional parties;
- (5) whether counterclaims are to be asserted;
- (6) the feasibility of settlement or alternate dispute resolution other than the mandatory mediation;
- (7) the possible amendments of pleadings;
- (8) whether discovery proceedings should continue pending a determination of a dispositive motion, the amendment of pleadings, or the joinder of additional parties;
- (9) whether there should be a reference to a magistrate judge;
- (10) the dates for future pretrial conferences or other procedures to permit continuing judicial oversight and the setting of a trial date.

Under the Plan, both Complex and Standard cases should be tried within eighteen months after the filing of the Complaint, absent special circumstances. Plan

In addition, all Expedited cases and a sample of all Standard and Complex cases will be required to engage in a court annexed mediation effort within 150 days of the last responsive pleading. Plan at ¶ 16. See Section V below.

4. Role of Magistrate Judges

Paragraph 5 of the Plan provides that for Standard and Complex cases a magistrate judge shall be "designated" for each case. The Court has now determined that such designations shall also be made in Expedited cases. The Plan goes on to say that this is not an automatic "reference".

The purpose of the designation is to identify the magistrate judge to whom the matter will be referred if, but only if, there is a reference by the district judge. Some district judges prefer to handle all pre-trial matters themselves. Other district judges refer all or many pretrial matters to magistrate judges. It is expected that the district judges will continue to exercise their individual choices on this subject. Under the Plan, as before, it is contemplated that the magistrate judges will constitute a valuable resource, and provide flexibility in the handling of the work of the court as determined by the particular district judge.

Therefore, a "designated" magistrate judge will only undertake responsibilities in a case to the extent of an actual "reference" by a district judge. The designation is to be done at the commencement of the case to avoid any delay in the assignment when the district judge determines to refer it to a magistrate judge. The

degree of the use of a magistrate judge should normally be determined at the initial Case Management Conference.

An important purpose of the Plan is to make sure that a judicial officer, whether district judge or magistrate judge, is available for the immediate handling of discovery disputes. Hence, there is the specific provision in paragraph 5 of the Plan for having, at the option of the district judge, authorization in the Case Management Plan for a magistrate judge to deal with discovery issues in the event of the district judge's unavailability, even if all discovery matters have not been referred to the magistrate judge. "Unavailability" is defined as those times when chambers are closed, a judge is absent or is unable to handle the matter. Any further definition will be made by each individual judge. Plan at ¶ 9.

Magistrate judges may be given assignments other than for discovery supervision. The district judge may refer a case to a magistrate judge for general pretrial purposes, for settlement, to decide discovery disputes when the district judge is unavailable, to determine attorneys' fee requests, to conduct inquests on damages, or to try a case by consent of the parties. Referrals for all of these purposes should be considered by the district judge, in each category of case, on an individualized basis.

5. Pre-Motion Conferences

A pre-motion conference should be considered by the Court where advisable. This conference can be an efficient method of expressing the Court's view

of the potential outcome of a dispositive motion and may dissuade a party from making the motion. Plan at ¶ 7.

6. Additional Case Management Techniques

a. Greater Use of Special Masters in Complex Cases.

A reference to a special master may be appropriate in circumstances where, due to the unusual magnitude of discovery proceedings to be supervised, the failure to make a referral may result in undue cost or delay.

b. RICO Case Statements.

Courts should require plaintiffs to submit a RICO case statement in every RICO case which is designated as a Complex case. Each judge should issue his or her own format for such a statement. Samples are included in Volume II of the Advisory Committee Report.

II. Discovery

Discovery is frequently a substantial factor in the increase of cost and delay in the litigation process.

A. The Role of Discovery

1. Expedited Cases-Automatic Disclosure

In any case designated as Expedited by the Court at the Case Management Conference, within 21 days of such designation a plaintiff must serve each defendant legible copies of all documents relevant to the subject matter of the complaint. See Fed. R. Civ. P. 26(b)(1) . Within 21 days of receiving such material, following designation by the Court, each defendant must serve each plaintiff with legible copies of all documents relevant to the subject matter of the answer. See Fed. R. Civ. P. 26(b)(1). A document is relevant to the subject matter of a pleading if it either (1) supports the material averments of the pleading or (2) contradicts or otherwise makes less probable the material averments of the pleading. In any case designated as Expedited by the Court, the parties shall promptly thereafter carry out the automatic disclosure described above. Plan at ¶ 4.

After this automatic disclosure by plaintiff and defendant, the case will be treated as described elsewhere in the Plan.

2. Discovery Plan

The creation of a Case Management Plan outlining discovery must be part of the Case Management Conference to be held in all cases, except those designated as Expedited, at the earliest practicable date, but in no event more than 120 days after the filing of the complaint. See pp. 5-7, above. The parties must file with the court a proposed plan of discovery in all cases, noting any areas of disagreement, 30 days

after the filing of the first responsive pleading or the first motion addressed to the complaint. This proposed plan will be discussed at the Case Management Conference described above at pp. 5-7. Plan at ¶ 11. Discovery may begin prior to the issuance of a Case Management Plan

3. Discovery Disputes

All discovery disputes, except in extraordinary circumstances, should be resolved in an expedited fashion without motion papers, through one or more of the following procedures, as directed by the district judge or magistrate judge: (a) submission by the moving party of no more than a two page, double-spaced letter (and any response thereto similarly limited in length); and/or (b) attend an expedited motion conference in court or by telephone. The district judge or the magistrate judge shall resolve all discovery disputes immediately, except in extraordinary circumstances. If the district judge is unavailable, and if the district judge has so determined, the parties may promptly seek relief from the magistrate judge. See p. 7, above.

Discovery orders issued by magistrate judges may be appealed to the District Court, although such appeals are discouraged. In determining any such appeal the court shall apply a contrary to law or clearly erroneous standard. In addition, if a party appeals a magistrate judge's discovery order and does not obtain a more favorable result from the district judge, the judge should not hesitate to award sanctions. Plan at ¶ 15.

C. Standardized Discovery in Prisoner Pro Se Actions

Two sets of standardized specific interrogatories and document requests shall be mandated for use in three types of pro se prisoner civil rights cases which name the New York State or New York City Department of Corrections as defendants.

Ordinarily, in cases to which the requests apply, they shall constitute the exclusive discovery available to plaintiff during the period required for response. The requests take account of the basic needs of plaintiffs in the kinds of cases covered as well as the burden upon defendants in terms of expense and time, as well as in terms of prison security and individual privacy. Objections on these grounds should therefore not be made except in extraordinary circumstances. The second set of requests is not returnable until after the first case management conference and may therefore be discussed, modified or postponed at the conference. Copies of responses will be produced to the plaintiff and to the Pro Se Clerk's Office so that they can be made available to the Court in considering applications for appointment of counsel and to lawyers accepting or considering acceptance of such appointments.

D. Sanctions

The Plan reaffirms that it is appropriate for all the judges to make consistent use of sanctions and notes that violations of the discovery schedule, included in the Rule 16 order described previously, should result in the automatic imposition of sanctions unless good cause is shown. Plan at ¶ 14.

III. Motions

Judges are to decide motions with reasonable promptness. In most instances, this means that motions shall be decided within 60 days of final submission.

IV. Reassignment of Cases for Trial

If the assigned judge cannot try the case within two months of the assigned trial date, the judge should refer the case for reassignment, solely for the purpose of trial. The Clerk shall then notify all active and senior judges of the scheduled trial date for the purpose of learning whether any other judge can provide a trial on or about that date. Plan at ¶ 9.

V. Alternate Dispute Resolution

A. Mandatory Court-Annexed Mediation -- the Special Mediator Program

The Plan provides that a two-year program of mandatory court annexed mediation will be established for all Expedited cases and a sample of all other civil cases. To implement the Plan, it has been determined that Standard and Complex cases eligible for mediation are those wherein money damages only are being sought, excluding social security cases, tax matters, prisoners' civil rights cases, and pro se cases. At the inception of the Plan, this mediation program will not apply to cases filed in White Plains. The parties may by written stipulation agree that the Court designate

and process for compulsory mediation any civil case or part(s) thereof not otherwise eligible. All civil cases not of the type exempted will be presumed to be cases wherein money damages only are being sought unless, after the last responsive pleading is filed, counsel to one of the parties certifies that the relief requested is not for money damages only. Plan at ¶¶ 16, 17.

1. Description of Mediation

Mediation is a confidential ADR process in which a disinterested third party directs settlement discussions but does not evaluate the merits of either side's position or render any judgments. By holding meetings, defining issues, defusing emotions and suggesting possibilities of resolution, the mediator assists the parties in reaching their own negotiated settlement. The main benefit of mediation is that it can produce creative solutions to complex disputes often unavailable in traditional litigation.

2. The Civil Case Manager

A Civil Case Manager ("Manager"), appointed by the Clerk, shall be responsible for designating cases for mediation and for supervising the mediation process.

3. Mediators

An individual may be certified to serve as a mediator if he or she: (a) has been, for at least five years, a member of the bar of any state or the District of

Columbia; (b) is admitted to practice in the Southern District of New York; and (c) is certified by the Chief Judge to be competent to perform the duties of a mediator. Each individual certified as a mediator should take the oath or affirmation prescribed by 28 U.S.C. § 453 before serving as a mediator. The Civil Case Manager's office will maintain a list of all persons certified as mediators. All mediators will serve without compensation and be eligible for credit for pro bono service.

4. Mediation Process

Compulsory mediation should be discussed at the Case Management Conference held before the assigned judge. At the conference, the judge, together with counsel for the parties, should decide whether the entire action or only part(s) thereof are capable of resolution through mediation and should also determine the appropriate point in time to schedule a mediation conference. The assigned judge will then prepare an order referring the case to mediation within the agreed-upon time frame. In no event should the mediation conference be held later than 150 days after the filing of the last responsive pleading.

Within ten days from the date of the order referring the case to mediation, the Manager should choose a mediator at random from among those individuals on the list of certified mediators and promptly notify both the parties and the mediator as to the selection. The mediator should disqualify himself or herself in any action in which he or she would be required under 28 U.S.C. § 455 to be disqualified if a justice, judge or magistrate judge. Any party may submit a written request to the Manager

within ten days from the date of the notification of the name of the mediator for the disqualification of the mediator for bias or prejudice as provided in 28 U.S.C. § 144. A denial of such a request by the Manager is subject to review by the assigned judge upon motion filed within ten days of the date of the Manager's denial.

Once notified of the name of the mediator and the scheduled conference date, the parties should provide to the mediator copies of their pleadings and a memorandum presenting in concise form, not exceeding ten pages, setting forth contentions relative to both liability and damages at least seven days before the mediation conference. Upon consent, copies may be served to the parties.

The first mediation conference should be held in a mediation room at the courthouse. In order to maintain control of the program, all conferences should occur at designated "mediation sessions." Should a mediator and the parties desire a further conference, the Manager will schedule that conference as soon as practicable.

The attorney primarily responsible for each party's case should personally attend the mediation conference and be prepared to discuss all liability issues, damage issues, and his or her client's settlement position in detail and in good faith. The mediator may, at his or her discretion, require that party representatives with settlement authority be present at any of the conferences.

If the mediator is successful in settling the action, the settlement agreement should be reduced to writing and executed by the parties together with a stipulation of discontinuance. The stipulation should be presented to the assigned judge for approval, and the action would then be dismissed with prejudice unless other terms are required under the settlement agreement. If the mediator is unable to mediate a settlement, he or she may explore with counsel the possibility of using another ADR process.

If no settlement is reached and the parties do not stipulate to use other ADR techniques, the mediator should promptly file with the Manager a notice indicating that there has been compliance by all parties with the mediation requirements but that no settlement has been achieved. Thereafter, the action will be treated for all purposes as if it had not been referred to mediation.

5. Confidentiality

Discussions at the mediation conference, including any statement made by any party, attorney or other participants, should be confidential and not reported, recorded, placed in evidence, made known to the assigned judge, or construed for any purpose as an admission. No party should be bound by anything done or said at mediation conferences unless a settlement is reached.

6. Sanctions

The failure or refusal of any party to attend the mediation should be reported to the assigned judge by the mediator and may result in the imposition of sanctions pursuant to Rule 16(f) of the Federal Rules of Civil Procedure.

7. Program Study

To test effectiveness of the mediation program, the court should compare cases randomly selected for the program to a control group of cases exempted from mandatory mediation. The Manager should also track the case type, disposition time and method of resolution of control group cases in the same manner as the referred cases. Plan at ¶ 18.

8. Consideration of Other Methods of ADR

Consideration should be given at the Case Management Conference to other methods of ADR.

VI. The Use of New Technology

The Court should seek to maintain its historic leadership role in implementing technological advancements. These include the increased use of filing by facsimile, simultaneous language translation on headphones, and telephonic hearings. These techniques should be used as much as possible in the existing courthouse. Application of advanced technology will be a priority in the new courthouse. Plan at ¶ 19.

VII. What Portions of the Plan Are Applicable to What Cases?

The Case Management and ADR provisions of this Plan are mandatory for all civil cases filed on or after January 2, 1992. All other aspects of the Plan are mandatory for all civil cases pending in this Court irrespective of the date on which they were filed.

FORM A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____ Civ. _____ () ()

TO THE CLERK OF THE COURT:

PURSUANT TO THE CIVIL JUSTICE EXPENSE AND DELAY REDUCTION
PLAN, THIS CASE HAS BEEN DETERMINED TO BE:

_____ Expedited _____ Standard _____ Complex

SO ORDERED.

DATED:

NEW YORK, NEW YORK

U.S.D.J./U.S.M.J.

Form B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE MANAGEMENT PLAN
IN AN EXPEDITED CASE

Docket # _____

The following Case Management Plan is hereby entered, after
consultation with the parties.

Joinder of additional parties by _____

Amend the pleadings by _____

Dispositive motions by _____

Discovery to be completed by _____

Final pretrial and/or settlement conference on _____

Trial Date _____

SO ORDERED

Dated: New York, New York

United States District Judge

Form C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE MANAGEMENT PLAN
IN AN EXPEDITED CASE

Docket # _____

In the above numbered matter, having been referred to the undersigned for pretrial supervision and the preparation of a Case Management Plan, the following Plan is established after consultation with the parties.

Joinder of additional parties by _____

Amend the pleadings by _____

Dispositive motions by _____

Discovery to be completed by _____

Final pretrial and/or settlement conference on _____

SO ORDERED

Dated: New York, New York

United States Magistrate Judge

Form D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE MANAGEMENT
PLAN IN A STANDARD
OR COMPLEX CASE

Docket #

The following Case Management Plan is entered, after consultation with the parties. This Plan is also a Rule 16 and Rule 26(f) scheduling order as required by the Federal Rules of Civil Procedure.

Joinder of additional parties by _____

Amend the pleadings by _____

Procedural motions, if any by _____

Discovery:

1. Rule 46(a) interrogatories, if any, to be served by all parties no later than _____
2. Responses to such interrogatories shall be within 30 days of service unless the parties stipulate to an adjournment.
3. First request for production of documents, if any, to be served no later than _____
4. Depositions to be completed by _____
 - a. Unless the parties otherwise agree or the court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
 - b. Depositions of all parties shall proceed during the same time.

c. Unless the parties otherwise agree or the court so orders, non-party depositions shall follow party depositions, whenever possible.

5. Any further interrogatories, including expert interrogatories by _____

6. All discovery to be completed by _____

Requests to Admit, if any, to be served no later than _____

Dispositive motions by _____

Pre-motion conferences are required for any dispositive motion

Yes _____ No _____

Next Case Management Conference _____

Settlement Conference _____

Joint Pretrial Order, if any, to be submitted by _____

Trial Date _____

SO ORDERED.

Dated: New York, New York

UNITED STATES DISTRICT JUDGE

Form E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE MANAGEMENT
PLAN IN A STANDARD OR
COMPLEX CASE

Docket # _____

In the above numbered matter, having been referred to the undersigned for pretrial supervision and the preparation of the Case Management Plan, the following Plan is entered, after consultation with the parties. This Plan is also a Rule 16 and Rule 26(f) scheduling order as required by the Federal Rules of Civil Procedure.

Joinder of additional parties by _____

Amend the pleadings by _____

Procedural motions, if any by _____

Discovery:

1. Rule 46(a) interrogatories, if any, to be served by all parties no later than _____
2. Responses to such interrogatories shall be within 30 days of service unless the parties stipulate to an adjournment.
3. First request for production of documents, if any, to be served no later than _____
4. Depositions to be complete by _____
 - a. Depositions are not to be held until all parties have responded to any first requests for production of documents.
 - b. Depositions of all parties shall proceed simultaneously.

c. Non-party depositions shall follow party depositions, whenever possible.

5. Any further interrogatories, including expert interrogatories by _____

6. All discovery to be complete by _____

Requests to Admit, if any, to be served no later than _____

Dispositive motions by _____

Next pretrial conference _____

Settlement conference _____

Joint Pretrial Order, if any, to be submitted by _____

SO ORDERED

Dated: New York, New York

United States Magistrate Judge

Form F

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAMPLE PRE-TRIAL ORDER
FOR STANDARD AND
COMPLEX CASES

Docket # _____

1. List of witnesses, including experts, shall be exchanged by the parties sixty days before the trial date.

2. Lists of proposed trial exhibits shall be pre-marked and exchanged by the parties thirty days before the trial date.

3. Objections to the proposed trial exhibits, solely as to authenticity, shall be exchanged by the parties by ten days before the trial date.

4. Responses to any such objections shall be exchanged by the parties three days before the trial date.

5. Reports of experts shall be exchanged by the parties by 20 business days before the respective expert's deposition, if any, or by twenty business days before the trial date.

6. Designation of deposition testimony to be offered into evidence at trial shall be exchanged by the parties by thirty days before the trial date.

7. Objections to the designated deposition testimony with reference to the applicable Federal Rules of Evidence shall be exchanged by the parties ten days before the trial date.

8. Responses to the objections to designated deposition testimony shall be exchanged by the parties by three days before the trial date.

9. Pre-trial Memoranda of Law, where applicable, shall be exchanged by the parties ten days before the trial date.

10. All documents described in paragraphs 1 through 9 above shall be filed with the Court by the same date that such documents are provided to a party.

SO ORDERED

Dated: New York, New York

United States District Judge