

**PRACTICE BEFORE
UNITED STATES DISTRICT JUDGE
RICHARD CONWAY CASEY**

UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NEW YORK 10007
COURTROOM 14C
web site: www.nysd.uscourts.gov

Amended November 10, 2003

Unless otherwise ordered by the Court, matters before Judge Casey shall be conducted in accordance with the following practices:

1. Communications with Chambers

- A. Letters.** Except on urgent matters requiring the Court's immediate attention, communications with Chambers should be **IN WRITING**, with a copy to opposing counsel. Letters must be delivered to opposing counsel in the same manner that they are delivered to Chambers and must state the method of delivery. Copies of correspondence between counsel should **not** be sent to the Court and *will be discarded*.
- B. Telephone Calls.** Except as provided in Paragraph 1(D) below, telephone calls to Chambers are permitted only in emergency situations that require the Court's immediate attention. In such situations only, call Chambers at (212) 805-0594.
- C. Faxes.** Faxes to Chambers are permitted only if previously authorized by the Court.
- D. Docketing, Scheduling and Calendar Matters.** For docketing, scheduling and calendar matters, call **Michael Brantley**, Courtroom Deputy at (212) 805-0594.
- E. Requests for Adjournment or Extension of Time.** All requests to modify scheduling orders or adjourn pretrial conferences must be made in writing, with copies to all counsel, and received in Chambers no later than 48 hours before the scheduled time. Such requests must state whether opposing counsel consents to the extension and include the number and disposition of any prior requests for similar extensions. If the extension or adjournment request is made with the consent of all parties, a stipulation or proposed formal order modifying the scheduling order in effect shall be submitted setting forth the schedule to which counsel have agreed.

2. Motions

A. Pre-Motion Conferences in Civil Cases. A pre-motion conference will be required before any dispositive motion is filed (including motions to dismiss), except as provided in Paragraph 2(F) below.

B. Courtesy Copies.

1) Pleadings. One (1) courtesy copy of all papers, including the complaint, the answer, and the Rule 7.1 disclosure statements, shall be provided to Chambers by delivering them **to the Clerk's Office at 500 Pearl Street**. Originals and copies should bear labels distinguishing between them. In addition, all courtesy copies shall be accompanied by a clearly labeled computer diskette version of the document (in any version of Microsoft Word or WordPerfect, although WordPerfect is preferred). Exhibits may be included on a diskette if practicable; however, they must be attached to hard copies.

2) Motions. As provided in Paragraph 2(B)(1) and 2(D), a moving party shall supply Chambers with one courtesy copy and a computer diskette.

C. Memoranda of Law. Memoranda of law longer than ten (10) pages must include a table of contents and a table of authorities, and may not exceed twenty-five (25) pages without leave of the Court (including memoranda that incorporate cross-motions). Reply papers, if any, shall not exceed ten (10) pages in length.

D. Filing of Motion Papers. Motion papers must **NOT** be filed with the Court until the motion is fully briefed by all affected parties, at which time the moving party shall file a complete set of original papers (including moving papers, opposition and reply) with the Clerk of the Court. In addition, as provided in Paragraph 2(B)(2), the moving party shall supply Chambers with one courtesy copy and a computer diskette of all papers.

Unless otherwise ordered by the Court, all motions, unless brought on by an Order to Show Cause, should be made on submission without a return date.

Unless otherwise ordered by the Court, opposing papers must be served within fourteen days of service of the motion papers. Reply papers, if any, must be served within five business days of service of opposition papers.

E. Oral Arguments on Motions. The Court will set a date for oral argument if and when it deems necessary.

F. Effect of a Motion on Notice of Appeal. Paragraph 2(A) above does not apply to any of the motions described in the Federal Rule of Appellate Procedure 4(a)(4)(A). A pre-motion conference is not required before making such motion, which should be filed when served. Once the motion is fully briefed, the moving

party shall supply Chambers with one courtesy hard copy and a computer diskette of all papers. The accompanying memoranda of law shall not exceed ten (10) pages in length.

3. Pretrial Procedures

- A. Initial Case Management Conference.** The Court generally will schedule an initial case management conference within six to eight (6-8) weeks of the filing of the complaint. Counsel are expected to discuss prior to the conference all of the issues specified in Fed. R. Civ. P. 16(c), including settlement, contemplated motions, and a schedule for discovery.

At the initial case management conference, the parties shall submit a proposed case management plan which is sent to the plaintiff along with the notice of court conference. A copy of the Court's case management plan can be downloaded from the Court's website www.nysd.uscourts.gov/judges/USDJ/casey.htm

- B. Discovery Disputes.** No less than one (1) week prior to the initial conference, the parties to a civil case must furnish the Court with a written report of their agreements or disagreements regarding case management and discovery, in a form corresponding to the Court's Case Management Order. In formulating their discovery plans, the parties should bear in mind the Court's preference that document discovery take temporal precedence over depositions, that expert reports be exchanged simultaneously, and that the filing of dispositive motions await the completion of discovery. A pre-motion conference will be required before any dispositive motion is filed. Interrogatories are limited to those authorized by the Local Civil Rules, and no deposition may extend the time limitations prescribed by the Federal Rules without prior leave of the Court. At the conference, the Court will issue a binding Case Management Order that, in most cases, will require the case to be ready for trial within six (6) months of the date thereof.

The Court expects that counsel will conduct discovery under the Rules in a responsible, flexible, accommodating, forthcoming, and professional manner. Accordingly, the overwhelming majority of discovery disagreements will be resolved by counsel without the necessity of Court intervention. If the parties are unable to reach agreement, one party should submit a brief letter, no more than two (2) pages in length, setting forth the nature of the dispute, the relief requested, and the reasons why the relief should be granted, with supporting authority, if available. Within three (3) days, a brief responding letter, no longer than two (2) pages, should be served and submitted. The Court will schedule a status conference if necessary.

C. Joint Pretrial Orders, Exhibits and Submissions in Civil Cases. Prior to submitting the Pretrial Order, counsel must exchange copies of their trial exhibits. All exhibits shall be pre-marked. Plaintiff's exhibits shall be marked with numerals, and defendant's with letters.

In all civil (jury and non-jury) cases, unless otherwise ordered by the court, at least two weeks prior to the trial, the parties shall submit to the court for its approval a joint pretrial order, which shall include the following:

- i. The full caption of the action;
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel;
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount;
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried;
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed;
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented);
- vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties; each party's contentions of ultimate objective facts that are disputed;
- viii. A statement by each party as to the witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition; a list of the names of the fact witnesses, in the likely order of appearance; a statement of the names and backgrounds of the expert witnesses, in the likely order of appearance;
- ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party;
- x. A list by each party of exhibits to be offered in its case in chief, with

one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground; and

xi. A particularized statement of the damage claims.

D. Filing Prior to Trial in Civil and Criminal Jury Cases. The following are due **two (2) weeks prior to jury selection:**

- 1) Voir dire requests;
- 2) Proposed jury instructions and verdict sheets; and
- 3) All motions to preclude. Parties should be prepared to discuss any other evidentiary issues that they anticipate may arise during the course of trial.

E. Trial Procedures. Chambers will notify counsel as far in advance as possible of a definite, firm trial date, when one is selected by the Court. Should counsel for either party find that circumstances have changed with respect to the readiness of the case for trial, or that for extraordinary reasons additional advance notice of a firm trial date is needed, counsel are directed to advise the Court in writing.

4. Orders to Show Cause

All applications for Orders to Show Cause and Temporary Restraining Orders should be brought to the Orders Clerk in the Cashier's Office for approval as to form before being taken to Chambers. Unless special cause is shown, a Temporary Restraining Order will not be issued unless all other parties have received reasonable notice and have been provided an opportunity to appear and oppose the application. Applications for Orders to Show Cause must be accompanied by an affidavit and a supporting memorandum of law.

5. Default Judgments

If the defendant(s) fails to appear for the initial pre-trial conference and their time to answer has expired, the Court will schedule another pre-trial conference and instruct plaintiff's counsel to notify the defendant(s) by certified letter: (a) the new date for the initial conference, and (b) that failure to appear will result in a default being entered. If the defendant fails to appear at the second initial pre-trial conference, the Court will instruct plaintiff's counsel to submit a motion for default judgment and proposed order within ten days. Depending on the nature of the case, the Court may submit the motion to a magistrate judge for an inquest.

6. Bankruptcy Appeals

The attention of all counsel is directed to Rule 8009 of the Federal Bankruptcy Rules, which provide for the dates within briefs are to be served and filed.

7. RICO Statements

Instructions for filing a RICO Statement can be downloaded from the Court's website www.nysd.uscourts.gov/judges/USDJ/casey.htm