

March 4, 2002

AMENDED

INDIVIDUAL PRACTICES OF JUDGE MILTON POLLACK

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

1. Communications With Chambers

A. Letters. Letters to chambers are permitted if copies are simultaneously delivered to all counsel on the same day.

B. Telephone Calls. Telephone calls are permitted on all matters. Call chambers at 212-805-6115 between 10:00 A.M. and 5:00 P.M. Speak to the Court Deputy about calendar matters.

C. Faxes. Faxes to chambers are permitted if they do not exceed two pages and are simultaneously faxed to opposing counsel. The fax number is (212) 805-6121.

D. Docketing, Scheduling, and Calendar Matters. For docketing, scheduling and calendar matters, call 212-805-6115 between 10:00 a.m. and 5:00 p.m. and speak to the Court Deputy.

E. Requests for Adjournments or Extensions of Time. See Paragraph 1(D) above.

2. Motions

A. Pre-Motion Conferences in Civil Cases. A pre-motion conference with the court is required before making any motion for summary judgment. To arrange a pre-motion conference on any matter, the moving party shall **make a conference phone call to the Judge after conferring with adversary as to two convenient dates and times.**

B. Courtesy Copies. Courtesy copies of pleadings, motion papers and memoranda thereon shall be hand delivered to Chambers at the time such papers are filed with the Clerk of Court.

C. Memoranda of Law. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

D. Filing of Motion Papers. Motion papers shall be filed promptly on the date of service. Copies to adversaries should be furnished by delivery thereof in the same delivery manner and on the same day as the originals are filed.

E. Oral Argument on Motions. Oral argument will be held on all motions unless otherwise advised by the Court. After consultation with all adversaries, the moving party shall schedule oral argument at 2:00 p.m. on any day that the Court will be in session.

3. Pretrial Procedures

A. Joint Pretrial Orders in Civil Cases. Unless otherwise ordered by the Court, within **20** days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a **joint** pretrial order, which shall include the information required by Federal Rule of Civil Procedure 26(a) (3) and the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction **if it is disputed**. 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. In the pre-trial order to be submitted, agreed and disputed contentions of ultimate objective fact should be set forth in succinct form. The disputed matters should be set forth without evidentiary detail in parallel columns, each ultimate contention to be stated and numbered separately by the party with the burden of its proof with the responsive matter similarly bearing the same number in its column.
- 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 **considered and 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.

B. Filings Prior to Trial in Civil Cases. Unless otherwise ordered by the Court, the parties shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. In jury cases, requests to charge jointly agreed upon by counsel and proposed voir dire questions. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in WordPerfect version 5.1 or higher format;

ii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

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

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