

July 24, 2006

INDIVIDUAL PRACTICES OF JUDGE DENNY CHIN

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

1. Communications with Chambers

- A. **Letters.** Except as otherwise provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Letters shall not be filed unless the Court directs otherwise, and in an ECF case letters are not to be electronically filed. Copies of correspondence between counsel shall not be sent to the Court.
- B. **Telephone Calls.** Except as otherwise provided below, telephone calls to chambers are permitted only in situations requiring immediate attention. In such situations only, call chambers at 212-805-0200.
- C. **Faxes.** Faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than five pages may be faxed without prior permission. Do not follow with hard copy. The fax number is 212-805-7906.
- D. **Docketing, Scheduling, and Calendar Matters.** Please call David Tam, the Deputy Clerk, at 212-805-0096 between 9 a.m. and 5 p.m.
- E. **Requests for Adjournments or Extensions of Time.** All requests for adjournments or extensions of time shall be by letter and must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling Order (reflecting only business days) must be attached. If the request is for an adjournment of a court appearance, absent an emergency the request shall be made at least 48 hours prior to the scheduled appearance.

2. Motions

- A. **Pre-Motion Conference in Civil Cases.** For discovery motions, follow Local Civil Rule 37.2. A pre-motion conference with the Court is required before

making any other motion, except motions in cases involving a person in custody, motions for reargument or reconsideration, and motions for temporary restraining orders or preliminary injunctions. To arrange a pre-motion conference, the moving party shall submit a letter, not to exceed three pages in length, setting forth the basis for the anticipated motion. The deadline to answer or otherwise respond to the complaint is stayed during the pendency of a request for a conference to discuss a proposed motion to dismiss.

- B. Courtesy Copies.** Courtesy copies of all motion papers, marked as such, should be submitted to chambers.
- 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 after service.
- E. Oral Argument on Motions.** Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The Court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

3. Pretrial Procedures

- A. Joint Pretrial Orders in Civil Cases.** Unless otherwise ordered by the Court, within 30 days after the date for 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 following:
 - i. The full caption of the action.
 - ii. The names, addresses (including firm names), email addresses, 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 that remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. The parties shall also identify

all claims and defenses previously asserted that 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 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.
- viii. A list of the witnesses each party expects to call on its case in chief, with any objections by any other party.
- 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.

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

- i. In jury cases, requests to charge and proposed voir dire questions. Counsel shall call chambers at 212-805-0200 to arrange for proposed jury charges to be emailed to Judge Chin's law clerk.
- ii. In nonjury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element.
- iii. In all cases, motions addressing any evidentiary or other issues that should be resolved in limine; and
- iv. In any case where any party believes it would be useful, a pretrial memorandum.