

8/29/13

INDIVIDUAL PRACTICES OF JUDGE ROBERT P. PATTERSON, JR.

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

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. Unless there is a request to file a letter under seal or a letter contains sensitive or confidential information, **letters should be filed electronically on ECF.** Letters together with any related exhibits may not exceed 5 pages in length. Letters solely between parties or their counsel or otherwise not addressed to the Court may not be filed on ECF or otherwise sent to the Court (except as exhibits to an otherwise properly filed document).

B. Telephone Calls. In addition to Paragraph 1(D) below, telephone calls to chambers are permitted. For matters other than docketing, scheduling or calendaring, call chambers at 212-805-0238.

C. Faxes. If necessary, faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than 10 **pages** may be faxed without prior authorization. **DO NOT FOLLOW WITH HARD COPY.** The fax number is 212-805-7917.

D. Docketing, Scheduling, and Calendar Matters. For docketing, scheduling and calendar matters, call Robert Monteagudo at 212-805-0115 between 8:30 A.M. and 4:30 P.M.

E. Requests for Adjournments or Extensions of Time. All requests for adjournments or extensions of time must be made in writing and **filed ECF as letter-motions.** The letter-motion 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, it shall be made at least 48 hours prior to the scheduled appearance.

F. Letter-Motions. Letter-motions may be filed via ECF if they comply with the S.D.N.Y. Local Rules and the S.D.N.Y. "Electronic Case Filing Rules and Instructions." In particular, all requests for adjournments, extensions and conferences should be filed as letter-motions.

G. Sentencing Submissions. Except for submissions to be filed under seal or in redacted form, every document in a sentencing submission, including letters, must be filed on ECF. Letters should be grouped and filed together as attachments to a single document marked SENTENCING MEMORANDUM with the caption and docket number clearly indicated. The defendant is responsible for filing all letters on behalf of the defendant, including those from friends and relatives. The Government is responsible for filing all letters from victims.

H. Courtesy Copies. Courtesy copies of Letters and Letter-Motions are not required. However, courtesy copies of Sentencing Submissions are required and should be sent to Chambers.

I. Urgent Communications. As a general matter, materials via ECF are reviewed by the Court the business day after they have been filed. If your submission requires immediate attention, please notify chambers by telephone or fax after you file via ECF.

2. Motions (No pre-motion conference is required.)

A. Courtesy Copies of Electronic Filings. Courtesy copies, marked as such, of motions and related documents filed electronically are mandatory and shall be submitted to Chambers at the time the filings are made, in accordance with the SDNY policy regarding mail deliveries.

B. 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.

In cases involving multiple defendants, unless prior permission has been granted, defendants shall file one consolidated memorandum of law, of no more than 35 pages in length, in support of any dispositive motion. Plaintiff(s) shall file one consolidated memorandum in opposition, of no more than 35 pages, and any reply shall also be consolidated and shall not exceed 15 pages.

C. Filing of Motion Papers. Motion papers shall be filed promptly after service.

D. 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 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), 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.
- 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.
- 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 trial date has been fixed:

i. In jury cases, proposed voir dire questions and requests to charge. Proposed voir dire and jury charges should also be submitted on a CD or disk in Microsoft Word, or emailed to my secretary at mary_cilluffo@nysd.uscourts.gov.

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. Three days before trial, each Party shall provide two sets of legible, unstapled exhibits in 3-ring binder(s) tabbed sequentially, with an accurate, complete list of exhibits and brief description in the front of the first binder.

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

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

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