

**INDIVIDUAL PRACTICES OF
MAGISTRATE JUDGE GEORGE A. YANTHIS**
(Revised 8/2/2011)

Unless otherwise ordered by Judge Yanthis, matters before him shall be conducted in accordance with the following practices. These practices are applicable to matters before Judge Yanthis if the matter is within the scope of the district judge's Order of Reference or if the case is before Judge Yanthis for all purposes pursuant to the parties' consent under 28 U.S.C. 636(c). Otherwise, the practices of the district judge to whom the case is assigned apply.

I. COMMUNICATIONS WITH CHAMBERS

A. **Letters:** Except as otherwise provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court. In accordance with SDNY ECF procedures, letters shall **not** be filed via ECF.

B. **Telephone Calls:** For **non-pro se cases**, telephone calls to chambers are permitted between 8:30 a.m. and 5:00 p.m. For docketing, scheduling or calendar matters, contact Carlos Gomez, Magistrate Judge Yanthis's Courtroom Deputy. In all **pro se cases, all communications with chambers must be in writing, with copies sent to all other parties.**

C. **Faxes:** Brief faxes to chambers are permitted. Fax to 914-390-4095. Do not send faxes exceeding ten (10) pages in length without contacting chambers to secure permission to fax a longer document. If you send a fax, do not follow up with a hard copy.

D. **Requests for Adjournments or Extensions of Time:** All requests for adjournments or extensions of time must state: (1) the original date; (2) the number of previous requests for adjournment or extension; (3) whether previous requests were granted or denied; and (4) whether the adversary(ies) consent and, if not, the reasons given for refusing 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 forty-eight (48) hours prior to the scheduled appearance.

II. MOTIONS

A. **Pre-Motion Requirements in Civil Cases:** For discovery motions, follow Local Civil Rule 37.2 and, if Judge Yanthis issued a Discovery Order, adhere to the procedures set forth therein. For all other motions, prior to filing, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion.

B. **Filing of Motion Papers:** In both ECF and non-ECF cases, motion papers shall be filed promptly after service.

C. **Courtesy Copies:** Courtesy copies of all motion papers, marked as such, must be submitted to chambers at the time the papers are served. ****COURTESY COPIES ARE REQUIRED IN BOTH ECF AND NON-ECF CASES.****

D. **Memoranda of Law:** Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to twenty-five (25) pages, and reply memoranda are limited to ten (10) pages. Memoranda of ten (10) pages or more shall contain a table of contents.

E. **Exhibits:** Exhibits attached to affidavits or otherwise submitted with motion papers shall be tabbed or otherwise clearly separated. Exhibits shall be clearly labeled.

F. **Oral Argument:** Parties may request oral argument in writing at the time their moving or opposing or reply papers are served. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

III. PRETRIAL PROCEDURES

A. **Joint Pretrial Orders in Civil Cases:** Pretrial orders are not required unless specifically directed by the Court.

B. **Filings Prior to Trial in Civil Cases:** Unless otherwise ordered by the Court, each party shall file, fifteen (15) days before the commencement of trial:

1. In jury cases, requests to charge, proposed verdict sheet, proposed voir dire questions and witness lists;

2. In nonjury cases, "Proposed Findings of Fact and Conclusions of Law" containing 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;

3. In all cases, motions addressing any evidentiary or other issues which should be resolved *in limine* (any responses to motions *in limine* shall be filed no later than five (5) days before trial); and

4. In all cases, complete exhibit lists in accordance with FRCP 26(a)(3).

IV. FORMS

Please note that many commonly used forms (e.g. notice of appearance, consent, limited consent) are available at www.nysd.uscourts.gov/forms.php