

June 1, 2008

INDIVIDUAL PRACTICES IN CIVIL CASES
GERARD E. LYNCH, UNITED STATES DISTRICT JUDGE

Chambers

Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 910
New York, New York 10007
(212) 805-0427

Courtroom

Courtroom 6B
500 Pearl Street
Jose E. Lopez
Courtroom Deputy Clerk
(212) 805-0435

Unless otherwise ordered by Judge Lynch, matters before Judge Lynch 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. Copies of correspondence between counsel shall not be sent to the Court. Refer to Rule 2(F) below for letters concerning discovery disputes.

Letters to chambers should not be electronically filed.

B. Telephone Calls. Except as provided in Rule 1(D) below, telephone calls to chambers should be limited to emergency situations requiring immediate attention. In such situations, call chambers at 212-805-0427. Ex parte telephone calls will ordinarily not be accepted; wherever possible, counsel for all affected parties should be on the line when a call to chambers is placed, except to the extent that similarly situated parties have designated a lead counsel to represent them on such a call.

C. Faxes. Faxes to chambers are not permitted without prior permission of the Court.

D. Docketing, Scheduling, and Calendar Matters. For docketing, scheduling and calendar matters, call Jose E. Lopez at 212-805-0435 between 9:00 A.M. and 5:00 P.M..

E. 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 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. Courtesy Copies of Electronic Filings. Except as provided with respect to motion papers by Rule 2(c) below, courtesy copies of all documents filed electronically shall be submitted to chambers at the time the documents are filed.

2. Motions

A. Pre-Motion Conferences in Civil Cases. For motions other than discovery motions, pre-motion conferences are not required. To raise a discovery dispute with the Court, follow Rule 2(F) below. Where a formal discovery motion is necessary, follow Local Civil Rule 37.2.

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

C. Courtesy Copies. Two courtesy copies of all motion papers, marked as such, should be submitted for chambers, by the movant, at the time the reply is served. Courtesy copies should not be submitted to chambers at the time of filing.

D. 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 and a table of authorities.

E. Oral Argument on Motions. Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. Whether or not requested, the Court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

F. Discovery Disputes. Unless otherwise directed, counsel should describe their discovery disputes in a single letter, jointly composed. Separate and successive letters will be returned, unread. Strict adherence to Fed. R. Civ. P. 37(a)(1), the “meet and confer” rule, is required, and should be described in the joint submission as to time, place, and duration, naming the counsel involved in the discussion. The joint letter shall describe concisely the issues in dispute and the respective position of each party, citing the applicable authority that the respective parties claim for support.

3. Pretrial Procedures

A. Joint Pretrial Orders in Civil Cases. Unless otherwise ordered by the Court, within 30 days from the date for the completion of discovery in a civil case or, if a dispositive motion has been filed, within 30 days of its decision, 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, with the proposed joint pretrial order:

i. In jury cases, requests to charge and proposed voir dire questions. When feasible, proposed jury charges should also be submitted in electronic form in WordPerfect version 5.1 or higher format;

ii. In non-jury cases, proposed findings of fact and conclusions of law. Proposed findings of fact should be detailed.

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 pretrial memorandum.

C. Additional submissions in Non-Jury Cases. At the time the joint pretrial order is filed, each party shall serve, but not file, the following:

i. Affidavits constituting the direct testimony of each trial witness, except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a person for whom a party has requested and the Court has agreed to hear direct testimony during the trial. Three business days after submission of such affidavits, counsel for each party shall submit a list of all affiants whom he or she intends to cross-examine at the trial. Only those witnesses who will be cross-examined need appear at trial. The original affidavit shall be marked as an exhibit at trial.

ii. All deposition excerpts which will be offered as substantive evidence, as well as a one page synopsis (with page references) of those excerpts for each deposition.

iii. All documentary evidence.

D. Filings in opposition. Any party may file the following documents within one week of the filing of the pretrial order, but in no event less than two days before the scheduled trial date.

- i. Objections to another party's requests to charge or proposed voir dire questions.
- ii. Opposition to any motion in limine.
- iii. Opposition to any legal argument in pretrial memorandum.

E. Courtesy Copies. Two courtesy copies of the joint pretrial order and all documents filed or served with the pretrial order should be submitted to chambers on the date of filing or service.

4. Conferences

A. Principal Trial Counsel. The attorney who will serve as principal trial counsel must appear at all conferences with the Court.

B. Initial Case Management Conference. The Court will generally schedule a Fed. R. Civ. P. 16(c) conference for a Friday within three months of the filing of the Complaint.

C. Additional Conferences. Additional conferences may be scheduled from time to time as needed.