

INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE MAAS

Unless otherwise ordered, matters before Judge Maas 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. Letters may be sent by fax, but not via ECF. **Letters submitted to Chambers via ECF will be disregarded.** The following e-mail address should be used **for submission of proposed orders only**:

maasnysdchambers@nysd.uscourts.gov

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) 805-6727.

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 authorization. Copies of faxes need not be mailed to Chambers. If a hard copy of a faxed letter is sent to Chambers, it should bear the legend "PREVIOUSLY FAXED." The fax number is (212) 805-6724.

D. Docketing, Scheduling, and Calendar Matters. For docketing, scheduling, and calendar matters, call Richalyn Chambers at (212) 805-6734.

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 must be made at least 48 hours prior to the scheduled appearance. Additionally, counsel requesting the adjournment of a court appearance should contact Chambers to secure an acceptable alternative date and communicate the proposed date to all other counsel. The letter requesting the adjournment of a court date should set forth the other parties' positions concerning the proposed new date.

2. Motions.

A. Pre-Motion Conferences in Civil Cases. For discovery motions, follow Local Civil Rule 37.2. For other motions, a pre-motion conference with the Court is required. 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, and other parties may respond within three

business days.

B. Courtesy Copies. Courtesy copies of all motion papers, marked as such, should be submitted to Chambers, even if the papers have been filed electronically.

C. 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.

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

E. Summary Judgment Motions. The Local Rule 56.1 statement of any party opposing summary judgment shall repeat verbatim the text (including the numbering) of each statement to which it responds.

F. 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. In cases assigned to a district judge, the pretrial order shall conform to that judge's individual rules. In cases assigned to Judge Maas on the consent of the parties, a pretrial order is not required unless specifically directed in a particular case. In the event a pretrial order is required by Judge Maas, the parties shall submit to the court a joint pretrial order which shall contain 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. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.

vii. 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.

viii. 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.

ix. 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, fifteen days before the commencement of any trial before Judge Maas:

i. In jury cases, requests to charge and proposed voir dire questions. Proposed jury charges should also be submitted on a CD-ROM in WordPerfect format;

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 which should be resolved in limine; and

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