

**INDIVIDUAL RULES & PRACTICES OF
THE HON. KIMBA M. WOOD
UNITED STATES DISTRICT JUDGE
(Updated January 29, 2020)**

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Unless otherwise ordered by Judge Wood, matters before Judge Wood shall be conducted as follows:

1. COMMUNICATIONS WITH CHAMBERS

A. Letters

Except as provided below, communications with Chambers should be by letter, which **shall not exceed three (3) pages in length**, with copies simultaneously provided 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 in accordance with the S.D.N.Y. "Electronic Case Filing Rules and Instructions." When a letter is accompanied by attachments exceeding ten (10) pages in length, the submitting party shall both file the letter on ECF **and** deliver a hard copy to Chambers by mail or hand delivery. No electronically filed letter shall be sent to the Court by mail unless it has an attachment greater than ten (10) pages. In such cases, counsel should ensure that the courtesy copy is a copy of the filed version of the letter and includes the automatically generated ECF header (that is, the text - e.g., "Case 1:18-CV-01234-ABC Document 100 Filed 01/1/18 Page 1 of 1" - appearing at the top of each page of a document on the ECF system). Copies of correspondence between counsel shall not be sent to the Court (except as exhibits to an otherwise properly filed document).

B. ECF

In accordance with the Electronic Case Filing Rules and Instructions, counsel are required to register promptly as ECF filers and to enter an appearance in the case. The pertinent instructions are available on the Court website, at http://www.nysd.uscourts.gov/ecf_filing.php. Counsel are responsible for updating their contact information on ECF, should it change, and they are responsible for checking the docket sheet regularly, regardless of whether they receive an ECF notification of case activity.

C. Telephone Calls

For criminal scheduling and calendar matters, call Law Clerk / Deputy, Sara Tomasello at (212) 805-0125. Otherwise, telephone calls to Chambers are permitted only in situations requiring immediate attention. In such situations, call Chambers at (212) 805-0258.

D. Faxes and Email Communications

Faxes and email communications to Chambers are permitted only if copies are also simultaneously faxed or emailed to all counsel. No document longer than 20 pages may be faxed or emailed without prior authorization from Chambers. Do not follow with a hard copy. Please refer to paragraph A for Chambers email address and fax number.

E. Scheduling and Calendar Matters

For criminal scheduling and calendar matters, call Ms. Sara Tomasello, Esq. at (212) 805-0125 between 8:00 a.m. and 3:00 p.m.

F. Hand Deliveries

Hand-delivered mail should be left with the Court Security Officers at the Worth Street entrance of the Courthouse; it may not be brought directly to Chambers. If the hand-delivered letter is urgent and requires the Court's immediate attention, however, ask the Court Security Officers to notify Chambers that an urgent letter has arrived that needs to be retrieved by Chambers staff immediately.

G. Requests for Adjournments or Extensions of Time

All requests for adjournments or extensions of time must be made in writing and filed on ECF as letter-motions. The letter-motion must state: (1) the original due date, (2) the number of previous requests for adjournments or extensions of time, (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 must be attached to the motion. 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. If a request contains sensitive or confidential information, it may be submitted by email to Chambers inbox at: woodnysdchambers@nysd.uscourts.gov, faxed to (212) 805-7900, or hand delivered in lieu of being filed electronically.

H. Related Case

After an action has been accepted as related to a prior filing, all future court papers and correspondence must contain the docket number of the new filing, as well as the docket number of the case to which it is related (e.g., 11 Civ 1234 [rel. 10 Civ. 4321]).

2. CONFERENCES

A. Attendance by Principal Trial Counsel and Junior Lawyers

The attorney who will serve as principal trial counsel must appear at all conferences with the Court. Opportunities to train junior lawyers in courtroom skills have become increasingly rare. Accordingly, where junior lawyers are familiar with the matter under consideration, but are not experienced in arguing before a court, they should be encouraged to actively participate. In such circumstances, where it creates an opportunity

for a junior lawyer to argue, this Court is amenable to permitting more than one lawyer to argue for one party.

B. Initial Case Management Conference

The Court will generally schedule a Fed. R. Civ. P. 16 conference within two (2) months of the filing of the Complaint. The Notice of Initial Pretrial Conference will be made available on ECF and the plaintiff's counsel will be responsible for distributing copies to all parties. The Notice will direct the parties to submit on ECF a proposed Civil Case Management Plan and Scheduling Order and letter to the Court one (1) week prior to the conference date. Before the initial pretrial conference, Counsel must adhere to S.D.N.Y.'s "Electronic Case Filing Rules and Instructions," be registered as ECF filers, and enter an appearance in the case. The pertinent instructions are available on the Court's website at: http://www.nysd.uscourts.gov/ecf_filing.php.

C. Other Information

If (1) counsel agree on a schedule that calls for the close of **all** discovery not more than six (6) months from the date of the Notice of Initial Pretrial Conference; (2) counsel submit the Proposed Case Management Plan and Scheduling Order to the Court no later than thirty (30) days before the initial pretrial conference; **and** (3) the Court signs and docket the Proposed Case Management Plan and Scheduling Order, the initial pretrial conference will be cancelled and the parties need not appear in person. (By contrast, if the Court does not sign and docket the Proposed Case Management Plan and Scheduling Order, the parties must appear at the initial pretrial conference.) If the initial pretrial conference is cancelled, the parties are reminded to check the docketed Case Management Plan for the date and time of the next pretrial conference. The parties are cautioned that the Court will not grant an extension to agreed-upon deadlines except in extraordinary circumstances.

3. MOTIONS

A. Pre-Motion Conferences in Civil Cases

For motions other than discovery motions, the Court requests, as a courtesy to the Court, that a litigant seek a pre-motion conference with the Court before making any motion, **except:**

- i. motions that are required by the Federal Rules of Appellate Procedure to be made by a certain time; and
- ii. Temporary Restraining Orders, injunctions, motions in lieu of Answer, motions to remand, motions for re-argument or reconsideration, objections to Magistrate Judges' rulings, applications for attorneys' fees, motions for sanctions, motions for reduction of sentence, pro hac vice motions, motions involving persons in custody, and petitions to confirm or compel arbitration, and instances where a litigant believes that delay in filing might result in the loss of right.

To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion.

B. Letter Motions

Letter-motions filed via ECF must 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 pre-motion conferences with respect to discovery disputes should be filed as letter-motions.

C. Discovery Motions

- i. In **civil** cases – counsel are expected to comply with the Southern District Local Civil Rule 37.2 with the following modifications. Any party wishing to raise a discovery dispute with the Court must first confer in good faith with the opposing party, in person or by telephone, in an effort to resolve the dispute. If this meet-and-confer process does not resolve the dispute, the party may file on ECF a letter-motion to the Court, no longer than three (3) pages, explaining the nature of the dispute and requesting an informal conference. Such a letter must include a representation that the meet-and-confer process occurred and was unsuccessful. If the opposing party wishes to respond, it must call Chambers within one (1) business day to advise that a responsive letter will be forthcoming and do so by letter to the Court not exceeding three (3) pages within three (3) business days of the filing of the original letter-motion; and
- ii. In **criminal** cases – counsel are expected to comply with the Southern District Local Criminal Rule 16.1. Any discovery motion must contain the Rule 16.1 affidavit.

D. Courtesy Copies

One set of all motion papers, marked as such, should be submitted to the Court in accordance with the S.D.N.Y. policies regarding hand deliveries or mail deliveries. The courtesy copy of any letter filed on ECF must be a copy of the filed version of the letter and must include the automatically generated ECF header.

E. Memoranda of Law

All memoranda of law shall conform to Local Civil Rule 11.1. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to twenty-five (25) pages. Reply memoranda are limited to ten (10) pages. Memoranda of ten (10) pages or more shall contain a table of contents and a table of authorities.

F. Filing of Motion Papers

Notice of motion and motion papers shall be filed with the Court promptly after service. The moving party is further obligated to furnish to Chambers a full set of courtesy copies of the motion papers at the time the motion becomes fully briefed. A Court Order is

required to extend the briefing schedule beyond the time frame set out in Local Civil Rule 6.1(b).

G. Oral Argument on Motions

Parties may request oral argument at the time they file their moving, opposing or reply papers, by filing on ECF a letter specifically requesting oral argument. The Court will determine whether argument will be heard and, if so, will advise counsel of the date and time for the argument.

H. Motions for Summary Judgment

- i. **56.1 Statement.** Any party wishing to file a motion for summary judgment or partial summary judgment (the “moving party”) shall inform the Court of its wish to file a summary judgment motion, and shall attach to its request a Local Civil Rule 56.1 Statement (the “56.1 Statement”). The 56.1 Statement must contain only one factual assertion in each numbered paragraph. Each factual assertion must be followed by a citation to the portion(s) of the evidentiary record relied upon. For example, “Ms. Jones visited Dallas, Texas, on July 10, 2017. Smith Affidavit ¶ 3; Hays Deposition at 25.”
- ii. **56.1 Response.** The party intending to oppose the prospective motion for summary judgment (the “opposing party”) must submit a response to the moving party’s 56.1 Statement (a “56.1 Response”). The 56.1 Response must contain numbered paragraphs tracking those in the 56.1 Statement; each numbered paragraph in the 56.1 Response must address the allegations made in the identically numbered paragraph of the 56.1 Statement. Each paragraph must state what aspects of the moving party’s allegation are admitted, what are disputed, and the basis for any dispute, citing specifically the portion(s) of the evidentiary record relied upon. For example, “Ms. Jones was in New York City at all times during the month of July 2017. Jones Affidavit ¶ 8; Walsh Deposition at 50-53.” The opposing party must respond to all of the allegations in the moving party’s 56.1 Statement. Lack of relevance is not a valid reason for refusing to agree that a fact is not “in dispute.” Each assertion must be a factual assertion, not a legal assertion.
- iii. **56.1 Counterstatement.** An opposing party wishing to make additional factual allegations, beyond those made by the moving party in the 56.1 Statement and responded to by the opposing party in the 56.1 Response, may do so by including those additional factual allegations at the end of a 56.1 Response (a “56.1 Counterstatement”). The first paragraph containing a new allegation must be numbered consecutively to follow the last number used in the moving party’s 56.1 Statement and the opposing party’s 56.1 Response. For example, if the moving party’s 56.1 Statement and the opposing party’s 56.1 Response ended at paragraph 50, the opposing party’s 56.1 Counterstatement would begin at paragraph 51.
- iv. **56.1 Counterresponse.** If an opposing party chooses to make additional factual allegations in a 56.1 Counterstatement, the moving party must file a response to

the opposing party's 56.1 Counterstatement (a "56.1 Counterresponse"). The Counterresponse must conform to the guidelines for a 56.1 Response above.

- v. **Multiple 56.1 Statements.** If multiple parties are submitting 56.1 Statements, they must coordinate their statements to ensure that all paragraphs making assertions regarding a particular fact are identically numbered.
- vi. **Conference.** Upon receipt and review of all 56.1 Statements, Responses, Counterstatements, and Counterresponses, the Court may schedule a conference to discuss, informally, the merits of the motion.
- vii. Except in *pro se* cases, the moving party shall provide all other parties with an electronic copy of the moving party's 56.1 Statement.
- viii. Except in *pro se* cases, the parties shall provide the Court with an electronic, text-searchable courtesy copy of any hearing or deposition transcription upon which the parties rely, if such a copy is available, unless doing so would be unduly burdensome. Parties should provide these materials on a CD **only**, not on a DVD or USB drive and not by email.

I. **Default Judgments**

A party seeking a default judgment must proceed by way of an Order to Show Cause pursuant to the procedure set forth in Attachment A.

J. **Motions to Dismiss**

When a motion to dismiss is filed, the non-moving party must, within fourteen (14) days of receipt of the motion, notify the Court and its adversary in writing whether (i) it intends to file an amended pleading and when it shall do so, or (ii) it will rely on the pleading being attacked. This Rule does not alter the time to file a response provided by the Federal and Local Rules. If the plaintiff amends its pleading, the defendant must, within fourteen (14) days of service of the amended complaint: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court and the plaintiff stating that it relies on the previously filed motion to dismiss.

K. **Failure of the Court to Schedule Argument or Decide a Motion**

If a motion is not decided within sixty (60) days of the time that it has become fully briefed and submitted, counsel for the movant shall send a letter to alert the Court.

4. **PRE-TRIAL SUBMISSIONS**

A. **Joint Pretrial Orders in Civil Cases**

Unless otherwise specified by the Court, within thirty (30) days after the close of discovery or, if any dispositive motion is filed, within three (3) weeks from the Court's decision on such motion, the parties shall submit a proposed joint pretrial order by email to Chambers inbox. The proposed joint pretrial order shall include the information required by Fed. R. Civ. P.26(a)(3) and the following:

- i. the full caption of the action;
- ii. the names, law firms, street addresses, email addresses and telephone and fax numbers of trial counsel;
- iii. a statement as to whether or not all parties have consented to trial by a magistrate judge, without identifying which parties do or do not consent;
- iv. a statement as to the number of trial days needed and as to whether the case is to be tried with or without a jury;
- v. a brief statement by the 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 or jurisdictional amount;
- vi. a brief summary by each party of the claims and defenses that the party asserts remain to be tried, including citations to any statutes on which the party relies. Such summaries shall also identify all claims and defenses previously asserted that are not to be tried. The summaries should not recite any evidentiary matter;
- vii. any stipulations or agreed statements of fact or law to which all parties consent;
- viii. a list of all trial witnesses, indicating whether such witnesses will testify in person or by deposition, and a brief summary of the substance of each witness's testimony;
- ix. a designation by each party of deposition testimony to be offered in its case in chief and any counter-designations and objections by any other party. The designation shall be made on the transcripts of a copy of each deposition:
 - (1) plaintiff's designation highlighted in YELLOW;
 - (2) defendant's designation highlighted in BLUE;
 - (3) plaintiff's counter-designation highlighted in RED;
 - (4) defendant's counter-designation highlighted in GREEN;
- x. a list by each party of exhibits to be offered in its case in chief, with an indication by exhibit number or letter as to whether any party objects to the exhibit. The party objecting must include a brief statement that makes clear the basis for its objection and provide any necessary supporting authority;
- xi. all documentary exhibits submitted to the Court shall be in 3-hole punched binders no more than 1 1/2" thick each. Each exhibit shall be pre-marked (numbers for plaintiff; letters for defendant);

- xii. a statement of the damages claimed and any other relief sought, including the manner and method used to calculate any claimed damages and a breakdown of the elements of such claimed damages; and
- xiii. a statement of whether the parties consent to less than a unanimous verdict.

B. Additional Required Pretrial Filings in Jury Cases

With the Joint Pretrial Order, each party shall:

- i. file and serve motions addressing any evidentiary issues or other matters which should be resolved *in limine*;
- ii. file and serve a pretrial memorandum of law, when a party believes it would be useful to the Court; and
- iii. file joint proposed voir dire questions, a verdict form, and proposed jury instructions. These joint submissions shall consist of single documents, jointly composed, noting by red-lining any areas of disagreement between the parties. Each jury instruction shall be followed by citations, if available, to the authorities from which it derives. These documents should also be submitted by email to Chambers inbox in Microsoft Word format.

C. Additional Required Pretrial Filings in Non-Jury Cases

Each party shall file and serve with the Joint Pretrial Order:

- i. copies of affidavits constituting the direct testimony of each trial witness, except for the direct testimony of an adverse party, a person whose attendance is compelled by subpoena, or a person from whom the Court has agreed to hear direct testimony live at the trial. Three (3) 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 to appear at trial. The original signed affidavits should be brought to trial to be marked as exhibits;
- ii. motions addressing any evidentiary issues or other matters which should be resolved *in limine*;
- iii. a pretrial memorandum of law, when a party believes it would be useful to the Court;
- iv. proposed findings of fact and conclusions of law. The proposed findings of fact must be detailed and include citations to the proffered trial testimony and exhibits. These documents should also be submitted by email to Chambers inbox;
- v. submit to the Court and serve on opposing counsel, but not file on ECF, all deposition excerpts which will be offered as substantive evidence, as well as a one-

page synopsis of those excerpts for each deposition. Each synopsis shall include page citations to the pertinent pages of the deposition transcripts; and

- vi. submit to the Court and serve on opposing counsel, but not file on ECF, all documentary exhibits, pre-marked (numbers for plaintiff, letters for defendant).

D. Filings in Opposition

Any party may file the following documents in opposition. These documents shall be filed no later than three (3) days after the filing of the pretrial order.

- i. objections to another party's requests to charge or proposed voir dire questions;
- ii. opposition to any motion *in limine*; and
- iii. opposition to any legal argument in a pretrial memorandum.

5. ELECTRONIC FILING UNDER SEAL IN CIVIL/MISCELLANEOUS CASES

A. Sealing/Redactions Not Requiring Court Approval

Federal Rule of Civil Procedure 5.2 describes sensitive information that must be redacted from public court filings without seeking prior permission from the Court. Such sensitive information includes: Social Security numbers; names of minor children; dates of birth; and financial account numbers.

Other information that should be treated with caution and may warrant a motion for approval of sealed or redacted filing includes: personal identifying numbers (PIN numbers); medical records, treatment and diagnosis; employment history; individual financial information; proprietary or trade secret information; home addresses; and information regarding an individual's cooperation with the government.

Sensitive information and information requiring caution must not be included in any document filed with the Court unless such inclusion is necessary and relevant to the case. If such information must be included, personal identifiers must be partially redacted in accordance with the above-cited rules and policies in order to protect any privacy interest.

B. Sealing/Redaction Requiring Court Approval

Motions or Letter Motions for approval of sealed or redacted filings in civil and miscellaneous cases and the subject documents, including the proposed sealed document(s), must be filed electronically through the court's ECF system in conformity with the court's standing order, 19-mc-00583, and ECF Rules & Instructions, Section 6.

The motion must be filed in public view, must explain the particular reasons for seeking to file that information under seal and should not include confidential information sought to be filed under seal. Supporting papers must be separately filed electronically and may be filed under seal or redacted only to the extent necessary to safeguard information sought to be filed under seal.

The proposed sealed document must be contemporaneously filed under seal in the ECF system and electronically related to the motion. The summary docket text, but not the sealed document, will be open to public inspection and should not include confidential information sought to be filed under seal.

Where the motion seeks approval to redact information from a document that is to be publicly filed, the filing party shall: (a) publicly file the document with the proposed redactions, and (b) electronically file under seal a copy of the unredacted document with the redactions highlighted. Both documents must be electronically filed through the ECF system and related to the motion.

To be approved, any redaction or sealing of a court filing must be narrowly tailored to serve whatever purpose justifies the redaction or sealing and must be otherwise consistent with the presumption in favor of public access to judicial documents. *See, e.g., Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006). In general, the parties' consent or the fact that information is subject to a confidentiality agreement between litigants is not, by itself, a valid basis to overcome the presumption in favor of public access to judicial documents. *See, e.g., In re Gen. Motors LLC Ignition Switch Litig.*, No. 14-MD-2543(JMF), 2015 WL 4750774, at *4 (S.D.N.Y. Aug. 11, 2015).

The party seeking leave to file sealed or redacted materials should meet and confer with any opposing parties (or third parties seeking confidential treatment of the information, if any) in advance to narrow the scope of the request. When a party seeks leave to file sealed or redacted materials on the ground that an opposing party or third party has requested it, that party shall notify the opposing party or third party that it must file, within three days, a letter explaining the need to seal or redact the materials.

Any party unable to comply with the requirement for electronic filing under seal through the ECF system, or who has reason to believe that a particular document should not be electronically filed, must move for leave of the Court to file in the traditional manner, on paper.

6. OTHER PRETRIAL GUIDANCE

A. Ready Trial Date

A case will be deemed Ready for Trial on the date the parties submit the Joint Pretrial Order. At any time after the Ready Trial date, the Court may call the parties to trial upon forty-eight (48) hours' notice. No adjournment of that trial date will be permitted, unless counsel has faxed or emailed to Chambers an affidavit stating that he or she is engaged in trial in another court.

B. Courtesy Copies

One set of all documents identified in this Section shall be submitted to Chambers on the date on which they are to be served or filed on ECF. Materials over five (5) pages must be organized in loose leaf binders.

7. DIVERSITY JURISDICTION CASES

In any action in which subject matter jurisdiction is founded on diversity of citizenship pursuant to 28 U.S.C. § 1332, the party asserting the existence of such jurisdiction shall, prior to the Initial Pretrial Conference, file on ECF a letter no longer than two (2) pages explaining the basis for the party's belief that diversity of citizenship exists. Where any party is a corporation, the letter shall state both the place of incorporation and the principal place of business. In cases where any party is a partnership, limited partnership, limited liability company, or trust, the letter shall state the citizenship of each of the entity's members, shareholders, partners, and/or trustees.

8. SETTLEMENT AGREEMENTS

The Court will not retain jurisdiction to enforce confidential settlement agreements. If the parties wish for the Court to retain jurisdiction to enforce a settlement agreement, the parties must place the terms of their agreement on the public record. The parties shall file a copy of the settlement agreement for the Court to endorse.

9. BANKRUPTCY APPEALS

Briefs must be submitted in accordance with Fed. R. Bankr. P. 8015-18. Counsel may seek to extend these dates by joint request submitted to the Court no later than two (2) business days before the brief is due.

10. SPEEDY TRIAL ACT EXCLUSIONS

It shall be the duty of the prosecutor to prepare and submit to the Court a proposed Speedy Trial Act Exclusion Order five (5) days before the expiration of any previously excluded time.

11. BENEFACTOR PAYMENTS IN CRIMINAL CASES

Defense counsel, in all criminal cases, are required to ask the Court, at the first conference, to hold a Curcio hearing whenever counsel has received, or is receiving, a benefactor payment that subjects counsel to a potential conflict of interest.

12. OTHER CONFLICTS

Counsel have an obligation to promptly inform the Court upon learning of any other conflict of interest, whether a potential or an actual conflict, and to request a *Curcio* hearing if appropriate.

13. SENTENCING

A. Sentencing Adjournments

Any request for an adjournment of a sentencing should be made as early as possible, and *no later than 72 hours* before the sentencing proceeding.

B. Sentencing Submissions

Unless otherwise ordered by the Court, a defendant's sentencing submission shall be served two (2) weeks in advance of the date set for sentencing; defendant's sentencing submission shall include as an Exhibit any Plea Agreement. The Government's sentencing submission shall be served one (1) week in advance of the date set for sentencing. The parties should provide the Court with one courtesy hard copy of each submission when it is served.

C. Public Filing

Every document in a sentencing submission, including letters, must be filed in the public record either in paper form or through the ECF system, using one of the following two (2) procedures:

- i. **Paper Filing.** If letters are filed as hard copies, a party shall group all letters together in a single paper filing under a cover marked SENTENCING MEMORANDUM with the caption and docket number clearly indicated and submit it to the Clerk's Office. The party should provide the Court with a courtesy hard copy.
- ii. **ECF Filing.** If the letters are filed electronically, they must be grouped and filed together as attachments to a single document and marked SENTENCING MEMORANDUM with the caption and docket number clearly indicated. The party should provide the Court with a courtesy hard copy.

D. Letters

The defendant is responsible for filing all letters submitted on behalf of the defendant, including those from friends and relatives. The Government is responsible for filing all letters from victims.

E. Privacy Policy

The parties are referred to the E-Government Act of 2002 and the Southern District's ECF Privacy Policy ("Privacy Policy") and reminded not to include, unless necessary, the five categories of "sensitive information" in their submissions (i.e., Social Security numbers, names of minor children [use the initials only], dates of birth [use the year only], financial account numbers, and home addresses [use only the City and State]).

F. Redactions

If any material is redacted from a publicly filed document, only those pages containing the redacted material will be filed under seal. An unredacted copy of the document should be sent to Chambers inbox. Bring a complete copy of those pages to the sentencing proceeding, marked to indicate what information has been redacted from the publicly filed materials, to give to the Court for filing under seal.

- i. **Redactions Not Requiring Court Approval.** Parties may redact the five categories of "sensitive information" and the six categories of information

requiring caution (i.e., personal identifying number, medical records, treatment and diagnosis, employment history, individual financial information, proprietary or trade secret information, and information regarding an individual's cooperation with the government), as described in the Privacy Policy, without Court approval.

- ii. **Redactions Requiring Court Approval.** If a party redacts information beyond the eleven categories of information identified in the Privacy Policy, an application to do so must be served and filed at the time the sentencing submission is served. The application should clearly identify the redaction and explain the reason for the redaction, and, if applicable, the date or event after which sealing is no longer needed. The application will be addressed at the sentencing proceeding.

14. POLICY ON THE USE OF ELECTRONIC DEVICES

A. Mobile Phones and Personal Electronic Devices

Attorneys' use of mobile phones, Blackberries, and other personal electronic devices within the Courthouse and its environs is governed by Standing Order M10-468. Any attorney wishing to bring a telephone or other personal electronic device into the Courthouse must be a member of this Court's Bar, must obtain the necessary service pass from the District Executive's Office, and must show the service pass upon entering the Courthouse. **Mobile phones are permitted inside the Courtroom, but must be kept turned off at all times.** Non-compliance with this rule will result in forfeiture of the device for the remainder of the proceedings.

B. Computers, Printers or Other Electronic Equipment

In order for an attorney to bring into the Courthouse any computer, printer, or other electronic equipment not qualifying as a "personal electronic device", as defined in Standing Order M10-468, specific authorization is required by prior Court Order. Any party seeking to bring such equipment into the Courthouse shall submit an Electronic Device Order, available at <http://www.nysd.uscourts.gov/file/forms/standing-order-electronic-devices-form>, to Chambers at least ten (10) business days in advance of the relevant trial or hearing requesting permission to use such equipment. The request letter shall identify the type(s) of equipment to be used and the name(s) of the attorney(s) who will be using the equipment. Chambers will coordinate with the District Executive's Office to issue the Order and forward a copy to counsel. The Order must be shown upon bringing the equipment into the Courthouse.

ATTACHMENT A
Default Judgment Procedure

1. Prepare an Order to Show Cause for default judgment and make the Order returnable before Judge Wood in Courtroom 26A. Leave blank the date and time of the conference. Judge Wood will set the date and time when she signs the Order.
2. Attach the following papers to the Order to Show Cause:
 - A. **attorney's affidavit setting forth:**
 - i. why a default judgment is appropriate, including a description of the method and date of service of the original summons and complaint;
 - ii. whether, if the default is applicable to fewer than all of the defendants, the Court may appropriately order a default judgment on the issue of damages prior to resolution of the entire action;
 - iii. the proposed damages and the basis for each element of damages including interest, attorney's fees, and costs; and
 - iv. legal authority for why an inquest would be unnecessary.
 - B. **a proposed default judgment;**
 - C. **copies of all of the pleadings;**
 - D. **a copy of the affidavit of service of the original summons and complaint; and**
 - E. **if failure to answer is the basis for the default, a Certificate from the Clerk of the Court stating that no answer has been filed.**
3. Take the Order to Show Cause with the attachments to the Orders and Judgments Clerk, for approval.
4. After the Clerk approves the Order to Show Cause, bring the papers to Chambers 2540, 500 Pearl Street, for the Judge's signature.
5. After the Judge signs the Order, make two conforming copies of the Order and the attachments. Leave one copy with Chambers, and serve one copy on the defendant.
6. Prior to the return date, file the original Order to Show Cause in the Clerk's Office, Records Management Office, Room 370, together with an affidavit of service on the defendant of a conformed copy of the Order.
7. Prior to the return date, take the proposed judgment, separately backed, to the Clerk's Office in Room 120, 500 Pearl Street, and get the Clerk's approval. The proposed judgment, including all damage and interest calculations, must be approved by the Clerk prior to the conference and then brought to the conference for the Judge's signature.