

INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE KIM P. BERG

Unless otherwise ordered by Judge Berg, matters before her shall be conducted in accordance with the following practices.

Nothing in Judge Berg's Individual Practices supersedes a specific time period for filing a motion specified by statute or Federal Rule where failure to comply with the specified time period could result in forfeiture of a substantive right.

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. **All letters to the Court shall be filed via ECF**, *except* for letters submitted by *pro se* litigants who do not have ECF privileges, letters which the sender is authorized to submit *ex parte*, or letters containing confidential information, or letters being filed in magistrate judge cases. Letters submitted by attorneys which are not required to be filed on ECF may be delivered by mail or hand-delivery, and shall be prominently designated as "EX PARTE" or "NOT FILED VIA ECF DUE TO CONFIDENTIAL CONTENT." Whether filed on ECF or not, letters may not exceed 5 pages unless prior permission has been requested from, and granted by, the Court.
- B. **Docketing, Scheduling, and Calendar Matters.** For docketing, scheduling, and calendar matters, call Lisa N. Lee, Magistrate Judge Berg's Courtroom Deputy, at (914) 390-4006, between 8:30 a.m. and 5:00 p.m.
- C. **Telephone Calls.** Telephone calls to chambers are permitted. The telephone number is (914) 390-4072.
- D. **Faxes and E-mails.** Faxes and e-mails are **not** permitted without prior approval. Call to obtain approval. If approval is granted, a fax may not exceed five pages. Copies of faxed or e-mailed submissions must be simultaneously sent to other counsel and/or *pro se* parties. Faxes may be sent to (914) 390-4090. Emails may be sent to BergNYSDCchambers@nysd.uscourts.gov
- E. **Requests for Adjournments or Extensions of Time.** Absent an emergency, all requests for adjournments or extension of time must be made **at least 48 hours** before the scheduled court date or expiring deadline. Any request must be made in writing and filed on ECF as a letter motion, after consultation with all affected parties and counsel. The letter motion must state: (1) the original date of the proceeding or deadline; (2) the reason for the request; and (3) whether all parties consent, and if not, the reasons given by the party or parties for refusing to consent..

F. Urgent Requests. The Court ordinarily reviews ECF filings on the business day *after* filing. Parties seeking adjournments or extensions of time within 48 hours of a scheduled conference or expiring deadline, or when filing other documents which require immediate attention, shall contact chambers by telephone to alert the Court of the filing.

2. Settlement Conferences.

For cases referred to Judge Berg for settlement conferences, the Court will issue specific instructions for pre-conference submissions and settlement conference procedures in a separate order.

3. Inclement Weather or Other Emergency.

Courthouse closures are announced by 6:00 a.m. For White Plains call (914) 390-4220 to hear a recorded message. For Poughkeepsie call (845) 452-4200 to hear a recorded message. In the event of a closure, all conferences will be canceled and a new conference date will be scheduled shortly after the Courthouse reopens. In the event of severe weather conditions when the Courthouse is open, counsel with scheduled appearances should call chambers to confirm that Judge Berg is holding court.

4. Cellular Telephones and Personal Electronic Devices.

[S.D.N.Y Standing Order M10-468](#), dated February 18, 2010, defines “Personal Electronic Devices” and sets forth the requirements for an attorney to bring such a device into the Courthouse. An Attorney who meets those requirements may bring a Personal Electronic Device into the courtroom, but the device must be turned off (not merely placed on vibrate mode or otherwise silenced). If an attorney needs access to such a device during a proceeding (such as when a subsequent appearance is being scheduled), permission to activate the device should be requested of the Court.

If required by the Standing Order, counsel seeking to bring a device into the Courthouse shall file on ECF a completed copy of the [Electronic Devices General Purpose Form](#), available at, at least 24 hours prior to the relevant trial or hearing. *If permitted by the Standing Order, mobile telephones are permitted inside the Courtroom but they must be turned off at all times.* Non-compliance with this rule may result in forfeiture of the device for the remainder of the proceedings.