

EMERGENCY INDIVIDUAL RULES AND PRACTICES IN LIGHT OF COVID-19
Sarah Netburn, United States Magistrate Judge

Unless otherwise ordered by the Court, these Emergency Individual Rules and Practices apply to *all* matters before Judge Netburn (whether criminal or civil and whether involving a *pro se* party or all counseled parties) and supplement Judge Netburn’s standard Individual Rules and Practices. If there is a conflict between these Rules and Judge Netburn’s standard Individual Rules and Practices, these Rules control until further notice.

1. Conferences and Proceedings

- A. In Civil Cases.** Unless otherwise ordered by the Court, all conferences and proceedings in civil cases will be held by telephone. To appear, the parties should call into the Court’s dedicated conference line at (877) 402-9757, and enter Access Code 793-8632, followed by the pound (#) key. Recording or rebroadcasting of court proceedings is prohibited.
- B. Teleconferences Generally.** Teleconferences, with the exception of settlement conferences, are recorded or transcribed by a court reporter. To facilitate orderly teleconferences and the creation of an accurate transcript where a teleconference is held on the record, counsel are *required* to identify themselves every time they speak. Parties who wish to obtain transcripts of recorded conferences (*i.e.*, conferences where no court reporter is present) must request transcripts within three (3) days of the conference.
- C. Settlement Conferences.** All settlement conferences will be held by telephone. The Court’s teleconference service allows for the parties to speak *ex parte* with Judge Netburn, as they would at an in-person settlement conference. Parties are still to comply with all applicable procedures set forth in Judge Netburn’s Individual Procedures for Cases Referred for Settlement.
- D. Authorization of Depositions by Remote Means.** In light of government-ordered or recommended limitations on in-person gatherings, the Court authorizes all parties to conduct depositions by telephone, videoconference, or other remote means pursuant to Fed. R. Civ. P. 30(b)(4) in cases referred to Judge Netburn for general pretrial supervision or in cases presided over by Judge Netburn on the parties’ consent.

Extensions of time. Absent extenuating circumstances, the Court will grant reasonable requests for extensions of time to meet litigation deadlines due to hardship caused by the COVID-19 pandemic.

2. No Paper Submissions Absent Undue Hardship

- A.** No papers, including courtesy hard copies of any filing or document, may be submitted to Chambers, without leave of the Court. All documents must be filed on ECF or, if permitted or required under the Court’s Individual Rules and Practices, emailed to Netburn_NYSDChambers@nysd.uscourts.gov.
- B.** In the event that a party or counsel is unable to submit a document electronically — either by ECF or email — the document may be mailed to the Court. To the maximum extent possible, however, this means of delivery should be avoided, as delivery of mail to the Court is likely to be delayed.

3. Communications with Chambers

- A. **Telephone Calls.** Telephone calls will not be answered but will go to voicemail; there may be significant delays in responding to any voicemail messages. Thus, parties are encouraged to make **all** requests or inquiries to the Court through ECF or, if permitted or required under the Court's Individual Rules and Practices, by email. If leaving a voicemail, a party should (1) briefly state the nature of the issue (including, if applicable, the case name and docket number); and (2) provide a call-back telephone number.
- B. **Urgent Matters.** For *urgent* matters requiring immediate attention, parties should send an email to Chambers that (1) includes the word "URGENT" in the subject line; (2) specifies the case name and docket number; (3) briefly describes the nature of the issue; and (4) provides a telephone number at which the party (and any other relevant parties) can be reached.
- C. **Faxes.** Faxes are *not* permitted for any purposes.
- D. **Hand Deliveries.** Nothing may be delivered to Chambers absent advance permission from the Court.
- E. **By *Pro Se* Parties.** *Pro se* parties are encouraged to consent to electronic service (via ECF or email) by completing the form available on the Court's website at nysd.uscourts.gov/prose. Until further notice, parties proceeding *pro se* are encouraged to submit all filings to Temporary_Pro_Se_Filing@nysd.uscourts.gov as PDF attachments. *Pro se* parties who are unable to use email may submit documents by regular mail or in person at the drop box located at the U.S. Courthouses in Manhattan (500 Pearl Street) and White Plains (300 Quarropas Street). For more information, including instructions on the new email filing service for *pro se* parties, litigants should visit the Court's website, nysd.uscourts.gov/prose.

4. Pro Se Clinic

The New York Legal Assistance Group's Pro Se Clinic has suspended all in-person client meetings until further notice. The Clinic will continue to provide limited-scope legal assistance **only by appointment and only over the telephone**. To schedule an appointment, call (212) 659-6190 and leave a message specifying a call-back number.