

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

STANDING ORDER ON EXTENSIONS OF TIME
TO FILE OPPOSITION PAPERS AND REPLY
PAPERS IN ALL MOTIONS FILED PURSUANT
TO N.D.N.Y.L.R. 7.1 and 12.1.

THOMAS J. McAVOY
Senior United States District Judge

**STANDING ORDER ON EXTENSIONS OF TIME
TO FILE PAPERS IN CONNECTION WITH MOTIONS**

The following rules apply to all requests for an extension of time to file papers in opposition, or, where permitted, in reply, to motions filed under N.D.N.Y.L.R. 7.1 or 12.1 that are returnable before the undersigned.

Parties should **not** telephone Chambers or the Court Clerk's office regarding extensions of time, but, instead, must comply with the following.

Where All Parties Consent to an Extension of Time

Upon the consent of all parties, a motion may be adjourned one time, subject to the following:

1. An extension of time is only permitted to the extent that **all papers** in support of, in opposition to, and, where permitted by local rule or otherwise, in reply to, the motion will be filed and served no later than **FORTY-FIVE days prior to the trial ready date** set forth in the Scheduling Order;
2. The parties may agree to adjourn the return date to the next regularly scheduled return date that is not more than thirty-one days after the original return date, or any other return date that is within this thirty-one day period;

3. On or before the time the papers in opposition to the motion are **originally** due to be filed, the parties shall file with the Clerk's office a signed stipulation, substantially conforming to the form attached hereto, setting forth the following:
 - a. the parties' agreement to the extension of time;
 - b. the original return date;
 - c. the new return date selected by the parties that is not more than thirty-one days after the original return date;
 - d. an agreed upon schedule for filing opposition and reply papers that ensures that all papers are filed at least eleven days before the new return date;
 - e. the parties' understanding that the extension of time will not implicate the Schedule Order, including the trial ready date.
4. Failure to comply with any of the foregoing will result in a denial of the extension of time.
5. The parties shall not be entitled to a second extension of time.

Where All The Parties Have Not Consented to an Extension of Time

Where all the parties have not consented to an extension of time, **no extension shall be permitted except for exigent circumstances.** Such requests for extensions of time shall be presented in writing.

Dated: December 29, 2003

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Plaintiff(s),

-against-

XX-CV-XXXX

Defendant(s).

STIPULATION REQUESTING ORDER FOR EXTENSION OF TIME

The undersigned parties, representing all the parties in the above-captioned matter, hereby stipulate as follows:

1. A motion has been filed in the above-referenced matter that currently is returnable on **[insert original return date]**.
2. Papers in opposition to the motion currently are due on or before **[insert date by which opposition papers currently are due]**.
3. This stipulation is being filed on or before the date specified in paragraph 2 above.
4. All the parties to this action have agreed to adjourn the return date for this motion to a new, regularly scheduled return date that is not more than thirty-one days after the original return date. The new return date is **[insert new regularly scheduled return date that is not more than thirty-one days after the original return date set forth in paragraph 1 above]**.

5. The parties have further agreed as follows:
 - a. papers in opposition to the motion will be filed on or before **[insert date]**.
 - b. where permitted by local rule or otherwise, reply papers will be filed on or before **[insert date that is at least eleven days before the new return date]**
 - c. All papers filed in connection with this motion will be filed at least eleven days before the new return date and forty five days before the trial ready date set forth in the Scheduling Order.
6. This extension of time in no way effects the deadlines set forth in the Scheduling Order, including the trial ready date.
7. The parties request that the Court so order this stipulation for an extension of time.

Dated:

Attorneys for Plaintiff

Attorneys for Defendant