Amendments to the NDNY Local Rules
Effective January 1, 2026

The proposed amendments detailed below were submitted or derived from comments received from the public, practitioners, judges and court staff during the February – April 2025 suggestion period. The changes were approved by the Board of Judges on _____, subject to the review and approval of the Second Circuit Council. On _____, the Second Circuit Judicial Council approved these changes. In addition, several of the Rules were modified to reflect citation, grammatical and/or administrative changes which do not materially alter the current rule. These amendments are effective January 1, 2026, and supersede and/or supplement the specific sections set forth within this handout.

Rule Number	Topic	Description of Requested Change
5.1	Service and Filing of Papers	Modified to reflect that a certificate of service is only required for non-ECF parties, including documents submitted for filing by pro se litigant on ECF where an NEF is sent to all parties. Subsection (d) removes the requirement of a process server to serve documents.
7.1(a)	Motion Practice	Modified to encourage that less-experienced attorneys to argue motions, if oral argument is permitted, and permit lead counsel to supplement presentations by less-experienced attorneys.
7.1(b)	Motion Practice	Modified to reflect certificate of service is only required on non-ECF parties; to encourage attorneys to use hyperlinks and bookmarks in briefs; and to remove a Motion for Default Judgment pursuant to Fed.R.Civ.P. 55 as an exception to the memorandum of law requirement.
10.1(c)(3)	Form of Papers	New subsection added to include requirements for transmitting documents via MFT; warning that MFT submissions will only be reviewed during regular business hours; and consequences for failing to comply may result in document being stricken.
16.1	Civil Case Management	Modified to include requirements when requesting an extension of existing deadlines in the case management order.
26.6	Protective Orders	New rule with regard to provisions of a Protective Order.
55.1	Clerk's Entry of Default	Modified to clarify when an affidavit regarding military service is required.
55.2	Default Judgment	Modified to include the requirement of a Memorandum of Law and proposed order.
83.1(a)(4)	Attorney Admissions	Modified to include the NYS Standards of Civility as referenced in the Petition for Attorney Admission.
Crim. L.R. 12.1(f)	Motions and Other Papers	Modified to reference that a certificate of service is only required for non-ECF case participants.

Crim. L.R. 59.1(a)(3)	Magistrate Judge: Powers and Duties	Modified to reference to 18 U.S.C. § 3145(b).

The full text version of the proposed changes are set forth below. If a proposed amendment alters an existing rule, the proposed alterations appear in highlighted text below the current language of the rule or are ~~redlined~~ within the text.

Proposed Changes to Civil Local Rule 5.1

Current Text:

5.1 Service and Filing of Papers (Amended January 1, 2025)

(a) All pleadings and other papers shall be served and filed in accordance with the Federal Rules of Civil Procedure and shall be in the form prescribed by L.R. 10.1. The party or its designee shall declare, by affidavit or certification, that it has provided all other parties in the action with all documents it has filed with the Court. See also L.R. 26.2 (discovery material).

(b) In civil actions where the Court has directed a party to submit an order or judgment, that party shall file all such orders or judgments in CM/ECF.

If the assigned judge instructs the prevailing party to do so, the prevailing party shall submit a proposed order which the opposing party has approved, and which contains the endorsement of the opposing party: "Approved as to form."

When the parties are unable to agree as to the form of the proposed order, the prevailing party shall, on seven (7) days' notice to all other parties, submit a proposed order and a written explanation for the form of that order. The Court may award costs and attorney's fees against a party whose unreasonable conduct the Court deem to have required the bringing of the motion. The provisions of L.R. 7.1 shall not apply to such motion, and the Court shall not hear oral argument.

(c) No paper on file in the Clerk's office shall be removed except pursuant to the Court's order.

(d) A private process server shall serve every summons, except as otherwise required by statute or rule or as the Court directs for good cause shown. A private process server is any person authorized to serve process in an action brought in the New York State Supreme Court or in the court of general jurisdiction of the State in which service is made.

(e) In the case of a prisoner's civil rights action, or any action where a party has been granted leave to proceed in forma pauperis, the Marshal shall serve the summons and complaint by regular mail pursuant to Fed. R. Civ. P. 4(c)(3). The Marshal shall file the return or other acknowledgment of service with the Court. The return shall constitute prima facie evidence of the service of process. If no acknowledgment of service is filed with the Court, the Marshal shall notify the plaintiff, and the Marshal shall make personal service as provided in Fed. R. Civ. P. 4.

(f) Where there has been a removal of a New York State action that has been commenced pursuant to N.Y. C.P.L.R. 305(b) (summons with notice), the defendant shall file a demand for a complaint within fourteen (14) days of filing the notice of removal, unless the

Court excuses this requirement or extends the time period. Within twenty (20) days of the service of the demand, the plaintiff shall serve a complaint upon the defendant.

Proposed Text:

5.1 Service and Filing of Papers (Amended January 1, 2025)

(a) All pleadings and other papers shall be served and filed in accordance with the Federal Rules of Civil Procedure and shall be in the form prescribed by L.R. 10.1. The party or its designee shall declare, by affidavit or certification, that it has provided all other non-Electronic Case Filers ("non-ECF filers") ~~parties~~ in the action with all documents it has filed with the Court. ~~See also L.R. 26.2 (discovery material).~~

A pro se litigant may elect to receive service of filings in their individual case via Notice of Electronic Filing ("NEF") by signing and submitting a Consent to Electronic Service at the time of filing an initial pleading or making an appearance in the case. Pro se litigants who opt in shall be referred to as Electronic Recipients ("e-Recipient").

The filing of documents on CM/ECF shall constitute service on all Electronic Case Filers ("ECF filers") and any pro se litigants who have opted in and consented to receive service via NEF. The electronic transmission of the NEF is sufficient proof of service on all individuals listed as recipients on the electronic notice. This includes all documents submitted for filing on CM/ECF by a pro se litigant. No additional service by mail or certificate of service is required for these recipients.

However, any documents filed under seal or submitted for *in camera* inspection which require service by alternative methods must be accompanied by a certificate of service.

(b) In civil actions where the Court has directed a party to submit a~~n~~ proposed order or judgment, that party shall file all such proposed orders or judgments on ~~in~~ CM/ECF.

If the assigned judge instructs the prevailing party to do so, the prevailing party shall submit a proposed order which the opposing party has approved, and which contains the endorsement of the opposing party: "Approved as to form."

When the parties are unable to agree as to the form of the proposed order, the prevailing party shall, on seven (7) days' notice to all other parties, submit a proposed order and a written explanation for the form of that order. The Court may award costs and attorney's fees against a party whose unreasonable conduct the Court deem to have required the bringing of the motion. The provisions of L.R. 7.1 shall not apply to such motion, and the Court shall not hear oral argument.

(c) No paper on file in the Clerk's office shall be removed except pursuant to the Court's order.

(d) A summons may be served by anyone over the age of 18 who is not a party to the action. ~~A private process server shall serve every summons, except as otherwise required by statute or rule or as the Court directs for good cause shown. A private process server is any person authorized to serve process in an action brought in the New York State Supreme Court or in the court of general jurisdiction of the State in which service is made.~~

(e) In the case of a prisoner's civil rights action, or any action where a party has been granted leave to proceed in forma pauperis, the Marshal shall serve the summons and complaint by regular mail pursuant to Fed. R. Civ. P. 4(c)(3). The Marshal shall file the return or other acknowledgment of service with the Court. The return shall constitute prima facie evidence of the service of process. If no acknowledgment of service is filed with the Court, the Marshal shall notify the plaintiff, and the Marshal shall make personal service as provided in Fed. R. Civ. P. 4.

(f) Where there has been a removal of a New York State action that has been commenced pursuant to N.Y. C.P.L.R. 305(b) (summons with notice), the defendant shall file a demand for a complaint within fourteen (14) days of filing the notice of removal, unless the Court excuses this requirement or extends the time period. Within twenty (20) days of the service of the demand, the plaintiff shall serve a complaint upon the defendant.

Proposed Changes to Civil Local Rule 7.1(a)

Current Text:

7.1 Motion Practice (amended January 1, 2024)

(a) Briefing Schedule. Motions are decided without oral argument unless scheduled by the Court. Parties may make a written request for oral argument, which is subject to the discretion of the presiding judge. In any such requests for oral argument, the parties should specify the ground(s) for the request (e.g., the need of an inexperienced lawyer to gain experience in the courtroom, the need to respond to arguments presented in the last-filed brief, the need to advise the Court of recently occurring events or arguments regarding new controlling or persuasive case law, and/or the need to help familiarize the Court with the case's complex facts and/or procedural history given the length of time that has passed since the Court last reviewed the case or the fact that the case has recently been transferred from another judge, etc.). In accordance with Local Rule 7.1(b)(5), a movant requesting oral argument must state the grounds therefore in its Notice of Motion.

1. **Dispositive Motions**. Unless the Court orders otherwise, the moving party must file all motion papers with the Court and serve them upon any *pro se* parties. Unless otherwise ordered by the Court, the opposing party must file and serve its opposition papers no more than **TWENTY-ONE (21) DAYS** after service of the motion. The moving party must file and serve its reply papers, if any, including a memorandum of law that may not exceed (10) pages in length, no more than **SEVEN (7) DAYS** after service of the response papers. A surreply is not permitted.

2. **Non-Dispositive Motions.** Prior to making any non-dispositive motion before the assigned Magistrate Judge, the parties must make **good faith efforts among themselves to resolve or reduce all differences relating to the non-dispositive issue**. If, after conferring, the parties are unable to arrive at a mutually satisfactory resolution, the party seeking relief must then request a court conference with the assigned Magistrate Judge.

   A court conference is a prerequisite to filing a non-dispositive motion before the assigned Magistrate Judge. In the Notice of Motion, the moving party is required to set forth the date that the court conference with the Magistrate Judge was held regarding the issues being presented in the motion. Failure to include this information in the Notice of Motion may result in the Court rejecting the motion papers. For discovery motions, see L.R. 37.1.

Actions which involve an incarcerated, *pro se* party are not subject to the requirement that a court conference be held prior to filing a non-dispositive motion.

Unless the Court orders otherwise, the moving party must (upon filing all motion papers with the Court) serve its motion papers on any *pro se* parties.

The opposing party must file and serve its opposition papers no more than **TWENTY-ONE (21) DAYS** after service of the motion, unless otherwise ordered by the Court.

Reply papers and adjournments are not permitted without the Court's prior permission. Permission to file a reply does not exist simply because CM/ECF generates a deadline for a reply on a non-dispositive motion. When leave of court is granted, reply briefs may not exceed 10 pages in length.

3. **Failure To Timely File or Comply.** The Court shall not consider any papers required under this Rule that are not timely filed or are otherwise not in compliance with this Rule unless good cause is shown. Where a properly filed motion is unopposed and the Court determines that the moving party has met its burden to demonstrate entitlement to the relief requested therein, the non-moving party's failure to file or serve any papers as this Rule requires shall be deemed as consent to the granting or denial of the motion, as the case may be, unless good cause is shown.

Any party who does not intend to oppose a motion, or a movant who does not intend to pursue a motion, shall promptly notify the Court and the other parties of such intention. They should provide such notice at the earliest practicable date, but in any event no more than **TWENTY-ONE DAYS** after service of the motion.

Proposed Text:

7.1 Motion Practice (amended January 1, 2024)

(a) Briefing Schedule. Motions are decided without oral argument unless scheduled by the Court. Parties may make a written request for oral argument, which is subject to the discretion of the presiding judge. In any such requests for oral argument, the parties should specify the ground(s) for the request (e.g., the need of an inexperienced lawyer to gain experience in the courtroom, the need to respond to arguments presented in the last-filed brief, the need to advise the Court of recently occurring events or arguments regarding new controlling or persuasive case law, and/or the need to help familiarize the Court with the case's complex facts and/or procedural history given the length of time that has passed since the Court last

reviewed the case or the fact that the case has recently been transferred from another judge, etc.). Lead attorneys are encouraged to allow less experienced attorneys to handle legal arguments and court conferences. The court will permit lead counsel to supplement the presentations made by the less-experienced attorneys. In accordance with Local Rule 7.1(b)(5), a movant requesting oral argument ~~must~~ should state the grounds therefore in its Notice of Motion.

1. **Dispositive Motions**. Unless the Court orders otherwise, the moving party must file all motion papers with the Court and serve them upon any *pro se* parties. Unless otherwise ordered by the Court, the opposing party must file and serve its opposition papers, ~~-~~no more than **TWENTY-ONE (21) DAYS** after service of the motion. The moving party must file and serve its reply papers, if any, including a memorandum of law that may not exceed **TEN** (10) pages in length, no more than **SEVEN (7) DAYS** after service of the response papers. A surreply is not permitted.

2. **Non-Dispositive Motions.** Prior to making any non-dispositive motion before the assigned Magistrate Judge, the parties must make **good faith efforts among themselves to resolve or reduce all differences relating to the non-dispositive issue**. If, after conferring, the parties are unable to arrive at a mutually satisfactory resolution, the party seeking relief must then request a court conference with the assigned Magistrate Judge.

   A court conference is a prerequisite to filing a non-dispositive motion before the assigned Magistrate Judge. In the Notice of Motion, the moving party is required to set forth the date that the court conference with the Magistrate Judge was held regarding the issues being presented in the motion. Failure to include this information in the Notice of Motion may result in the Court rejecting the motion papers. For discovery motions, see L.R. 37.1.

   Actions which involve an incarcerated, *pro se* party are not subject to the requirement that a court conference be held prior to filing a non-dispositive motion.

   Unless the Court orders otherwise, the moving party must (upon filing all motion papers with the Court) serve its motion papers on any *pro se* parties.

   The opposing party must file and serve its opposition papers no more than **TWENTY-ONE (21) DAYS** after service of the motion, unless otherwise ordered by the Court.

   Reply papers and adjournments are not permitted without the Court's prior permission. Permission to file a reply does not exist simply because CM/ECF generates a deadline for a reply on a non-dispositive motion. When leave of court is granted, reply briefs may not exceed 10 pages in length.

3. **Failure To Timely File or Comply.** The Court shall not consider any papers required under this Rule that are not timely filed or are otherwise not in compliance with this Rule unless good cause is shown. Where a properly filed motion is unopposed and the Court determines that the moving party has met its burden to demonstrate entitlement to the relief requested therein, the non-moving party's failure to file or serve any papers as this Rule requires shall be deemed as consent to the granting or denial of the motion, as the case may be, unless good cause is shown.

Any party who does not intend to oppose a motion, or a movant who does not intend to pursue a motion, shall promptly notify the Court and the other parties of such intention. They should provide such notice at the earliest practicable date, but in any event no more than **TWENTY-ONE (21) DAYS** after service of the motion.

Proposed Changes to Civil Local Rule 7.1(b)

Current Text:

7.1 Motion Practice

(b) **Papers Required**. Except as otherwise provided in this paragraph, all motions and opposition to motions require a memorandum of law, supporting affidavit when necessary to establish and provide factual and procedural background relevant to the motion, and proof of service on all the parties. In addition, all motions require a Notice of Motion (except for non-dispositive motions and requests that are permitted by chambers to take the form of letter-requests, provided that the party seeking relief has identified in its motion or letter the precise relief sought). Additional requirements for specific types of motions, including cross-motions, see L.R. 7.1(c), are set forth in the Local Rule that corresponds with the Federal Rule.

Documents that are on file with the Court in the same action should not be attached as exhibits to the motion papers, but rather should be referenced to the appropriate docket number.

Parties shall file all original motion papers, including memoranda of law and supporting affidavits, if any, in accordance with the *Administrative Procedures for Electronic Case Filing* (General Order #22) and/or the case assignment form provided to the parties at the commencement of the litigation. The parties need not provide a courtesy copy of their motion papers to the assigned judge unless the assigned judge requests a copy.

1. **Memorandum of Law**. No party shall file or serve a memorandum of law that exceeds twenty-five (25) pages in length, double-spaced, unless that party obtains leave of the judge hearing the motion prior to filing. All memoranda of law shall contain a table of contents and numbered pages. When serving a *pro se* litigant with a memorandum of law or any other paper which contains citations to authorities that are unpublished or published exclusively on electronic databases, counsel shall include a hard copy of those authorities. Although copies of authorities published only on electronic databases are not required to be filed, copies shall be provided upon request to opposing counsel who lack access to electronic databases.

   When a moving party makes a motion based upon a rule or statute, the moving party must specify in its moving papers the rule or statute upon which it bases its motion.

   A memorandum of law is required for all motions except the following:
   (A) a motion pursuant to Fed. R. Civ. P. 12(e) for a more definite statement;
   (B) a motion pursuant to Fed. R. Civ. P. 17 to appoint next friend or guardian *ad litem*;

(C) a motion pursuant to Fed. R. Civ. P. 25 for substitution of parties;
(D) a motion pursuant to Fed. R. Civ. P. 37 to compel discovery; and
(E) a motion pursuant to Fed. R. Civ. P. 55 for default judgment.

2. **Affidavit**. An affidavit must not contain legal arguments but must contain factual and procedural background that is relevant to the motion the affidavit supports.

   An affidavit is not required for the following motions:
   (A) a motion pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted;
   (B) a motion pursuant to Fed. R. Civ. P. 12(c) for judgment on the pleadings; and
   (C) a motion pursuant to Fed. R. Civ. P. 12(f) to strike a portion of a pleading.

3. **Statement of Material Facts**. Any motion for summary judgment shall include a Statement of Material Facts, and any opposition shall contain a response to the Statement of Material Facts. See L.R. 56.1.

4. **Unsigned Copy of Proposed Amended Pleading**. A party moving to amend a pleading pursuant to Fed. R. Civ. P. 14, 15, 19-22 must attach an unsigned copy of the proposed amended pleading to its motion papers. See L.R. 14, 15, 19-22

5. **Notice of Motion.** A Notice of Motion shall identify the following information: the case caption and docket number, if then known; the supporting papers upon which the motion is based; and the relief demanded and the grounds therefor. If publicly filed, the Notice of Motion shall be the main document filed on ECF, with the supporting documents filed as attachments. Relief in the alternative or of several different types may be demanded. If oral argument is requested, the Notice of Motion should so state and should identify the reason(s) argument is requested.

Proposed Text:

(b) **Papers Required**. Except as otherwise provided in this paragraph, all motions and opposition to motions require a memorandum of law, supporting affidavit when necessary to establish and provide factual and procedural background relevant to the motion, and proof of service on ~~all the parties~~ non-electronic *pro se* parties. In addition, all motions require a Notice of Motion (except ~~for non-dispositive motions and~~ requests that are permitted by chambers to take the form of letter-requests, provided that the party seeking relief has identified in its motion or letter the precise relief sought). Additional requirements for specific types of motions, including cross-motions, see L.R. 7.1(c), are set forth in the Local Rule that corresponds with the Federal Rule.

Documents that are on file with the Court in the same action should not be attached as exhibits to the motion papers, but rather should be referenced to the appropriate docket number.

Parties shall file all original motion papers, including memoranda of law and supporting affidavits, if any, in accordance with the *Administrative Procedures for Electronic Case Filing* (General Order #22) and/or the case assignment form provided to the parties at the commencement of the litigation. The parties need not provide a courtesy copy of their motion papers to the assigned judge unless the assigned judge requests a copy.

1. **Memorandum of Law**. No party shall file or serve a memorandum of law that exceeds twenty-five (25) pages in length, double-spaced, unless that party obtains leave of the judge hearing the motion prior to filing. All memoranda of law shall contain a table of contents and numbered pages. When serving a *pro se* litigant with a memorandum of law or any other paper which contains citations to authorities that are unpublished or published exclusively on electronic databases, counsel shall include a hard copy of those authorities. Although copies of authorities published only on electronic databases are not required to be filed, copies shall be provided upon request to opposing counsel or *pro se* party who lack access to electronic databases.

   When a moving party makes a motion based upon a rule or statute, the moving party must specify in its moving papers the rule or statute upon which it bases its motion.

   Attorneys are encouraged to use hyperlinks and bookmarks to cited cases in Westlaw or Lexis and to documents filed on CM/ECF.

   A memorandum of law is required for all motions except the following:
   (A) a motion pursuant to Fed. R. Civ. P. 12(e) for a more definite statement;
   (B) a motion pursuant to Fed. R. Civ. P. 17 to appoint next friend or guardian *ad litem*;
   (C) a motion pursuant to Fed. R. Civ. P. 25 for substitution of parties; and
   (D) a motion pursuant to Fed. R. Civ. P. 37 to compel discovery.~~; and~~
   ~~**(E)** a motion pursuant to Fed. R. Civ. P. 55 for default judgment.~~

2. **Affidavit**. An affidavit must not contain legal arguments but must contain factual and procedural background that is relevant to the motion the affidavit supports.

   An affidavit is not required for the following motions:
   (A) a motion pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted;
   (B) a motion pursuant to Fed. R. Civ. P. 12(c) for judgment on the pleadings; and
   (C) a motion pursuant to Fed. R. Civ. P. 12(f) to strike a portion of a pleading.

3. **Statement of Material Facts**. Any motion for summary judgment shall include a Statement of Material Facts, and any opposition shall contain a response to the Statement of Material Facts. See L.R. 56.1.

4. **Unsigned Copy of Proposed Amended Pleading**. A party moving to amend a pleading pursuant to Fed. R. Civ. P. 14, 15, 19-22 must attach an unsigned copy of the proposed amended pleading to its motion papers. See L.R. 14, 15, 19-22

5. **Notice of Motion.** A Notice of Motion shall identify the following information: the case caption and docket number, if then known; the supporting papers upon which the motion is based; and the relief demanded and the grounds therefor. If publicly filed, the Notice of Motion shall be the main document filed on ECF, with the supporting documents filed as attachments. Relief in the alternative or of several different types may be demanded. If oral argument is requested, the Notice of Motion should so state and should identify the reason(s) argument is requested.

Proposed Changes to Civil Local Rule 10.1(c)

Current Text:

10.1 Form of Papers (Amended January 1, 2024)

(c) Information required. The following information must appear on each document that a party files:

1. Each document must contain a caption for the specific case to which it pertains. The caption must include the title of the Court, the title of the action, the civil action number of the case, the initials of the assigned judge(s), and the name or nature of the paper in sufficient detail for identification. If a litigant has more than one action pending in this Court, any and all papers filed in a case must contain and pertain to one civil action number, unless the civil actions have been consolidated by the Court. Any motion or other papers purporting to relate to more than one action will not be accepted for filing and may be stricken by the Court. This Rule shall not apply, as noted below, to notices of change of address filed by attorneys of record and pro se litigants. **The parties must separately caption affidavits and declarations and must not physically attach them to the Notice of Motion or Memorandum of Law.**

2. Each document must identify the person filing the document. This identification must include an original or electronic signature of the attorney or *pro se* litigant; the typewritten name of that person; the address of a *pro se* litigant, including zip code; and the bar roll number, office address, telephone number, and e-mail address of the attorney. A *pro se* litigant's complete mailing address in the signature block is required on all documents filed with the court and shall also appear on the face of the docket. Telephone numbers of non-prisoner *pro se* parties are required to be displayed on the docket for purposes of scheduling court proceedings. See General Order # 22 for signature requirements.

All attorneys of record and *pro se* litigants must immediately notify the Court of any change of address and/or telephone number. Parties must file the notice of change of address with the Clerk and serve the same on all other parties to the action. The notice must identify each and every action to which the notice shall apply. In addition, the notice shall be clearly entitled, "Notice of Change of Address." **Attorneys shall update their bar record within (14) days of a change, including their address, email address, and telephone number through www.pacer.gov.** Detailed instructions to update the bar record are available on the Court's website at www.nynd.uscourts.gov.
Failure to keep this information current will result in removal from the roll of the Court.

Proposed Text:

10.1 Form of Papers (Amended January 1, 2024)

(c) Information required. The following information must appear on each document that a party files:

1. Each document must contain a caption for the specific case to which it pertains. The caption must include the title of the Court, the title of the action, the civil action number of the case, the initials of the assigned judge(s), and the name or nature of the paper in sufficient detail for identification. If a litigant has more than one action pending in this Court, any and all papers filed in a case must contain and pertain to one civil action number, unless the civil actions have been consolidated by the Court. Any motion or other papers purporting to relate to more than one action will not be accepted for filing and may be stricken by the Court. This Rule shall not apply, as noted below, to notices of change of address filed by attorneys of record and pro se litigants. **The parties must separately caption affidavits and declarations and must not physically attach them to the Notice of Motion or Memorandum of Law.**

2. Each document must identify the person filing the document. This identification must include an original or electronic signature of the attorney or *pro se* litigant; the typewritten name of that person; the address of a *pro se* litigant, including zip code; and the bar roll number, office address, telephone number, and e-mail address of the attorney. A *pro se* litigant's complete mailing address in the signature block is required on all documents filed with the court and shall also appear on the face of the docket. Telephone numbers of non-prisoner *pro se* parties are required to be displayed on the docket for purposes of scheduling court proceedings. See General Order # 22 for signature requirements.

   All attorneys of record and *pro se* litigants must immediately notify the Court of any change of address and/or telephone number. Parties must file the notice of change of address with the Clerk and serve the same on all other parties to the action. The notice must identify each and every action to which the notice shall apply. In addition, the notice shall be clearly entitled, "Notice of Change of Address." **Attorneys shall update their bar record within (14) days of a change, including their address, email address, and telephone number through www.pacer.gov.** Detailed instructions to update the bar record are available on the Court's website at www.nynd.uscourts.gov.

   Failure to keep this information current will result in removal from the roll of the Court.

3. All documents submitted for filing by non-ECF parties via MFT must be submitted in PDF format and comply with L.R. 10.1(c)(1) and (2) above, which specify formatting requirements for pleadings and other papers. All documents submitted in support of a complaint must be filed concurrently with the complaint. Subsequent submissions of documents or exhibits supporting a pleading will not be accepted unless accompanied by a proposed amended complaint relying on those documents or exhibits, in compliance with F.R.Civ.P. 15 and L.R. 15.1. All documents submitted in support of a motion must be filed concurrently with the motion and must comply with L.R. 7.1. Each exhibit to a motion must be clearly labeled with a numerical exhibit number and identified by exhibit number within the motion papers.

   Failure to adhere to these requirements may result in the document being stricken from the docket or terminating the filer's MFT filing privileges.

   Any documents submitted for filing via MFT after 4:45 pm will not be reviewed until 8:45 am on the next business day.

Proposed Changes to Civil Local Rule 16.1(f)

Current Text:

16.1 Civil Case Management (Amended January 1, 2023)

(f) Enforcement of Deadlines. The Court shall strictly enforce any deadlines that it establishes in any case management order, and the Court shall not modify these deadlines, even upon stipulation of the parties, except upon a showing of good cause.

Proposed Text:

16.1 Civil Case Management (Amended January 1, 2023)

(f) Enforcement of Deadlines. The Court shall strictly enforce any deadlines that it establishes in any case management order, and the Court shall not modify these deadlines, even upon stipulation of the parties, except upon a showing of good cause.

Any request to extend deadlines contained in the Court's scheduling orders must be made before the deadline expires and shall: (i) in accordance with Rule 16, show good cause, i.e., due diligence, (ii) state the current deadlines, (iii) state the number of prior extensions, if any, and which party requested them, (iv) state the proposed new deadlines, and (v) state whether the request is made on consent of the parties.

Proposed New Rule 26.6

26.6 Protective Orders

Proposed confidentiality stipulations and protective orders must contain a provision acknowledging that the designation of "confidential" is not sufficient to warrant sealing, and that requests for sealing shall be governed by Local Rule 5.3, notwithstanding the entry of a protective order. Parties are encouraged to include in proposed protective orders a "clawback" provision as provided under Federal Rule of Evidence 502(d).

Proposed Changes to Civil Local Rule 55.1

Current text:

55.1 Clerk's Certificate of Entry of Default

A party applying to the Clerk for a certificate of entry of default pursuant to Fed. R. Civ. P. 55(a) shall submit an affidavit showing that (1) the party against whom it seeks a judgment of affirmative relief is not an infant, in the military, or an incompetent person (2) a party against whom it seeks a judgment for affirmative relief has failed to plead or otherwise defend the action as provided in the Federal Rules of Civil Procedure and (3) it has properly served the pleading to which the opposing party has not responded.

Proposed Text:

55.1 Clerk's Certificate of Entry of Default

(a) A party applying to the Clerk for a certificate of entry of default pursuant to Fed. R. Civ. P. 55(a) shall submit an affidavit showing that (1) the party against whom it seeks a judgment of affirmative relief is not an infant, in the military, or an incompetent person (2) a party against whom it seeks a judgment for affirmative relief has failed to plead or otherwise defend the action as provided in the Federal Rules of Civil Procedure and (3) it has properly served the pleading to which the opposing party has not responded.

(b) If the party seeking judgment believes that the party whom judgment or affirmative relief is being sought against is in the military, the party seeking judgment must submit an affidavit which includes necessary facts to support the affidavit. If the party seeking judgment is unable to determine that the party whom judgment or affirmative relief is being sought against is in the military, the moving party must submit an affirmation stating that they are unable to determine whether or not the party against whom it seeks judgment by default is in the military service

Proposed Changes to Civil Local Rule 55.2

Current text:

55.2 Default Judgment (amended January 1, 2022)

(a) By the Clerk. Prior to filing a request for a default judgment for a sum certain, the party must first obtain a Clerk's Certificate of Entry of Default as required by L.R. 55.1. When a party is entitled to have the Clerk enter a default judgment pursuant to Fed. R. Civ. P. 55(b)(1), the party shall submit, with the form of judgment, the Clerk's certificate of entry of default, a statement showing the principal amount due, not to exceed the amount demanded in the complaint, giving credit for any payments, and showing the amounts and dates of payment, a computation of the interest to the day of judgment, a per diem rate of interest, and the costs and taxable disbursements claimed. An affidavit of the party or the party's attorney shall be appended to the statement showing that:

1. The party against whom it seeks judgment is not an infant or an incompetent person;
2. The party against whom it seeks judgment is not in the military service, or if unable to set forth this fact, the affidavit shall state that the party against whom the moving party seeks judgment by default is in the military service or that the party seeking a default judgment is not able to determine whether or not the party against whom it seeks judgment by default is in the military service; [NOTE: Should the inability to confirm military status be in L.R. 55.1 too]
3. The party has defaulted in appearance in the action;
4. Service was properly effected under Fed. R. Civ. P. 4;
5. The amount shown in the statement is justly due and owing and that no part has been paid except as set forth in the statement this Rule requires; and
6. The disbursements sought to be taxed have been made in the action or will necessarily be made or incurred.

The Clerk shall then enter judgment for principal, interest and costs. If, however, the Clerk determines, for whatever reason, that it is not proper for a sum certain default judgment to be entered, the Clerk shall forward the documents submitted in accordance with L.R. 55.2(a) to the assigned district judge for review. The assigned district judge shall then promptly notify the Clerk as to whether the Clerk shall properly enter a default judgment under L.R. 55.2(a).

(b) By the Court. Prior to filing a motion for default judgment, the party must first obtain a Clerk's Certificate of Entry of Default as required by L.R. 55.1. A party shall accompany a motion to the Court for the entry of a default judgment, pursuant to Fed. R. Civ. P. 55(b)(2),

with a clerk's certificate of entry of default in accordance with Fed. R. Civ. P. 55(a), a proposed form of default judgment, and a copy of the pleading to which no response has been made. The moving party shall also include in its application an affidavit of the moving party or the moving party's attorney setting forth facts as required by L.R. 55.2(a).

Proposed Text:

55.2 Default Judgment (amended January 1, 2022)

(a) By the Clerk. Prior to filing a request for a default judgment for a sum certain, the party must first obtain a Clerk's Certificate of Entry of Default as required by L.R. 55.1. When a party is entitled to have the Clerk enter a default judgment pursuant to Fed. R. Civ. P. 55(b)(1), the party shall submit, with the form of judgment, the Clerk's certificate of entry of default, a statement showing the principal amount due, not to exceed the amount demanded in the complaint, giving credit for any payments, and showing the amounts and dates of payment, a computation of the interest to the day of judgment, a per diem rate of interest, and the costs and taxable disbursements claimed. An affidavit of the party or the party's attorney shall be appended to the statement showing that:

1. The party against whom it seeks judgment is not an infant or an incompetent person;
2. The party against whom it seeks judgment is not in the military service, or if unable to set forth this fact, the affidavit shall state that the party against whom the moving party seeks judgment by default is in the military service or that the party seeking a default judgment is not able to determine whether or not the party against whom it seeks judgment by default is in the military service. See Servicemembers Civil Relief Act, 50 U.S.C. § 3931(b)(3);
3. The party has defaulted in appearance in the action;
4. Service was properly effected under Fed. R. Civ. P. 4;
5. The amount shown in the statement is justly due and owing and that no part has been paid except as set forth in the statement this Rule requires; and
6. The disbursements sought to be taxed have been made in the action or will necessarily be made or incurred.

The Clerk shall then enter judgment for principal, interest and costs. If, however, the Clerk determines, for whatever reason, that it is not proper for a sum certain default judgment to be entered, the Clerk shall forward the documents submitted in accordance with L.R. 55.2(a) to the assigned district judge for review. The assigned district judge shall then promptly notify the Clerk as to whether the Clerk shall properly enter a default judgment under L.R. 55.2(a).

(b) By the Court. Prior to filing a motion for default judgment, the party must first obtain a Clerk's Certificate of Entry of Default as required by L.R. 55.1. ~~**A party shall accompany** a~~ The motion ~~to the Court for the entry of a default judgment~~, pursuant to Fed. R. Civ. P. 55(b)(2), ~~with a clerk's certificate of entry of default in accordance with Fed. R. Civ. P. 55(a), a proposed form of default judgment, and a copy of the pleading to which no response has been made.~~ shall include a memorandum of law pursuant to Local Rule 7.1 and a proposed order. The moving party shall also include in its application an affidavit of the moving party or the moving party's attorney setting forth facts as required by L.R. 55.2(a).

Proposed Changes to Civil Local Rule 83.1(a)

Current Text:

83.1 Admission to the Bar (amended January 1, 2025)

(a) Admission. A member in good standing of the courts of the State of New York or of the bar of any United States District Court, or of the highest court in the state in which they reside, whose professional character is good, may be admitted to practice in this Court upon submission of the required documentation in compliance with the requirements of this Rule. **Admission forms are available from the Court's webpage at** www.nynd.uscourts.gov.

Each applicant for admission must electronically file in PACER (https://www.pacer.gov/) the documentation required for admission including the following:

1. **A petition for admission** stating the following:

   - place of residence and office address;
   - the date(s) when and court(s) where previously admitted;
   - whether the applicant has ever been
     - convicted of a felony or misdemeanor;
     - held in contempt of court, disbarred, suspended, censured, sanctioned, or otherwise disciplined by any Federal, State or Local Court or attorney disciplinary authority; and/or
     - resigned from the bar of any jurisdiction while a professional misconduct investigation was pending;

     and if so, the facts and circumstances connected therewith; and

   - that the applicant is familiar with the provisions of the Judicial Code (Title 28 U.S.C.), which pertain to the jurisdiction of, and practice in, the United States District Courts; the Federal Rules of Civil Procedure and the Federal Rules of Evidence for the District Courts; the Federal Rules of Criminal Procedure for the District Courts; the Local Rules of the District Court for the Northern District of New York; and the New York Rules of Professional Conduct. The applicant shall further affirm faithful adherence to these Rules and responsibilities.

   The applicant is not required to notarize the petition if it is executed in accordance with 28 U.S.C. § 1746.

2. **Attorney E-Filing Registration Form.** The E-Filing Registration Form must be in the form the Clerk prescribes, setting forth the full name of the attorney,

indicating the appropriate method of admission sought, and a fully executed Oath on Admission.

3. **Certificate of Good Standing.** Court-issued certificate of good standing as required by subdivision (b) below must be dated within six (6) months of the date of the application for admission.

~~4.~~ **The Required Fee.** As prescribed by and pursuant to the Judicial Conference of the United States and the Local Rules of this Court, the fee for admission to the bar is $249.00. The admission fee is payable upon acceptance of a complete application received by the Court from an attorney's individual PACER account. This fee includes the fee set by the Judicial Conference of $199.00 plus an additional fee set by the Court of $50.00 unless the Chief Judge waives such additional fee upon a showing of good cause. The admission fees are waived for all attorneys in the full-time employ of the United States Government.

Proposed Text:

83.1 Admission to the Bar (amended January 1, 2025)

(a) Admission. A member in good standing of the courts of the State of New York or of the bar of any United States District Court, or of the highest court in the state in which they reside, whose professional character is good, may be admitted to practice in this Court **upon submission of the required documentation in** compliance with the requirements of this Rule. **Admission forms are available from the Court's webpage at** www.nynd.uscourts.gov.

Each applicant for admission must electronically file in PACER (https://www.pacer.gov/) the documentation required for admission including the following:

1. **A petition for admission** stating the following:

- place of residence and office address;
- the date(s) when and court(s) where previously admitted;
- whether the applicant has ever ~~been~~
  - been convicted of a felony or misdemeanor;
  - been held in contempt of court, disbarred, suspended, censured, sanctioned, or otherwise disciplined by any Federal, State or Local Court or attorney disciplinary authority; and/or
  - resigned from the bar of any jurisdiction while a professional misconduct investigation was pending;

  and if so, the facts and circumstances connected therewith; and

- that the applicant is familiar with the provisions of the Judicial Code (Title 28 U.S.C.), which pertain to the jurisdiction of, and practice in, the United States District Courts; the Federal Rules of Civil Procedure and the Federal Rules of Evidence for the District Courts; the Federal Rules of Criminal Procedure for the District Courts; the Local Rules of the District Court for the Northern District of New York; ~~and~~ the New York Rules of Professional Conduct, and the NYS Standards of Civility. The applicant shall further affirm faithful adherence to these Rules and responsibilities.

The applicant is not required to notarize the petition if it is executed in accordance with 28 U.S.C. § 1746.

2. **Attorney E-Filing Registration Form.** The E-Filing Registration Form must be in the form the Clerk prescribes, setting forth the full name of the attorney, indicating the appropriate method of admission sought, and a fully executed Oath on Admission.

3. **Certificate of Good Standing.** Court-issued certificate of good standing as required by subdivision (b) below must be dated within six (6) months of the date of the application for admission.

4. **The Required Fee.** As prescribed by and pursuant to the Judicial Conference of the United States and the Local Rules of this Court, the fee for admission to the bar is $249.00. The admission fee is payable upon acceptance of a complete application received by the Court from an attorney's individual PACER account. This fee includes the fee set by the Judicial Conference of $199.00 plus an additional fee set by the Court of $50.00 unless the Chief Judge waives such additional fee upon a showing of good cause. The admission fees are waived for all attorneys in the full-time employ of the United States Government.

Proposed Changes to Criminal Local Rule 12.1(f)

Current Text:

12.1 Motions and Other Papers (amended January 1, 2024)

(f) An affidavit of counsel is not required when filing motions in criminal cases. A certificate of service is required at the conclusion of the motion.

Proposed Text:

12.1 Motions and Other Papers (amended January 1, 2024)

(f) An affidavit of counsel is not required when filing motions in criminal cases. A certificate of service is required for all non-Electronic Case Filer ("non-ECF") case participants. ~~at the conclusion of the motion.~~

Proposed Changes to Criminal Local Rule 59.1(a)(3)

Current Text:

59.1 Magistrate Judges

(a) Powers and Duties

(3) A party seeking review of a Magistrate Judge's release or detention order pursuant to 18 U.S.C. § 3145(c) shall file a Notice of Appeal of Magistrate Judge Pretrial Order pursuant to Fed.R.Crim.P. 58(g)(2)(A) within fourteen (14) days of the date of entry. If the release or detention order appealed from is filed in a Magistrate case, the Clerk shall immediately randomly assign a District Judge and open a criminal case. The Appellant shall be responsible for obtaining a copy of any transcript, if requested by the Court. Unless otherwise ordered,

(A) The appellant's brief shall be filed within fourteen (14) days following the filing of the notice of appeal;

(B) The appellee's brief shall be filed within fourteen (14) days following submission of the appellant's brief;

(C) Any reply brief shall be filed within seven (7) days following the submission of the appellee's brief; and

(D) Unless the Court orders otherwise, the appeal shall be taken on submission without oral argument.

The Court shall promptly determine the motion based upon the submitted papers without oral argument.

Proposed Text:

59.1 Magistrate Judges

(a) Powers and Duties

(3) A party seeking review of a Magistrate Judge's release or detention order pursuant to 18 U.S.C. § 3145(b) ~~(c)~~ shall file a Notice of Appeal of Magistrate Judge Pretrial Order pursuant to Fed.R.Crim.P. 58(g)(2)(A) within fourteen (14) days of

the date of entry. If the release or detention order appealed from is filed in a Magistrate case, the Clerk shall immediately randomly assign a District Judge and open a criminal case. The Appellant shall be responsible for obtaining a copy of any transcript, if requested by the Court. Unless otherwise ordered,

(A) The appellant's brief shall be filed within fourteen (14) days following the filing of the notice of appeal;

(B) The appellee's brief shall be filed within fourteen (14) days following submission of the appellant's brief;

(C) Any reply brief shall be filed within seven (7) days following the submission of the appellee's brief; and

(D) Unless the Court orders otherwise, the appeal shall be taken on submission without oral argument.

The Court shall promptly determine the motion based upon the submitted papers without oral argument.