Individual Practices of
Magistrate Judge Arlene R. Lindsay

Long Island Federal Courthouse
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Central Islip, New York 11722-4451
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Contact: Criminal Matters: Robert Imrie at (631) 712-5734
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Unless otherwise ordered by the judge in a specific case, matters before Judge Lindsay shall be conducted in accordance with the following practices:

1. *Communications with Chambers*

A. *Letters*. Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel and with service on all parties indicated on the letter. Copies of correspondence between counsel shall not be sent to the Court. Letters are not to exceed three (3) pages in length.

B. *Telephone Calls*. Telephone calls to chambers are permitted. Call Robert Imrie, for questions on criminal cases or to schedule criminal matters. For all other questions call (631) 712-5730.

C. *Faxes*. **Faxes to chambers are not permitted** unless prior authorization is obtained. When an authorized fax has been sent, **do not also send a copy by mail**. Papers faxed to chambers must also be faxed to all other parties.

D. *Requests for Adjournments or Extensions of Time*. All requests for adjournments or extensions of time shall be made **at least 48 hours prior** to the scheduled appearance or deadline, absent an emergency. Such letter applications must state the reason for the adjournment or extension, whether all parties consent and, where appropriate, a proposed amended pre-trial scheduling order or an indication of when the parties are available.

2. *Motions*

A. Discovery Motions and Other Non-Dispositive Motions.

Discovery motions and other non-dispositive motions may be made pursuant to Local Rule 7.1 or by a letter motion, not exceeding three (3) pages in length, which succinctly describes the discovery problem and the relief sought. The parties are not required to request a premotion discovery conference with the court prior to submitting a letter motion. A

letter opposing the motion, not exceeding three (3) pages in length, may be submitted within four (4) business days of receipt of the letter motion. Replies are not permitted absent permission from the Court. The parties are advised that they must attempt to resolve disputes by conferring in good faith with their adversary. The Court interprets good faith to be in-person contact either by telephone or in person.

B. Dispositive Motions.

Dispositive motions must be made to the presiding District Judge in accordance with his or her individual rules unless the parties have consented to Magistrate Judge Lindsay's jurisdiction for all purpose.

C. *General Motion Practices*.

1. Service and Filing: Unless otherwise ordered by the court, motion papers shall be filed in accordance with Local Rule 6.1. Absent extraordinary circumstances no extensions will be granted.

2. Memorandum of Law: Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 20 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

3. Artificial Intelligence ("AI") Provision
Consistent with Rule 11(b) of the Federal Rules of Civil Procedure, and the certifications required thereunder, any attorney for a party, or any *pro se* party, who has used AI in the preparation of any documents filed with the Court must disclose that AI has been used and must further certify in the document that the person has checked the accuracy of any portion of the document drafted by generative AI, including all citations and legal authority.

4. Courtesy copies of all motion papers to be decided by Magistrate Judge Lindsay shall be provided to the Court upon filing of the motion, opposition, and reply briefs. Do not provide Magistrate Judge Lindsay with courtesy copies of dispositive motions made to the presiding District Judge.

5. A statement must be included on the cover of the moving, opposition, or reply papers as to whether oral argument is requested. If any party requests oral argument, the Court will notify the parties as to the date and time of such argument.

6. Should the non-movant seek to make a cross-motion, the cross-motion must follow the same procedures utilized for making the motion.

7. Motion papers are not to be filed until the motion is fully briefed "Bundle Rule".

8. Motions not in conformity with these individual practices will be returned.

D. Motions for Summary Judgment in Cases Before Magistrate Judge Lindsay for All Purposes.

1. Any party wishing to make a motion for summary judgment must first serve upon all parties a statement pursuant to Local Civil Rule 56.1 ("Rule 56.1") setting forth those items about which there is no material issue of fact. Each statement of material fact must be followed by a citation to evidence which would be admissible, as set forth and required by Rule 56(e) of the Federal Rules of Civil Procedure. All parties receiving such a Rule 56.1 statement and wishing to oppose the motion must serve on the movant, within seven (7) business days of receiving the movant's Rule 56.1 statement, an original and two copies of a counter-statement pursuant to Rule 56.1 setting forth those items about which there exists a genuine issue of material fact. Again, a statement of material fact must be followed by a citation to evidence which would be admissible, as set forth and required by Rule 56(e) of the Federal Rules of Civil Procedure.

2. After receiving the counter-statement pursuant to Rule 56, should the movant still wish to move for summary judgment, the movant is directed to write to the Court and request a pre-motion conference. In no more than two (2) pages, the letter should briefly state the basis for the anticipated motion. The letter shall also contain a copy of the Rule 56 statement and the non-movant's counter-statement. The pre-motion conference date will be set by the Court.

3. Adherence to Rule 56.1 is required. A pre-motion conference will not be held until such time that the parties are in compliance with Rule 56.1.

4. At the pre-motion conference, if the movant decides to make a motion for summary judgment, a briefing schedule will be established by the Court in accordance with the General Motion Practices stated above.

E. *Motions for Admission Pro Hac Vice.*

A motion for admission pro hac vice, together with a proposed Order admitting the attorney pro hac vice, shall be served and filed at least seven

(7) business days prior to the return date designated in the notice of motion. Although there is no need to file a memorandum of law, this motion must comply with the Rules of the Eastern District of New York for admission pro hac vice. These motions shall be on submission. Should any party object to the motion, opposition papers must be served and filed at least two (2) business days prior to the return date. No reply papers are permitted.

F. *Social Security Appeals*.

1. Briefing Schedule, Filing, and Courtesy Copies:
   a. Briefing Schedule: For all cases filed on or after December 1, 2022, the parties shall comply with the procedures set forth in Administrative Order 2023-06 ("In re: Briefing of Social Security Cases") ("AO").
   b. Filing: No motion papers shall be filed until the motion has been fully briefed. That is, the parties shall serve each other with moving papers, opposition papers and reply, if any. Once motion is fully briefed (all papers served), then the movant(s) shall electronically file the entire set of motion papers along with the stipulations of fact, and the Administrative Record.
   c. Courtesy Copies: After filing, the movant(s) shall mail to Chambers one hard copy of all motion papers, and stipulations of fact marked as "Courtesy Copy." Defendant shall mail to Chambers one hard copy of the Administrative Record. In all cases in which the plaintiff is represented by counsel, the parties are to electronically transmit a Microsoft Word Document version of the stipulation of facts to Chambers via the Chambers email.

2. Stipulation of Facts

   a. In all cases in which Plaintiff is represented by counsel, parties seeking or opposing judgment on the pleadings in social security cases shall confer and prepare a stipulation of facts with a chronology of medical treatment. The stipulation of facts shall have two (2) parts, each containing numbered paragraphs.
      i. Part one shall set forth all relevant undisputed facts in the administrative record, including information

contained in the treatment and medical records, in chronological order and with citations to the record.

ii. Part two shall set forth all relevant disputed facts. Each numbered paragraph shall be followed by short, and concise statements by the parties.

Plaintiff must state its contentions as to the alleged legal errors in the Secretary's determination and/or the specific findings of the decision of the Administrative Law Judge ("ALJ") that plaintiff contends is not supported by substantial evidence.

Failure to submit such a statement may constitute grounds for denial of the motion, and failure to identify a legal error or finding unsupported by substantial evidence may be deemed a waiver of such argument Defendant shall include responsive statements to each of Plaintiff's contentions. The failure to include such an opposing statement may result in the striking of the opposition to the motion.

b. Each contention by the movant and opponent made pursuant to this rule must be followed by citations to the administrative record, identifying evidence supporting and/or rebutting each said contention.

By way of example, if Plaintiff contends that the ALJ failed to properly assess Plaintiff's residual functional capacity, Plaintiff's Statement of Contentions should identify with particularity the aspects of Plaintiff's purported disability which were disregarded by the ALJ along with specific page citations identifying evidence supporting this claim. Defendant, in turn, in its Opposing Statements should provide citations identifying the evidence which it believes the ALJ properly relied upon in reaching a determination as to those specific findings.

3. *Pretrial Procedures in cases before Magistrate Judge Lindsay for all Purposes*.

A. *Joint Pretrial Orders*. On or before the date set forth in the Scheduling Order, the parties shall submit to the Court for its approval a joint pretrial order, which shall include the following:

i. The full caption of the action.

ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.

iii. A brief statement by 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 and jurisdictional amount.

iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.

v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.

vi. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.

vii. A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.

viii. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

ix. A list by each party of exhibits to be offered in its case in chief. Any party objecting to an exhibit must list their objection and the grounds.

The Parties are advised that failure to timely and fully submit could lead to rescheduling of trial date.

B. *Filings Prior to Trial in Civil Cases*. Unless otherwise ordered by the Court, each party shall file 15 days before the date of commencement of trial:

i. In jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by

the court.

ii. By claim, a proposed verdict sheet;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

iv. Motions in limine; and

v. In any case where such party believes it would be useful, a pretrial memorandum.