

Individual Practices for Civil and Criminal Cases

JUDGE SANKET J. BULSARA

Effective April 21, 2025

United States District Court for the Eastern District of New York

Central Islip

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As of January 2, 2025, the Local Civil Rules employ word limits for certain filings. All civil filings subject to word limits in either the Local Rules or these Individual Practices must contain a certification of compliance as set forth in Local Civil Rule 7.1.

CIVIL CASE PRACTICES AT A GLANCE

	Issue	Requirement	Individual Practices	Page
Communications with Chambers	Written Communications	Must occur via letter filed on ECF.	II.A	1
	Faxes	Not permitted.	II.A	1
	Telephone Calls	Call only if parties cannot appear due to emergency and on the day of the conference. Telephone calls to chambers, otherwise prohibited .	II.B	1
	Email	<i>Ex parte</i> communication prohibited. Certain documents must be provided to Chambers via email.	II.C	1
	Submission of Large Electronic Files	Contact Chambers via email for FTP link.	II.D	1
Case Related Filings	ECF	Required for all cases. Pro se litigants exempt.	III.A	2
	Notices of Appearance	Required in every case consistent with Local Civil Rule 1.4. "Of counsel" appearances prohibited.	III.B	2
	Text Searchable Submissions	Preferred for ECF filings.	III.C	2
	Pro Se Cases	Counsel for represented parties must mail hard copies of papers to any pro se litigant.	III.D	2
	Microsoft Word Documents	Voir dire; jury instructions; verdict forms; proposed findings should also be emailed to Chambers.	III.E	2

	Issue	Requirement	Individual Practices	Page
	Courtesy Copies	Required for all memoranda of law and Rule 56.1 statements. Otherwise not required.	III.F	2
	Sealed or Redacted Filings	Must follow procedures set forth and satisfy <i>Lugosch</i> test.	III.G	3
	Unpublished Cases	Copies not required.	III.H	3-4
	Settlement Agreements	Court does not automatically retain jurisdiction for enforcement.	III.I	4
Court Conferences	Location; Remote Proceedings	In person proceedings only, except in certain pro se matters. Central Islip cases in Courtroom 930; Brooklyn cases, consult docket.	IV.A	4
	Requests for Adjournment or Extensions	Must be made via letter motion, 48 hours prior to deadline or time.	IV.B	4
	Attendance	Principal trial counsel required.	IV.C	4
	Participation	Court encourages participation of relatively inexperienced counsel.	IV.D	4
Magistrate Judges	Responsibilities	Magistrate Judge handles all non-dispositive pretrial matters and scheduling. Consult list for specific matters.	V.A	4-5
	Consent	Strongly encouraged.	V.B	5
	Objections or Appeals	Limited to letters no longer than 1750 words. Must have made argument or presented evidence to Magistrate Judge in first instance.	V.C	5

	Issue	Requirement	Individual Practices	Page
Motions	Letter Motions	Limited to 1750 words for opening and response briefs, and 1050 words for reply. Required for adjournments, venue, remand, and attorney's fees motions.	VI.A	5-6
	Premotion Conferences	Required only for non-venue Rule 12 motions.	VI.B	6
	Briefing Schedule	Joint proposed schedule should be filed for all motions, except letter-motions, Rule 12 motions, motions in limine and <i>Daubert</i> motions.	VI.C	6
	Bundling Rule	Should be followed for all motions except for letter-motions and other enumerated motions.	VI.D	6
	Page Limits and Formatting	Memoranda in support and opposition limited to 8,750 words; replies to 3500 words. Double spacing and 12-point font (including footnotes) required.	VI.E	6-7
	Oral Argument	Typically not held.	VI.F	7
	Rule 12 Motions	Require premotion conferences; party in opposition must inform about intent to amend; premotion conference will either set schedule or decide motion.	VI.G	7

	Issue	Requirement	Individual Practices	Page
	Summary Judgment Motions	Deadline for briefing schedule is 30 days following discovery close; early summary judgment motions discouraged; special requirements for cross-motions; typically not permitted in non-jury cases; Rule 56.1 statements must comply with Local Civil Rule; wholesale filing of exhibits or testimony prohibited.	VI.H	8
	Motions to Amend	Redlines Required.	VI.I	9
	<i>Daubert</i> and Expert Motions	Absent order, must be filed on same schedule as summary judgment motions.	VI.J	9
	Bankruptcy Appeals	Follow Rules 8014-8018.	VI.L	9
	Orders to Show Cause; Return Date	Practice prohibited.	VI.M	9-10
Temporary Restraining Orders	Notice	Adverse party notice, unless exempt required.	VII.A	10
	Email	Email Chambers for scheduling of hearing.	VII.B	10
Pro Se Litigation	ECF	Exempt; pro se litigant permitted to receive ECF notice and file via emails sent to Clerk's Office.	VIII.A	10
	Motion Papers	Must be mailed in hard copy to pro se litigant; Local Civil Rule 7.2, 12.1, and 56.2 compliance certifications required.	VIII.B	10

Trial Procedures	Trial Date	Two weeks notice only.	IX.A	10
	Joint Pretrial Order	Due 30 days following decision on dispositive motion or following close of discovery if no motion filed. Consult list of requirements.	IX.B	10-12
	Motions <i>in Limine</i>	Due 30 days following filing of JPTO; subject to page and format limitations; single consolidated brief required.	IX.C.1	12
	Requests to Charge; Voir Dire; Verdict Forms; Proposed Findings	Generally due 30 days following filing of JPTO; must be joint.	IX.C.2	12-13
	Exhibit and Witness Lists	Must be filed on ECF.	IX.C.3	13
	Pretrial Memorandum	Optional.	IX.C.4	13
	Deposition Designations	Must be submitted via email.	IX.C.5	13
	Exhibits	Due with JPTO and submitted electronically to Chambers.	IX.D	13
	Witnesses	Must be disclosed by end of each trial day.	IX.E	13
	Technology	Parties should consult courtroom deputy in advance of trial date.	IX.F	13
	Time Limits	Time limits used in all civil trials.	IX.G	13

OVERVIEW OF SUMMARY JUDGMENT AND TRIAL DEADLINES

	Presumptive Deadline	Individual Practices
Summary Judgment (Briefing Schedule)	30 days following the close of discovery. Not permitted.	VI.H.1
<i>Daubert Motions</i>		VI.J
Joint Pretrial Order	30 days following the close of discovery or decision on summary judgment, whichever is later.	IX.B
Electronic Copies of Exhibits	Submitted with JPTO.	IX.D
Motions in Limine	30 days following filing of JPTO.	IX.C.1
Requests to Charge		IX.C.2
Voir Dire		IX.C.2
Verdict Form		IX.C.2
Proposed Findings		IX.C.2
Witness List		IX.C.3
Exhibit List		IX.C.3
Pretrial Memo (Optional)		IX.C.4
Deposition Material		IX.C.4

INDIVIDUAL PRACTICES IN CIVIL CASES

I. SCOPE AND APPLICATION; WORD COUNTS; COMPUTING TIME

These Individual Practices and Rules apply to all civil cases before Judge Bulsara. A party may seek leave, by filing a letter-motion, for a different rule or procedure to apply to a particular case.

In computing time and deadlines set forth in these Individual Practices, parties should consult Federal Rule of Civil Procedure 6.

II. COMMUNICATION WITH CHAMBERS

A. Written Communications. Except as otherwise provided below, any communication with the Court must occur via letter filed on ECF. Except for courtesy copies, which may be delivered to the Court Security Officers at the Central Islip courthouse, the Court does not accept hand delivery of any material. And the Court does not accept faxes. Letter correspondence solely between counsel should not be filed on ECF, unless as an exhibit to motion papers seeking relief from the Court. To ensure timely evaluation, a party making an application for relief via letter (such as a request for an adjournment) should file the document as a letter-motion on ECF.

B. Telephone Calls and Case Related Inquiries. Telephone calls to chambers are prohibited, except for emergency circumstances on the date of a conference. For case-related questions including deadlines and confirmation of conference dates, counsel should electronically access the docket sheet. Chambers should *only* be contacted if on the day of the conference, the parties cannot appear due to an emergency and counsel wish to inform the Court that an electronic application is forthcoming. In such a case, counsel may contact Judge Bulsara's case manager, Eddie Manson. Adjournment requests may *not* be made telephonically.

C. Emails to Chambers. The Court's email address is bulsara_chambers@nyed.uscourts.gov. Any request for an adjournment, even an emergency request, should only be made by letter filed on the docket, not by email or telephone. The Court does not respond to email requests or inquiries, or accept submissions via email, except as provided in these rules. *Ex parte* emails to Chambers are not permitted and all emails must cc: all other counsel in the case.

D. Submission of Large Electronic Files. The Court has a file transfer protocol for the safe electronic transmission of electronic files. If a party needs to submit large files to the Court, or exhibits for trial, the party should email Chambers indicating that they intend to submit large electronic file(s). The email should include the name and docket number of the case and the nature of the materials to be submitted electronically. The party should then follow the protocol set forth here: <https://evidence.nyed.uscourts.gov> for submission.

III. CASE RELATED FILINGS

A. Requirement for ECF Use. Counsel in all cases are required to register for Electronic Case Filing (“ECF”). Documents sent to the Court’s email address and not contemporaneously filed on ECF will not be considered filed. ECF procedures are available on the Eastern District of New York website. Chambers staff are unable to assist with filing via ECF. For assistance, please call the ECF helpline at (718) 613-2610. Because all orders issued by the Court will be transmitted to counsel electronically, attorneys are responsible for keeping their ECF registration current with the Clerk’s Office. Pro se litigants are exempt from ECF filing requirements.

B. Notices of Appearance. Counsel are reminded of their obligations under Local Civil Rule 1.4 to file a notice of appearance in civil cases. Only a party’s counsel of record, or an attorney authorized to appear by the party (and not simply by the party’s counsel of record) may appear in Court on behalf of a party. An attorney acting “of counsel” for a party’s counsel of record may not appear without the represented party’s explicit authorization, as such an attorney has no authority to make binding representations on behalf of any party. See N.Y. Rules of Pro. Conduct 1.2(c), 22 N.Y.C.R.R. § 1200 (requiring client to give “informed consent” before an attorney may make a limited appearance on the client’s behalf).

C. Text Searchable Submissions. If feasible, each submission on ECF should be in a text-searchable format created by converting the document electronically to PDF by computer (that is, *not* by scanning a printed document).

D. Cases Involving Pro Se Litigants. A party represented by counsel in a case involving a pro se litigant must still file all documents electronically on ECF and must also mail a hard copy of all documents to the pro se litigant. See Section V for additional rules regarding motions involving pro se litigants.

E. Microsoft Word Documents. In addition to filing the document on ECF, a party should provide Microsoft Word versions of proposed (a) voir dire; (b) jury instructions; (c) findings of fact and conclusions of law; and (d) verdict forms to the Court through its email address. Other papers should not be emailed to Chambers.

F. Courtesy Copies. The filing should only provide paper courtesy copies of memoranda of law and Rule 56.1 statements associated with any motion to the Court on the day the motion is filed on ECF (and not before). Such papers may be mailed; overnight, express or hand delivery service is not required. Courtesy copies of other papers—including letters, letter-motions, objections or appeals to decisions of a Magistrate Judge, exhibits to motions, notices of motions, proposed orders, or motions directed to the Magistrate Judge—should *not* be provided, and need only be filed on ECF.

G. Sealed or Redacted Filings. There are limited categories of information that may be redacted from public ECF filings without prior permission from the Court: those items listed in Federal Rule of Civil Procedure 5.2. All other redactions or filing seal of Court materials require Court approval. In evaluating motions to seal, the Court applies the Second Circuit's test set forth in *Lugosch v. Pyramid Co.*, 435 F.3d 110 (2d Cir. 2006). Motions for redaction or sealing should comply with the following procedure:

1. The party seeking leave to file sealed or redacted materials should meet and confer with any opposing parties (or third parties seeking confidential treatment of the information, if any) in advance to narrow the request.
2. A party seeking to file a redacted or sealed document should file a single motion to seal that addresses every document (appended as separate exhibits) for which sealing or redaction is sought.
3. A public version of the motion should attach the exhibits containing limited redactions or an indication that the entire document is sealed, as appropriate. A private version of the motion should also be filed under seal with these same documents unredacted in their entirety.
4. The motion to seal should be accompanied by a memorandum of law that explains why any material that is redacted or entirely shielded from public view satisfies *Lugosch*. If the memorandum of law requires redaction, both redacted and unredacted versions of the memorandum, the latter under seal, should be filed. The memorandum must include an attorney certification that the meet and confer required in Step 1 has been completed.
5. Any opposition to a motion to seal must be filed within three days of the filing of the motion to seal and follow the procedures in steps (2) through (4) above.

Broad treatment of all documents and sweeping justifications for sealing are inconsistent with the requirement of narrow tailoring and are unlikely to have merit. See *Brown v. Maxwell*, 929 F.3d 41, 48 (2d Cir. 2019) ("[I]n contravention of our precedent, the District Court failed to review the documents individually and produce specific, on-the-record findings that sealing is necessary to preserve higher values. Instead, the District Court made generalized statements about the record as a whole. This too was legal error." (quotations and footnotes omitted)); e.g., *Gannett Media Corp. v. United States*, No. 22-CV-2160, 2022 WL 17818626, at *3 (2d Cir. Dec. 20, 2022) ("[B]road findings, however, are insufficient to justify the redactions in the Sealed Submissions.").

H. Unpublished Cases. If a party cites to a case not available in an official reporter, but otherwise available on Westlaw, it need not file the authority on ECF or

provide a copy to Chambers.

I. Settlement Agreements. The Court will not automatically retain jurisdiction to enforce confidential settlement agreements. If the parties move the Court to retain jurisdiction to enforce a settlement agreement, the party must file the unredacted version of the settlement agreement on ECF as an exhibit to the proposed stipulation of dismissal.

IV. COURT CONFERENCES

A. Location; Remote Proceedings. The Court conducts all conferences, except certain pro se matters, in person. Requests for remote proceedings will be denied. The parties should consult ECF to confirm the location of a conference. As a general matter, conferences for cases assigned to Central Islip will be held in Courtroom 930 and to Brooklyn will be held in the courtroom reflected on the docket sheet.

B. Requests for Adjournments or Extensions of Time. Requests for adjournments and for extensions of time must be filed electronically as letter-motions. All requests for adjournments of a court appearance must be made in writing, and absent an emergency, at least 48 hours prior to the scheduled appearance. All requests for adjournments or extensions of time must state: (1) the original date and proposed new date; (2) the reasons for the adjournment or extension; (3) whether the application is on consent; and (4) proposed dates for the revised deadline or conference.

C. Who Must Attend. Absent leave of Court obtained prior to the conference, the attorney who will serve as principal trial counsel must appear at all conferences with the Court. In accordance with Section III.B the Court does not permit “of counsel” appearances at Court conferences.

D. Courtroom Opportunities for Relatively Inexperienced Attorneys. The participation of relatively inexperienced attorneys in all court proceedings is strongly encouraged. The Court is amenable to permitting a number of lawyers to argue for one party if this creates an opportunity for a junior lawyer to participate.

V. MAGISTRATE JUDGES

A. Allocation of Responsibilities to Magistrate Judges. Consistent with the EDNY’s Division of Business Rule 2(b)(2), the assigned Magistrate Judge is “empowered to act with respect to all non-dispositive, pretrial matters.” As such, any request for action (including rescheduling of a deadline or conference set by the Magistrate Judge) on a non-dispositive matter should be addressed to the assigned Magistrate Judge, not Judge Bulsara. The following matters will be handled by the assigned Magistrate Judge:

1. Rule 16 initial conferences, discovery scheduling and management;

2. Extensions of time to serve, answer, or file amended pleadings;
3. Deposition disputes;
4. Confidentiality and protective orders;
5. Discovery motions, including motions to quash, enforce, or so-order Rule 45 subpoenas, except for subpoenas directing attendance of a witness at trial;
6. Motions related to the appearance of counsel, including for *pro hac vice* admissions, to substitute, to withdraw, or to disqualify counsel, except when such motions are made following the filing of the joint pretrial order;
7. Referrals of cases to the EDNY mediation or arbitration programs;
8. Settlement conferences;
9. Motions for conditional certification under the Fair Labor Standards Act;
10. Any motion to seal related to items (1) to (9); and
11. Any motion to stay, enforce, adjourn, or compel or request related to items (1) to (10).

Motions for default judgment, to amend pleadings, or for attorney's fees will be handled by, and should be directed, to Judge Bulsara.

B. Consent to Magistrate Judge Jurisdiction. The Court *strongly* encourages parties to consent to Magistrate Judge jurisdiction over dispositive motions, for trial, settlement approval, or for all purposes.

C. Objections to or Appeal of Decisions, Orders, or Reports and Recommendations Issued by Magistrate Judges. Any appeal or objection to any action by a Magistrate Judge may only be made via letter, not to exceed 1750 words. The non-objecting party may respond via letter, not to exceed 1750 words. Replies are not permitted. The Court will summarily reject any objection or appeal based on arguments or evidence not presented in the first instance to the Magistrate Judge. As such, any letter objection or appeal must cite to the underlying record to demonstrate that the argument or evidence was first presented to the Magistrate Judge. The timing for any objection or appeal is governed by Federal Rule of Civil Procedure 72, Local Civil Rule 72.1(b), and 28 U.S.C. § 636.

VI. MOTIONS

A. Letter Motions. Papers in support and in opposition to letter-motions are

limited to 1750 words, and 1050 words for reply briefs. Sur-replies are not permitted. All letter-briefs must be in 12-point font (including footnotes). The following motions must be made via letter-motion:

1. To adjourn a deadline or extend time;
2. To transfer venue;
3. For remand; and
4. For an award of attorney's fees.

B. Premotion Conferences. Premotion conferences are required for all motions brought pursuant to Rule 12, except for those motions which must be made via letter-motion. No other motion requires a premotion conference.

C. Briefing Schedule. For all motions, except for those requiring premotion conferences, motions *in limine*, *Daubert* motions, or letter-motions, the parties should file a joint proposed briefing schedule to be so-ordered by the Court. For motions requiring premotion conferences, the Court will set the briefing schedule at the conference; motions *in limine* and *Daubert* motions are governed by Sections IX.V.5 and VI.1. The deadline for a letter motion is governed by any applicable Rule of Civil Procedure, Local Civil Rule 6.1, and any deadline set by this Court or the assigned Magistrate Judge.

D. Bundling Rule. As a courtesy to the Court, no motion papers should be filed on the docket until the motion is fully briefed. The parties should serve its papers on the other parties in accordance with the briefing schedule, and file a letter confirmation on the docket memorializing the same. Once the motion is fully briefed, the moving party is responsible for filing the full set of motion papers via ECF and providing a courtesy copy of all papers required by Section III.F to the Court. For motions implicating Fed. R. App. P. 4(a)(4)(A) or similar time-limiting rules of the Federal Rules of Civil or Appellate Procedure, if any party concludes in good faith that delaying the filing of a motion will deprive the party of a substantive right, this bundling rule does not apply; a party may file the motion within the time required by the Federal Rules of Civil or Appellate Procedure, together with an explanation of the basis for the conclusion. This bundling rule does not apply to motions: (1) for default judgment pursuant to Rule 55; (2) post-trial and/or post-judgment motions under Rules 50(b) (for judgment as a matter of law), 52(b) (to amend or make additional findings), 59 (for a new trial), and 60 (for relief from a final judgment, order or proceeding); (3) attorney's fees pursuant to Rule 54(d)(2); (4) motions involving a pro se litigant; or (5) letter-motions.

E. Word Limits, Fonts, and Formatting. The Court encourages and appreciates brevity. Memoranda of law in support of and in opposition to motions,

except for letter-motions, are limited to 8750 words, and reply memoranda are limited to 3500 words. Case citations must contain pinpoint cites. All memoranda of law must use reasonable margins, double spacing, and a reasonable font of 12 point or larger, including for footnotes. Legal arguments must be set forth in a memorandum of law rather than in affidavits, affirmations, or declarations. Any papers not complying with these requirements will be rejected. Citations to the docket should be made at the end of the sentence with "Docket Entry ("DE") [docket number]." Thereafter, any further citations to THE docket may be made with a short-cite at the end of the sentence with "DE [docket number]." Memoranda of 3500 words or more must contain a table of contents and a table of authorities, neither of which shall count against the page limit.

F. Oral Argument. The Court does not typically hold oral argument. Parties may request oral argument by filing a letter requesting the same upon filing of a fully briefed motion, explaining the basis for the request.

G. Rule 12 Motions. The following rules apply to all motions under Federal Rule of Civil Procedure 12, except motions which must be made by proceeding via letter-motion:

1. A premotion conference is required. *See* Section VI.B. To arrange for such a conference, the moving party should file a letter not exceeding 1750 words setting forth the basis for the motion. No later than seven days following ECF service, the non-moving party may file a letter not exceeding 1750 words opposing the request and contesting the basis for the motion. Replies are not permitted.
2. Service of a letter requesting a premotion conference within the time requirements of Federal Rule of Civil Procedure 12 will constitute timely service of a motion made pursuant to this Rule.
3. When a motion to dismiss is filed, the non-moving party must, within 10 days of receipt of the motion, notify the moving party (and the Court by filing a letter on ECF) whether it intends to file an amended pleading or intends to rely upon the pleading being attacked. Any amended pleading must comply with Local Civil Rule 15.1.
4. In appropriate cases, the Court may exercise its discretion to construe the premotion letter as the motion itself.
5. Absent a statutory provision providing otherwise (e.g., the PSLRA), discovery is not stayed automatically upon filing of a motion to dismiss or request for premotion conference for such a motion. A party is obligated to seek a discovery stay from the assigned Magistrate Judge if it wishes to suspend discovery during the pendency of any motion.

H. Summary Judgment Motions.

1. **Deadlines.** Unless ordered otherwise by either Judge Bulsara or the assigned Magistrate Judge, the deadline to submit a proposed summary judgment briefing schedule is 30 days following the close of all discovery. Failure to abide by this deadline will result in waiver of the right to make a summary judgment motion. *See* Fed. R. Civ. P. 56(b).
2. **Early Summary Judgment Motions.** The Court strongly discourages summary judgment motions made prior to the close of all discovery, though the Court will consider such motions in exceptional circumstances. For such early summary judgment motions, contemporaneous with the filing of the proposed briefing schedule, the moving party must file a letter no longer than 700 words directed to why early dispositive motion practice should be permitted. Any party may file a response no longer than 700 words in opposition no later than seven days after the first filing.
3. **Cross Motions For Summary Judgment.** In the case of cross-motions for summary judgment, a consolidated briefing scheme applies. Plaintiff shall serve a motion for summary judgment and supporting papers including a memorandum of law no longer than 8750 words on the deadline ordered by the Court. Defendant will then serve a motion for summary judgment and a memorandum of law of no more than 17,500 words supporting their motion and opposing Plaintiff's motion. Plaintiff will then serve a memorandum of law of no more than 12,250 words opposing Defendant's motion and replying to Defendant's opposition to Plaintiff's motion. Defendant shall then serve a reply to Plaintiff's opposition of no more than 3500 words. The papers will then be filed on ECF pursuant to the bundling rule, *see* Section VI.D, and courtesy copies provided as set forth in Section III.F.
4. **Non-Jury cases.** In any non-jury case, the Court will ordinarily not permit summary judgment practice. In such a case, on the date for the submission of a briefing schedule, the parties may submit a joint letter no longer than 700 words, explaining why such practice should be permitted.
5. **Local Rule 56.1 Statements.** Parties must prepare and submit Rule 56.1 statements consistent with the Local Rules.
6. **Exhibits.** Exhibits to summary judgment motions should be limited to those documents or portions of testimony necessary to the disposition of motions. For example, the parties should not file on ECF entire deposition transcripts or all exhibits used at a deposition. Unnecessary filings will be stricken.

I. Motions to Amend.

1. **Compliance with Local Rule 15.1.** Motions to amend must comply with Local Civil Rule 15.1, which requires the motion to include a clean copy of the proposed amended pleading, as well as a version indicating all differences from the original pleading through typographic methods such as redlining.
2. **Futility Arguments.** Parties intending to oppose a motion to amend based entirely on futility grounds are strongly advised to consider alternatively bringing those arguments in a motion to dismiss. While “it is well established that leave to amend a complaint need not be granted when amendment would be futile,” *Ellis v. Chao*, 336 F.3d 114, 127 (2d Cir. 2003), “[i]n the interests of judicial economy and in the absence of undue prejudice, the Court may decline to engage in a detailed futility analysis where the Court finds that these arguments are better suited for consideration in the context of a motion to dismiss.” *Env’t Sols. Assocs. Grp., LLC v. Conopoco, Inc.*, No. 20-CV-10699, 2021 WL 2075586, at *2 (S.D.N.Y. May 24, 2021) (citation omitted). Parties opposing amendment should strongly consider consenting to the amended complaint, *see* Fed. R. Civ. P. 15(a)(2), and raising any futility arguments in the context of a Rule 12 motion. *See, e.g., GGC Int’l Ltd. v. Ver*, No. 24-CV-153, 2025 WL 81319, at *2–*3 (S.D.N.Y. Jan. 13, 2025) (granting defendant’s motion to amend his answer and counterclaims and denying plaintiff’s motion to dismiss without prejudice after establishing that doing so would not prejudice plaintiff); *Pitman v. Immunovant, Inc.*, No. 21-CV-918, 2023 WL 1995018, at *6–*7 (E.D.N.Y. Feb. 14, 2023) (granting plaintiff leave to amend and denying defendants’ motions to dismiss after finding that “the better use of the parties’ and the Court’s resources is to have Plaintiff file a third amended complaint drafted with consideration to Defendants’ motions to dismiss”).

J. Motions to Exclude Experts. Motions to exclude testimony of experts, pursuant to Rules 702-705 of the Federal Rules of Evidence and *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993) must be made by the deadline for briefing summary judgment motions and should not be treated as motions *in limine*. In the proposed briefing schedule for summary judgment motions, the parties may ask the Court to suspend briefing on motions related to experts, if good cause exists for such an adjournment until dispositive motions are resolved.

K. Motions In Limine. See Section IX.C.1.

L. Bankruptcy Appeals. Parties must comply with the briefing schedule and the format and length specifications set forth in Federal Rules of Bankruptcy Procedure 8014-8018, unless otherwise ordered by the Court.

M. Orders to Show Cause and Return Date. Parties should not proceed via

orders to show cause or set their own return dates for motions.

VII. TEMPORARY RESTRAINING ORDERS

A. Notification to Adverse Party. The party seeking a temporary restraining order must file, with its motion papers, a letter indicating (a) whether and how it has notified its adversary about the motion; or (b) why the requirements of Federal Rule of Civil Procedure 65(b)(1) are satisfied, and notice to the adverse party is not required. Where the motion is made on notice to the adverse party, the moving party must serve the documents (as required by Fed. R. Civ. P. 4 or 5, as applicable) on all defendants against whom relief is sought.

B. Email to Chambers. The moving party must upon filing of the TRO papers send an email to Chambers indicating the timeframe requested for Court action. The email should also provide counsel and witness availability for a preliminary injunction hearing.

VIII. CASES INVOLVING PRO SE LITIGANTS

A. ECF. Pro se litigants are exempt from electronic filing. Pro se litigants may receive ECF notifications of case activity by contacting the Clerk's Office at either 718-613-2665 or 631-712-6060, and providing their email address. In lieu of bringing paper copies of documents to the Courthouse for filing, pro se litigants may file documents on ECF by submitting them to the Clerk's Office at <https://edny.app.box.com/f/0f6348c6cb5242409fe345811278b2ca>.

B. Motion Papers. Counsel for parties in cases must mail hard-copies of all motion papers and filings to any pro se litigant, and file proof of service on ECF, regardless of whether the pro se party has opted to receive ECF notifications. Counsel are reminded of their obligations under Local Civil Rules 7.2, 12.1 and 56.2. Any motion implicating these Local Rules must be accompanied with a certification of compliance with these requirements.

IX. TRIAL PROCEDURES

A. Notice of Trial Date; Schedule of Trial Dates. Following submission of the joint pretrial order, the Court may schedule the trial to commence with only two weeks notice, and absent extraordinary circumstances, adjournments will not be granted. The Court will typically begin trials on a Monday, and sit for four days per week.

B. Joint Pretrial Orders. No later than 30 days after the date for the completion of all discovery, or, in the event that a dispositive motion is filed, no later than 30 days after the Court's ruling on such a motion, the parties must file on ECF, a proposed joint pretrial order that includes the following information:

1. A current caption of the case (omitting entities or persons dismissed or substituted);
2. The names, law firms, addresses, telephone numbers, and email addresses of trial counsel;
3. A brief statement by plaintiff (or by defendant in a removed case) 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;
4. A brief summary by each party of the claims and defenses it has asserted and which remain to be tried, without recital of evidentiary matter, but including citations to all statutes on which the party is relying;
5. 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;
6. A joint statement summarizing the nature of the case, to be read to potential jurors during jury selection;
7. A list of people, places and institutions (in alphabetical order) that are likely to be mentioned during the course of the trial, to be read to potential jurors during jury selection;
8. Any stipulations or statement of facts that have been agreed to by all parties. In a jury case, the parties should memorialize any such statements in a standalone document that can be marked and admitted at trial;
9. A list of all trial witnesses (in alphabetical order), indicating whether such witnesses will testify in person (or by deposition), whether such witnesses will require an interpreter (and, if so, which party will pay the costs for the interpreter), and a brief summary of the substance of each witness's testimony. Absent leave, a witness listed by both sides shall testify only once, and the parties should confer on scheduling for such witnesses;
10. 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. The parties need not include deposition testimony marked solely for impeachment purposes;
11. A list by each party of exhibits to be offered in evidence, with a single asterisk indicating exhibits to which no party objects on any ground. The list must

include any exhibits that will be offered only on rebuttal, but does not need to include exhibits to be used solely for impeachment purposes. If a party objects to an exhibit, the objection should be noted by citing the Federal Rule of Evidence that is the basis for the objection. If any party believes that the Court should rule on such an objection in advance of trial, that party should include a notation to that effect (e.g., “Advance Ruling Requested.”);

12. A statement of the damages claimed and any other relief sought, including the manner and method used to calculate any claimed damages and a breakdown of such claimed damages; and
13. A statement of whether the parties consent to less than a unanimous verdict.
14. A list of agreed upon dates for commencement of trial in the six months following submission of the joint pretrial order.

C. Required Pretrial Filings. Each party must file on ECF within 30 days after the filing of the joint pretrial order, the following:

1. **Motions *in Limine*.** Each party must file a single memorandum of law, addressing all motions *in limine* filed by that party, and absent leave of Court, subject to the page and format limitations in Section VI.E above. Oppositions to the motions *in limine* are due no later than 14 days following the filing of the opening brief, with reply papers to follow no later than 7 days thereafter. No such motion will be considered unless the moving party’s memorandum includes a certification that, prior to filing the motion, the parties conferred, in person or via video, in a good faith effort to resolve the issue(s) asserted in the motion without the intervention of the Court and were unable to reach an agreement.
2. **Requests to Charge; Voir Dire; Verdict Forms; Proposed Findings.** In all jury cases, *joint* requests to charge, *joint* proposed verdict forms, and *joint* voir dire questions, and in all non-jury cases, proposed findings of fact and conclusions of law are required. In all jury trials, requests to charge, proposed verdict forms, and voir dire questions shall be filed as *joint* submissions, with any differing proposals displayed in track change format and supported by authority or other justification. Absent good reason, the parties should not include proposed language for standard instructions (about, for example, the role of the Court and the jury, the standard of proof, etc.), as the Court is likely to use its own standard instructions; instead, the parties should include a list of standard instructions that they believe are appropriate and focus their attention on case-specific requests to charge. For any request to charge, voir dire question, or verdict entry on which the parties cannot agree, each party should clearly set forth its proposed charge or question, and briefly state why

the Court should use its proposed charge or question, with citations to supporting authority. These documents should also be emailed to chambers contemporaneously.

3. **Exhibit and Witness Lists** (consistent with the previously filed joint pretrial order).
4. **Pretrial Memorandum of Law.** If a party believes that pretrial memorandum of law would be useful to the Court, it shall file such memorandum of law on ECF. Rebuttal or reply memoranda are not permitted, and any memorandum must comply with Section VI.
5. **Deposition Materials.** In any non-jury case, each party should submit via email (but not file on ECF) all deposition excerpts which will be offered as substantive evidence, as well as a one-page synopsis of those excerpts for each deposition. Each synopsis must include page citations to the pertinent pages of the deposition transcripts.

D. Electronic Copies of Exhibits. The parties must also submit with the joint pretrial order (but not file on ECF): an electronic copy of each exhibit sought to be admitted (with each filename corresponding to the relevant exhibit number — e.g., “PX-1,” “DX-1,” etc.). The electronic copies should be submitted pursuant to the protocol in Section II.D. If submission of electronic copies would be an undue burden on a party, the party may seek leave of the Court (by letter-motion filed on ECF) to submit prospective documentary exhibits in hard copy. Each hard copy must be pre-marked (with an exhibit sticker) and assembled sequentially in a loose-leaf binder (not to exceed 2 1/2 inches in thickness) or in separate manila folders labeled with the exhibit numbers and placed in redweld folders labeled with the case name and docket number.

E. Witnesses. No later than the end of each trial day, counsel must notify each other and the Court of witnesses to be called the next trial day.

F. Technology Needs. If a party wishes to use audio-visual equipment at a hearing or trial, it is that party’s responsibility to ensure that any required approvals are obtained and that the necessary equipment is set up and working properly in advance of trial. The party should contact Judge Bulsara’s Courtroom Deputy sufficiently in advance of trial to make the necessary arrangements for a technology walkthrough and to test the equipment.

G. Time Limits. In most civil cases, the Court will impose time limits on both sides at the final prehearing or pretrial conference. The parties’ opening statements (in civil jury trials) and examinations of witnesses will count against their time. The time limits do not apply to jury selection or to summations; the Court may impose separate time limits for summations. The parties should be prepared to address the issue of time limits at the final prehearing or pretrial conference.

CRIMINAL CASE PRACTICES AT A GLANCE

	Issue	Requirement	Individual Practices	Page
Communications with Chambers	Written Communications	Must occur via letter filed on ECF.	II.A	1
	Faxes	Not permitted.	II.A	1
	Telephone Calls	Call only if parties cannot appear due to emergency and on the day of the conference. Telephone calls to chambers otherwise prohibited .	II.B	1
	Email	<i>Ex parte</i> communication prohibited. Certain documents must be emailed to Chambers.	II.C	1
	Submission of Large Electronic Files	Contact Chambers via email for FTP link.	II.D	1
Case Related Filings	ECF	Required for all cases.	III.A	2
	Notices of Appearance	Required in every case consistent with Local Criminal Rule 1.2.	III.B	2
	Text Searchable Submissions	Preferred for ECF filings.	III.C	2
	Microsoft Word Documents	Voir dire; jury instructions; verdict forms should also be emailed to Chambers.	III.D	2
	Courtesy Copies	Required for all memoranda of law longer than 10 pages/3500 words; sentencing submissions; and 3500 material. Otherwise not required.	III.E	2
	Sealed or Redacted Filings	Must follow procedures set forth and satisfy <i>Lugosch</i> test.	III.F	2-3
	Unpublished Cases	Copies not required.	III.G	3
Case Scheduling	Initial Appearance and Arraignment	Handled by duty Magistrate Judge.	IV.A	3
	Initial Status Conference	Counsel should email for scheduling.	IV.B	3
	Trial Date	Set at second status conference.	IV.C	3
	Request for Adjournment	Must be made 72 hours in advance, including for sentencing or pleas, and in writing via letter-motion.	IV.D	3-4

	Issue	Requirement	Individual Practices	Page
Guilty Pleas	Documents Emailed to Court (in advance)	Plea agreement; information; waiver of indictment; and elements sheet.	V.A	4
	Factual Allocution	Pre-plea preparation strongly encouraged.	V.B	4
	Documents Emailed to Court (following plea)	Executed plea agreement for filing under seal (no docket entry).	V.C	4
Letters, Motions, and Memoranda	Page Limits and Formatting	No page limits except for <i>in limine</i> motions. Letters longer than 2 pages/700 words must be double spaced. 12 point font (including footnotes) required for all submissions.	VI.A	4-5
	Discovery Motions	Must comply with meet-and-confer requirement of Local Criminal Rule 16.1	VI.B	5
	Motions <i>in Limine</i>	Due no later than 45 days prior to trial; must be consolidated briefs; limited to 8750 words for opening and response briefs and 3500 words for reply; replies strongly discouraged.	VI.C	5
Trial Procedures	Requests to Charge; Voir Dire; Verdict Forms	Due 14 days prior to trial; also must be emailed to Chambers in MS Word format.	VII.A.1	5
	Exhibit Lists	Due 7 days prior to trial.	VII.A.2	5
	Exhibits	Electronic form due to Chambers 2 days prior to trial.	VII.A.3	5
	3500 Material	Must be in hard copy.	VII.A.4	6
	Witnesses	Must be disclosed by end of each trial day.	VII.B	6
	Technology	Parties should consult courtroom deputy in advance of trial date.	VII.C	6
Sentencing	Timing	21 days prior to sentencing for Defendant; 14 days prior to sentencing for Government.	VIII.A	6
	Letters	Should be consolidated submission on ECF.	VIII.B	6

INDIVIDUAL PRACTICES IN CRIMINAL CASES

I. SCOPE AND APPLICATION

These Individual Practices and Rules apply to all criminal cases before Judge Bulsara. A party may seek leave, by filing a letter-motion, for a different rule or procedure to apply to a particular case.

In computing time and deadlines set forth in these Individual Practices, parties should consult Federal Rule of Criminal Procedure 45.

II. COMMUNICATION WITH CHAMBERS

A. Written Communications. Except as otherwise provided below, any communication with the Court must occur via letter filed on ECF. Except for courtesy copies, the Court does not accept hand delivery of any materials, which must be provided to the Court Security Officers at the Central Islip Courthouse lobby. And the Court does not accept faxes. A party making an application for relief via letter (such as a request for an adjournment), should file the letter as a letter-motion on ECF.

B. Telephone Calls and Case Related Inquiries. Telephone calls to chambers are prohibited, except for emergency circumstances on the date of a conference. Chambers should only be contacted if on the day of the conference, the parties cannot appear due to an emergency and counsel wish to inform the Court that an electronic application is forthcoming, in which case counsel may contact Judge Bulsara's deputy, Eddie Manson. Adjournment requests may *not* be made telephonically.

C. Emails to Chambers. The Court's email address is bulsara_chambers@nyed.uscourts.gov. Any request for an adjournment, even an emergency request, should only be made by letter, not email or telephone. The Court does not respond to email requests or inquiries, or accept documents via email, except for those matters detailed in these rules. *Ex parte* emails to Chambers are not permitted, and absent good cause, all emails must cc: opposing counsel.

D. Submission of Large Electronic Files. The Court has a file transfer protocol for the safe electronic transmission of electronic files. If a party needs to submit large files to the Court, or exhibits for trial, the party should email Chambers indicating that they intend to submit large electronic file(s). The email should include the name and docket number of the case and the nature of the materials to be submitted electronically. The party should then follow the protocol set forth here: <https://evidence.nyed.uscourts.gov> for submission.

III. CASE RELATED FILINGS

A. Requirement for ECF Use. Counsel in all cases are required to register for Electronic Case Filing ("ECF"). ECF procedures are available on the Eastern District of New York website. Chambers staff are unable to assist with filing via ECF. For assistance, please call the ECF helpline at (718) 613-2610. Because all orders issued by the Court will be transmitted electronically, attorneys are responsible for keeping their ECF registration current with the Clerk's Office.

B. Notices of Appearance. Counsel are reminded of their obligations under Local Criminal Rule 1.2 to file a notice of appearance in criminal cases.

C. Text searchable submissions. If feasible, each submission on ECF should be in a text-searchable format created by converting the document electronically to PDF by computer (that is, *not* by scanning a printed document).

D. Microsoft Word Documents. In addition to filing the document on ECF, a party should provide Microsoft Word versions of proposed (a) voir dire; (b) jury instructions; and (c) verdict forms to the Court's email address.

E. Courtesy Copies. The parties must supply the Court with courtesy copies of any memoranda longer than 3500 words (10 pages), sentencing submissions, and 3500 material, all of which may be mailed to Chambers (express, overnight or hand deliver are not required). Courtesy copies of any other material are not required.

F. Sealed or Redacted Filings. There are limited categories of information that may be redacted from public ECF filings without prior permission from the Court: those items listed in Federal Rule of Civil Procedure 5.2. All other redactions or filing seal of Court materials require Court approval. In evaluating motions to seal, the Court applies the Second Circuit's test set forth in *Lugosch v. Pyramid Co.*, 435 F.3d 110 (2d Cir. 2006). Motions for redaction or sealing should comply with the following procedure:

1. A party seeking to file a redacted or sealed document should file a single motion to seal that addresses every document (as separate exhibits) for which sealing or redaction is sought.
2. A public version of the motion should attach the exhibits containing limited redactions or an indication that the entire document is sealed, as appropriate. A private version of the motion should be filed under seal with these same documents unredacted in their entirety.
3. The motion to seal should be accompanied by a memorandum of law that explains why any material that is redacted or entirely shielded from public

view satisfies *Lugosch*. If the memorandum of law requires redaction, both redacted and unredacted versions of the memorandum, the latter under seal, should be filed.

4. Any opposition to a motion to seal must be filed within three days of the filing of the motion to seal and follow the procedures in steps (2) through (3) above.

Broad treatment of all documents and sweeping justifications for sealing are inconsistent with the requirement of narrow tailoring and are unlikely to have merit. See *Brown v. Maxwell*, 929 F.3d 41, 48 (2d Cir. 2019) (“[I]n contravention of our precedent, the District Court failed to review the documents individually and produce specific, on-the-record findings that sealing is necessary to preserve higher values. Instead, the District Court made generalized statements about the record as a whole. This too was legal error.” (quotations and footnotes omitted)); e.g., *Gannett Media Corp. v. United States*, No. 22-CV-2160, 2022 WL 17818626, at *3 (2d Cir. Dec. 20, 2022) (“[B]road findings, however, are insufficient to justify the redactions in the Sealed Submissions.”).

G. Unpublished Cases. If a party cites to a case not available in an official reporter, but otherwise available on Westlaw, it need not file the authority on ECF or provide a copy to Chambers.

IV. CASE SCHEDULING

A. Initial Appearances and Arraignments. A defendant’s initial appearance and any arraignment on an indictment (or superseding indictment) will take place before the Magistrate Judge on duty.

B. Status Conferences. Following the assignment of a criminal case to Judge Bulsara, the parties are directed to email chambers, cc’ing all counsel, requesting an initial status conference.

C. Trial Dates. At the *second* status conference, the Court will generally set a firm trial date. The parties should meet and confer to discuss potential trial dates. Once a trial date has been set, it will only be adjourned in exceptional circumstances.

D. Requests for Adjournments or Extensions of Time. Requests for adjournments and for extensions of time – including for sentencing – must be filed electronically as letter-motions. All requests for adjournments of a court conference, sentencing or plea hearing must be made in writing, and absent an emergency, at least 72 hours prior to the scheduled appearance. All requests for adjournments or extensions of time must state: (1) the original date and proposed new date; (2) the

reasons for the adjournment or extension; (3) whether the application is on consent; and (4) proposed dates for the revised deadline or conference.

V. PROCEDURES FOR GUILTY PLEAS

A. Documents in Advance of Change of Plea Hearing. The parties must provide the Court with an electronic copy of the following documents at least three calendar days prior to a change-of-plea hearing, and do so via email to chambers:

1. Plea or cooperation agreement or *Pimentel* letter;
2. Information, if the defendant intends to plead guilty to a new charging instrument;
3. An executed waiver of indictment form, if the defendant intends to plead guilty to either an information or complaint; and
4. An elements sheet, that sets forth the elements of the offense to which the defendant intends to plead guilty.

B. Preparation for Allocution. Defense counsel are expected to have discussed the elements of the offense with their client and discuss the need to have an narrative allocution that incorporates those elements. In the interest of clarity and efficiency, counsel is encouraged to assist the defendant in writing an allocution that can be read in open court during the plea proceeding.

C. Documents Following Plea Hearing. Counsel for the Government must email Chambers with an executed copy of the plea agreement following conclusion of the hearing and provide the document in PDF form.

VI. LETTERS, MOTIONS AND MEMORANDA

A. Page and Word Limits, Fonts, and Formatting. The Court encourages and appreciates brevity. For criminal matters, except for motions *in limine*, as set forth in in Section VI.C, the Court does not impose page or word count limits. Any letter, motion, or submission of any kind, except for letters shorter than 700 words (2 pages) must use reasonable margins, double spacing, and a reasonable font of 12 point or larger, including for footnotes. Case citations must contain pinpoint cites. Legal arguments must be set forth in a memorandum of law rather than in affidavits, affirmations, or declarations. Any papers not complying with these requirements will be rejected. Citations to the docket should be made at the end of the sentence with "Docket Entry ("DE") [docket number]." Thereafter, any further citations to the docket may be made with a short-cite at the end of the sentence with "DE [docket number]." Memoranda of ten pages or more (3500 words) must contain a table of contents and a

table of authorities, neither of which shall count against any page limit.

B. Discovery Motions. All discovery motions must comply with Local Criminal Rule 16.1 and contain a certification of the same in the motion papers. Discovery motions should be filed as “letter-motions.”

C. Motions in Limine. Any motions *in limine*, including those directed at evidentiary issues, must be filed no later than 45 days prior to the date of trial, with any opposition due 14 days later, and any reply 7 days thereafter. Each party must file a *single* consolidated memorandum of law in support of all motions *in limine* filed by that party. Memoranda of law in support of and in opposition to motions, except for letter-motions, are limited to 8750 words, and reply memoranda are limited to 3500 words. The Court does not prohibit but strongly discourages reply memoranda.

VII. TRIAL PROCEDURES

A. Required Pretrial Filings.

- 1. Requests to Charge; Voir Dire; Proposed Verdict Form.** Any proposed requests to charge, verdict forms, and voir dire questions must be filed on ECF no later than 14 days prior to trial. Absent good reason, the parties should not include proposed language for standard instructions (about, for example, the role of the Court and the jury, the standard of proof, etc.), as the Court is likely to use its own standard instructions; instead, the parties should include a list of standard instructions that they believe are appropriate and focus their attention on case-specific requests to charge. For any request to charge each party should include citations to supporting authority. These documents should also be emailed to Chambers.
- 2. Exhibit Lists.** Any exhibit lists must be filed on ECF no later than 7 days prior to trial, and emailed to chambers.
- 3. Electronic Copies of Exhibits.** The parties must submit to the Court no later than 2 days prior to trial (but not file on ECF): an electronic copy of each exhibit sought to be admitted (with each filename corresponding to the relevant exhibit number — e.g., “GX-1,” “DX-1,” etc.). If submission of electronic copies would be an undue burden on a party, the party may seek leave of Court (by letter-motion filed on ECF) to submit prospective documentary exhibits in hard copy. Each hard copy shall be pre-marked (that is, with an exhibit sticker) and assembled sequentially in a loose-leaf binder (not to exceed 2 1/2 inches in thickness) or in separate manila folders labeled with the exhibit numbers and placed in redweld folders labeled with the case name and docket number.

4. **Section 3500 Material.** All 3500 Material must be provided to the Court no later than 2 days prior to trial in hard copy, either assembled sequentially in a binder, or in separately labelled manila folders and placed in redweld folders.

B. Witnesses. No later than the end of each trial day, counsel must notify each other and the Court of witnesses to be called the next trial day.

C. Technology Needs. If a party wishes to use audio-visual equipment at a hearing or trial, it is that party's responsibility to ensure that any required approvals are obtained and that the necessary equipment is set up and working properly in advance of trial. A list of the technology already set-up in Courtroom 930 can be found in Attachment B. The party should contact Judge Bulsara's Courtroom Deputy sufficiently in advance of trial to make the necessary arrangements for a technology walkthrough and to test the equipment.

VIII. SENTENCING

A. Timing of Submissions. A defendant's sentencing memorandum is due 21 days prior to the date of sentencing. The Government's sentencing memorandum is due 14 days prior to the date of sentencing.

B. Sentencing Letters. Letters should be grouped and filed together as attachments or exhibits to a sentencing memorandum. A defendant is responsible for filing all letters submitted, including those from friends and relatives.