

## Procedures for Compensatory Damages Hearings

1. All proceedings will be recorded by a court reporter.
2. The Claimant will present his/her claim first. Each Claimant will be afforded a reasonable amount of time, as determined in the discretion of the presiding Special Master, to present arguments and evidence in support of his/her claim. Evidence may include documents and/or witness testimony. The City will be permitted to cross-examine any witnesses called by the Claimant.
3. The City will then be afforded a reasonable amount of time, as determined in the discretion of the presiding Special Master, to present arguments and evidence in response and/or opposition to the Claimant's claim. The Claimant will be permitted to cross-examine any witness called by the City.
4. The Claimant will then be afforded an opportunity to present a response to the arguments and evidence presented by the City. If the Claimant chooses to respond to the arguments and evidence presented by the City, the City may not present a further response unless good cause is shown. The Special Master presiding over the hearing will determine if the City will be permitted to make a further response.
5. Written submissions are not required, but may be offered at either the Claimant's or the City's discretion. If the Claimant or the City chooses to make a written submission, the submission should be limited to 10 double-spaced pages in twelve point font, excluding any attached exhibits.
6. All written submissions the Claimant or the City desires the Special Masters to review and any documentary evidence the Claimant or the City intends to use at the hearing must be provided to the presiding Special Master and opposing party in advance of the hearing as follows:
  - a. Claimants not represented by counsel should provide any written submissions and/or documentary evidence to the presiding Special Master and the City either by (1) uploading the materials to their portal at [www.fdnylitigation.com](http://www.fdnylitigation.com) using the document type "Claimant Hearing Submission" five business days before the scheduled hearing, (2) emailing the materials to GCG at [questions@fdnylitigation.com](mailto:questions@fdnylitigation.com) seven business days before the scheduled hearing, or (3) mailing the materials to GCG ten business days before the scheduled hearing using the following address:

United States v. City of New York  
FDNY Discrimination Case  
Claims Administrator  
c/o GCG  
PO Box 9000 #6541  
Merrick, NY 11566-9000

- b. Claimants represented by counsel should provide any written submissions and/or documentary evidence to the presiding Special Master and the City by having their counsel email the materials directly to the designated representative of the presiding Special Master, the City, and GCG five business days before the scheduled hearing.
- c. The City should provide its written submissions and/or documentary evidence to the presiding Special Master and Claimants not represented by counsel by emailing the materials directly to the designated representative of the presiding Special Master five business days before the scheduled hearing and providing the materials to GCG ten business days before the scheduled hearing for distribution to the Claimant via his/her web portal and either email or first class mail.
- d. The City should provide its written submissions and/or documentary evidence to the presiding Special Master and Claimants represented by counsel by emailing the materials directly to the designated representative of the presiding Special Master, the Claimant's counsel, and GCG five business days before the scheduled hearing.

Written submissions and documentary evidence not provided in accordance with the above-described timeframes may be considered in the sole discretion of the presiding Special Master.

- 7. The presiding Special Master shall determine what, if any, weight to give the evidence presented.
- 8. Witnesses must be over the age of eighteen and shall be sworn before testifying.
- 9. The presiding Special Master shall make all procedural and evidentiary rulings as necessary either during the hearing or in the report and recommendation issued after the conclusion of the hearing. Procedural and evidentiary rulings need not be in writing, but must be made on the record. The presiding Special Master will refer to the Federal Rules of Evidence and the Federal Rules of Civil Procedure for guidance in making procedural and evidentiary rulings.
- 10. All determinations or findings on damages shall be in writing and in the form of a report and recommendation to the Court and shall identify the basis of the determination or finding. All reports and recommendations will be filed with the Court and distributed to counsel via the ECF system. The presiding Special Master will coordinate with GCG to ensure that each unrepresented Claimant receives his/her report and recommendation promptly after its issuance.