

SUBPOENAED RECORDS ROOM

100 Supreme Court Drive - Room 07

Phone Number - (516) 571-0055

RECORDS RETENTION/DESTRUCTION

Effective May 25, 2004, the following revised policies and procedures have been implemented regarding the retention/destruction of subpoenaed records.

Absent Court order, records should never be subpoenaed to the Court sooner than 45 days prior to trial. Upon disposition of a case, all subpoenaed records are to be returned to the subpoenaed records room for retention/destruction in accordance with these policies.

PLAINTIFF OR DEFENDANT'S VERDICTS -DISMISSED CASE -DISCONTINUED CASE

Records will be retained for thirty (30) days and then destroyed upon any verdict, non-CCP dismissal or discontinuance if not picked up by the party that issued the subpoena prior thereto. No subpoenaed records will be destroyed before (30) thirty days after the case has been disposed of by plaintiff or defendant's verdict, non-CCP dismissal or discontinuance unless otherwise ordered by Court.

ARBITRATION and MEDIATION

Records will be retained for one (1) year and then destroyed, if not picked up by the party that issued the subpoena prior thereto, unless the Court directs otherwise. On a case referred to arbitration conducted by an agency independent of the Court, counsel are advised to pick up the records to be hand delivered to the arbitrator(s) forthwith.

ADR (Alternative Dispute Resolution)

Records will be immediately turned over to the ADR Coordinator, unless the Court directs otherwise.

MOCA (Marked Off Calendar Active)

Records will be retained one (1) year from the date on which the case was marked off. If the case is not restored to the calendar within that one (1) year, the records will be destroyed if not picked up by the party that issued the subpoena prior thereto, unless the Court directs otherwise.

VNI (Vacate Note of Issue), Dismissal in CCP Part or Mistrial

Records will be retained and then destroyed one (1) year from the date on which the Note of Issue was vacated, the date the matter was dismissed by the Judge assigned to CCP or the date a mistrial was noted, unless the Court directs otherwise.

STAYED CASES

Records will be retained for one (1) year after a stay is issued and then destroyed, unless the Court directs otherwise. Counsel must furnish the Subpoenaed Records Room with a copy of the decision, order or petition (in the case of a voluntary bankruptcy) imposing the stay, as well as any dispositive order removing the stay.

APPEALED CASES

Counsel must provide the subpoenaed records room with proof that an appeal has been filed as well as a copy of any dispositive order resulting from the appeal. The records shall be held for two (2) years upon the filing of an appeal, unless counsel shall provide additional proof that the appeal is still pending, prior to the expiration of the two (2) years, and that the stay remains in effect.

**ANY PROVIDER'S REQUEST FOR THE RETURN OF SUBPOENAED ORIGINAL DOCUMENTS
WILL CONTINUE TO BE HONORED, PROVIDED A SELF-ADDRESSED STAMPED ENVELOPE
WAS ENCLOSED ALONG WITH THE SUBMISSION OF RECORDS**

SUBPOENAED DOCUMENTS

Due to limitations of space, effective immediately the records retention room will not accept subpoenaed documents unless they relate to matters on or expected to be added to the Day Calendars of Trial Assignment Parts I and II within 45 days of receipt or actually scheduled for trial or hearing before an individual IAS Justice within such time. All subpoenas shall include the case's calendar number and, if applicable, the date the matter is scheduled to appear on the TAP or IAS Justice's calendar. Documents received prior to such time will be returned to the subpoenaed parties at the expense of counsel who subpoenaed the records.

Effective immediately, all duces tecum subpoenas returnable in Nassau County must be accompanied by the following notice:

Important Notice to Subpoenaed Party

This form, together with a copy of the subpoena served, must be completed and accompany all subpoenaed records when delivered to court:

Return of Records Not Required

Return of Records Required

If a return is required, a stamped self-addressed envelope with sufficient postage must be provided with submission of these records, in default of which the records may be destroyed.

Permission slips to view records

1) Atty. or representative needs to fill out a permission slip completely and accurately.

2) A permission slip applies only to persons mentioned on the slip. If a different Atty. or their representatives are not mention on the slip. They have to obtain new authorization.

3) If they are requesting to view sealed records the permission slip must be clearly labeled (sealed records). If not, a new permission slip must be obtained.

4) If the records are sealed
the Judge hearing the case or the Judge sitting in the CCP part must view the records and give written authorization for Atty. inspection. These records are not to be photocopied.

5) For all other records the CCP clerk can give authorization for viewing.

6) All permission slips should be filed in alphabetical order when received. After the case is disposed, the permission slip can be discarded.

To whom it may concern:

From: Nassau County Supreme Court Record Room Clerk

Pursuant to administrative rules, we are not permitted to accept subpoenaed records from attorney's offices. The records must be sent directly to us from the provider. The only exception to this rule is if the attorney for the subpoenaed party sends us the subpoenaed records. If this is the case, please specify it in writing . Thank you.