

**SUPREME COURT - NASSAU COUNTY**

**IAS PART 9 – PART RULES & PROCEDURES**

Justice: **HON. ANGELA G. IANNACCI**  
Law Secretary: **DAVID WRIGHT, ESQ.**  
Secretary: **PATRICIA WRIGHT**  
Part Clerk: **RENEE KRONISH**

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**I ADJOURNMENTS**

**A. Motions and Status Conferences:**

1. All motions are on submission unless there is a TRO or stay that will expire on the return date. Motions may be adjourned on consent of all parties a maximum of two (2) times by faxing a letter to chambers indicating that the adjournment is on consent. Thereafter, a motion can only be adjourned with prior approval of the court. If a party is requesting an adjournment of a motion and one of the other parties objects, the requesting party must inform all parties at least 24 hours prior to the return date that he or she will be appearing in court to request an adjournment. Counsel are referred to Part 1200 of the Rules of the Court regarding Standards of Civility.

2. A stamped self-addressed envelope must be provided if you wish to receive a copy of the decision on your motion.

3. Adjournments of conferences may be granted if there is consent of all parties **and prior approval of the court**. If all parties do not consent to the adjournment, application shall be made in Court on the day of the conference.

4. Adjournments of **conferences** shall be sought through chambers. A date certain, consented to by all parties, must be requested at the time the adjournment is sought.

5. Letters confirming adjournments **shall** contain full names of both parties, index number, and shall specify that the conference is being adjourned upon **consent of all parties**.

6. Adjournments requested because of engagement of counsel must be accompanied by an Affirmation of Engagement in conformity with 22 NYCRR Part 125.

## B. Oral Argument

The Court will determine, after submission, whether oral argument is warranted. Upon such determination, counsel for all parties will be contacted and advised of the new adjourned date for purposes of oral argument.

## II COURT APPEARANCES

A. Preliminary conferences are held in the Preliminary Conference Part of this Court and status conferences are held in the courtroom. Please check in at 9:30 a.m.

B. Attorneys must check in with Court Officer or Court Clerk. If counsel must also appear before another Judge, they must advise the Part Clerk or Court Officer where they can be reached and note on the sign in sheet.

C. Cases will be conferenced in the order in which **all** attorneys are checked in.

## III COMMUNICATION WITH CHAMBERS

A. In all Communications with chambers by letter, the title of the action, full names of the parties and index number shall be set forth, with copies simultaneously delivered to all counsel. ***Ex parte* communications will be disregarded.**

B. Copies of correspondence between counsel **shall not** be sent to the Court. Such copies will be disregarded and not placed in the Court's file.

C. The Court will not accept telefax communications or submissions without prior permission.

## IV SANCTIONS

The Court will not consider a sanctions application unless the moving party first seeks withdrawal or discontinuation of the offending act or action or demands required or necessary action which is refused. Proof of such request must be made a part of the sanctions application.

## TRIAL PART RULES

1. **Motions in limine** - On the first appearance in a Part for trial, any party intending to make a motion *in limine* shall submit a brief written affirmation setting forth the nature of the application and any supporting statutory or case law. The party shall furnish the Court an original and two copies and provide counsel for all parties with a copy. There shall be a separate affirmation for each motion *in limine*.

2. **Pre-marking Exhibits** - On the first appearance in the Part for trial, each party shall furnish the Court and all other parties with a preliminary list of exhibits which it is his or her intent to offer in evidence. The exhibits shall be pre-marked for identification or, upon consent, into evidence. During opening statements any party may refer to any pre-marked exhibit which has been admitted into evidence on consent.

3. **Expert Witnesses** - On the first appearance in the Part for trial and if not otherwise pre-marked, each party shall, with respect to each expert witness that party intends to call, submit a list identifying with specificity any record, report, photograph, film, computer animation, x-ray, CT scan, MRI, EMG study or similar item or items to which an expert witness is expected to make reference as supporting in whole or in part the opinion he or she will offer.

Where the exhibit is a many paged document such as a hospital record, office record or voluminous (more than 10 pages) business record, counsel shall identify by way of tabs, post-its, page numbering or similar device the particular page or pages to which reference will be made.

4. **Requests to Charge** - On the first appearance in the Part for trial, each party shall supply the Court with preliminary requests to charge. Charges from the Pattern Jury Instructions may be identified by number without necessity of reproduction unless a modification of the standard charge is requested in which case the modification is to be highlighted. Each party shall supply an original and three (3) copies to the Court and furnish every other party with a copy. The preliminary requests may be supplemented, modified or edited as the trial progresses.

5. **Malpractice “Departures”** - In cases involving claims of professional negligence, on the next trial session after a party rests or such other time as the Court may direct, each party [plaintiff] shall furnish the Court and counsel for all parties with a list of the departures from the standards of good and accepted practice which that party asserts were testified to by its expert witness or witnesses. Where the testimony has been transcribed, page references will be required.

6. **Interpreters** - On the first appearance in the Part for trial, any party who intends to call a witness who will require the assistance of an interpreter shall notify the clerk in the Part and specify the language (including dialect, where appropriate).

7. **Equipment** - On the first appearance in the Part for trial, any party who intends to rely upon the Court to supply equipment for utilizing a video tape recording, an audio tape recording, demonstrative evidence, or the like, shall notify the clerk in the Part.

8. **Nassau County Police Officers** - On the first appearance in the Part for trial, any party who has issued a subpoena to secure the appearance of a Nassau County police officer shall notify the clerk in the Part so that the clerk may facilitate the officer's appearance through Police Liaison.

## V MISCELLANEOUS

A. **CONFERENCES/TRIAL** - If there are any outstanding motions (submitted or pending) at the time of the conference/trial the Law Secretary and/or Judge must be so informed of same that day; the submission date must be provided by counsel. Copies of such motions should be available to the Court at the time of such conference.

B. **ATTORNEYS OF RECORD** - Attorneys who have appeared in the matter are to make all appearances until they are relieved by the Court or a Consent to Change Attorneys has been filed with Part 23 contemplated, and with the Clerk of the Court.

C. **STAFF** - The Court functions through the aid and assistance of the courtroom and Chambers staff. They are expected to treat attorneys, litigants and others in a dignified and civil manner; as well they are to be treated in a civil and professional manner.

D. **SETTLEMENTS** - With respect to actions which have been settled or otherwise discontinued, counsel must comply with 22 NYCRR 202.28 or sanctions may be imposed. Counsel are reminded of their obligations under §202.28 of the Uniform Rules for Trial Courts to file a stipulation or statement of discontinuance with the part of court to which the matter has been assigned within 20 days of the discontinuance. If a discontinued action is on a trial calendar, a copy of the stipulation or statement shall also be filed with the clerk of the trial part.