

**SUPREME COURT - NASSAU COUNTY - IAS PART 23
PART RULES & PROCEDURES – March, 2016**

Justice: HON. LEONARD D. STEINMAN
Law Clerk: CHUMI R. DIAMOND, ESQ.

Chambers: (516) 493-3252
Courtroom: (516) 493-3255
Fax: (516) 493-3285

These rules are in addition to the Uniform Rules for the New York State Trial Courts.

I. REQUESTS FOR ADJOURNMENTS OR ENLARGEMENT OF TIME

- A. The court must approve all adjournment requests. All counsel must be notified of an adjournment request prior to the request being submitted to the court.
- B. Applications on consent are to be made using the attached Request for Adjournment Form. The Request for Adjournment Form is to be filled out completely. Upon receipt of the completed form a motion will be automatically adjourned for one week.
- C. Absent extraordinary circumstances, adjournment requests that are left on the chamber's answering machine will be disregarded.
- D. If all parties do not consent to the adjournment, a timely application shall be made by conference call, with all counsel **no later than 3:00 p.m.** on the day preceding the scheduled conference or the motion. No adjournment requests will be entertained without all counsel participating on the conference call. Upon approval of the adjournment, a letter must be immediately submitted by facsimile to chambers confirming same with a copy to all counsel appearing in the matter.
- E. Adjournments requested because of actual engagement of counsel must be accompanied by an Affirmation of Actual Engagement.
- F. A request to adjourn a matter for more than 30 days must contain a detailed explanation of the reason for the extended time period.
- G. Preliminary Conference adjournments are to be sent to the DCM part, not to chambers.

- H. All dates contained in the Preliminary Conference Order may not be adjourned or extended without the consent of the court unless consented to in writing by all parties. In all events, such adjournments or extensions may not exceed thirty days absent court approval. Subsequent discovery orders and so-ordered stipulations may not be adjourned without court consent.

II. MOTIONS

A. Pre-Motion Rules:

1. Except in an emergency situation or where an affirmation is present demonstrating that there will be significant prejudice to the moving party by giving prior notice, prior to making any motion concerning a discovery dispute the moving party is required to serve a written notice to the opposing party of the intention to make the motion. The written notice must indicate the relief that will be sought.
2. The non-moving party is required to respond in writing to the moving party, within 48 business hours of receipt of the written notice from the moving party.
3. Absent emergency, prior to making or filing any motions, brought by Notice of Motion or Order to Show Cause, counsel for the moving party must serve the Court with written notice, not to exceed two double spaced pages in length, of his/her intention to make the motion and the relief that will be sought. Counsel must submit to the Court, with its letter, proof of compliance with the above mentioned notification requirement, which will include copies of both counsel's letters. Other parties must respond within 48 business hours. The Court will determine whether a conference call will be held to discuss the issues involved and a possible resolution or to set a motion schedule.

B. Submission of the Motion: (Motions not consistent with these rules will be rejected):

1. Motions may be made returnable on any weekday. The parties should indicate whether oral argument is being requested. If the court determines that oral argument will be held (whether or not oral argument has been requested) the parties will be notified.

2. Appearances of counsel and parties are not required on motion return dates including those brought by Order to Show Cause unless the court directs that an appearance is needed.
3. All exhibits must be clearly tabbed. No exhibits shall be double sided. Motions that are not consistent with this rule may be rejected and returned to counsel.
4. Except for good cause shown, no affidavit or affirmation upon a motion or in response or reply shall exceed twenty (20) pages (double spaced) in length. Affidavits and/or affirmations in excess of the above limits may be returned to counsel.
5. No sur-reply will be accepted or considered by the court without leave of the court.
6. E-filed motions: A courtesy copy of all motions, opposition papers and reply papers submitted by e-file must be provided to the court, inclusive of all affidavits of service.
7. Submission of Orders and Judgments: Counsel should not mail or submit proposed orders or judgments directly to chambers. Such documents are to be submitted to the Judgment Clerk.

III. COURT APPEARANCES

- A. All counsel are expected to be prompt for their scheduled appearance.
- B. Where there are no outstanding disputes or issues between the parties, status and compliance conferences may be conducted via telephone conference to be initiated by the Plaintiff. If there are any disputes counsel will be expected to appear.
- C. At the time of the conference/trial, the law clerk and/or Judge must be informed of any outstanding pending or submitted motion(s). The submission date must be provided by counsel.
- D. Any counsel who appears for a conference must have knowledge of the matter and be familiar with outstanding issues to be addressed.

IV. COMMUNICATIONS WITH CHAMBERS

- A. All written communications with chambers must include the title of the action, full names of the parties, date the matter is next on the court's calendar, and index number. *Ex parte* written communications will be disregarded.
- B. Copies of correspondence between counsel should not be sent to the court. Copies of communications between counsel that are received by the court will be disregarded and will not be placed in the court's file.
- C. E-mail correspondence with chambers staff is not permitted unless it is in response to an e-mail from chambers.

V. TRIAL RULES: APPLICABLE TO ALL TRIALS AND HEARINGS

- A. Immediately upon the assignment of a trial to the court:
 - 1. Counsel is to arrange a conference call with the court;
 - 2. Fax a copy of any in limine application to the court;
 - 3. Exchange witness and exhibit lists if not previously done;
 - 4. Prepare and exchange proposed jury charges;
 - 5. Exchange deposition transcript designations, if any.
- B. If deposition transcripts are to be utilized, a complete copy of that deposition transcript should be made available to the court at trial. The parties must separately provide to the court those portions of the testimony to be offered into evidence on a party's case-in-chief.
- C. Parties are to have copies for their adversaries of all exhibits which are expected to be introduced into evidence.
- D. The plaintiff must have available for the court any and all of the following:
 - a) relevant orders issued by another court;
 - b) any order of this Court in the action;
 - c) any relevant "so-ordered" stipulation of this court, as well as any transcripts of stipulations read into the record in open court during the pendency of the action; and
 - d) any stipulation or agreement relating to material issues in this action.
- E. Objections should be stated without argument, except to simply state the ground(s) for the objection (*e.g.*, hearsay, relevance, etc.). If further argument is appropriate, it will be invited by the court.

LEONARD D. STEINMAN, J.S.C.
REQUEST FOR ADJOURNMENT ON CONSENT - Part 23

**PRIOR TO MAKING THIS REQUEST, YOU MUST OBTAIN THE CONSENT OF
YOUR ADVERSARY. ALL REQUESTED ADJOURNED DATES MUST BE
CONFIRMED WITH YOUR ADVERSARY.**

Case Name: _____ Index No.: _____

Date on Calendar: _____ Last court date: _____

Prior Adjournment Requested: YES/NO

Requested Adj. Dates (At Least 3): 1) _____ 2) _____ 3) _____
(The requested dates should be within the next 30 days - a request to adjourn a matter longer than 30 days must be accompanied by a detailed explanation)

Nature of Appearance: COMPLIANCE _____ CERTIFICATION _____ HEARING
_____ MOTION _____ OTHER _____ (describe)

Reason for Adjournment:

CONTACT INFORMATION

Party Making Request: PLAINTIFF / DEFENDANT

Attorney Contacting Court: _____

Phone: (____) _____ Fax: (____) _____

Adversary's Attorney: _____

Phone: (____) _____ Fax: (____) _____

I CERTIFY THAT THIS REQUEST IS ON CONSENT OF MY ADVERSARY:

SIGNATURE/DATE

ALL REQUESTS MUST BE RECEIVED VIA FAX AT (516) 493-3285