

RULES AND INSTRUCTIONS OF JUSTICE PETER FOX COHALAN
SUPREME COURT, PART XXIV, SUFFOLK COUNTY

2009

1. MOTIONS

All motions in cases assigned to Justice Peter Fox Cohalan in the Supreme Court, Suffolk County, will be scheduled for oral argument by the Court on a Wednesday motion date subsequent to the return date appearing in the notice of motion. Movant will be notified by postcard of the argument date and is required to notify all other parties of the date scheduled by letter with a copy to the Court. All Post Note Motions will be submitted as of the return date and all opposition papers must be submitted as of the return date of the motion unless written consent from all parties has been obtained prior to the return date.

All motions, (except Post Note motions), petitions and orders to show cause must be orally argued before the Court. Where a motion, petition or order to show cause is unopposed, counsel for the moving party shall present to the Court a proposed order or judgment for the relief prayed for therein.

All writs, motions, judgments, orders to show cause, etc., shall be filed with the Clerk's Office and not directly with the Justice. Self-addressed, stamped envelopes firmly stapled inside your blue backs, are to be submitted with all motions, orders to show cause, affirmations, etc. if you wish to be sent a copy of the decision.

If you are unable to appear on the scheduled date, an adjournment should be obtained. Requests for adjournments of motions should be made by contacting our Calendar Clerk, at (631)852-2355 no later than the day before the scheduled date of the motion. Requests for adjournments that are on consent will be granted. Where there is a problem obtaining consent, contact the Court at (631)852-2395 at least one day prior to the scheduled motion date.

2. CERTIFICATION CONFERENCES

No case may be noticed for trial until a Certification Order has been issued by the Court

Upon completion of all discovery and disclosure proceedings, counsel shall notify the Court, in writing, of the completion of same and shall request a date for a Certification Conference. Counsel shall be notified thereafter, in writing, of the Wednesday date for such conference.

Counsel and/or a pro se litigant must appear on the date for the Certification Conference. At such time, if all discovery

has been completed, plaintiff will receive an Order, certifying that the action is ready for trial and plaintiff may serve and file a Note of Issue and Statement of Readiness. Certifications by mail in certain instances may be granted.

3. PRELIMINARY CONFERENCES (8A)

Upon written request, all parties will be notified of the date and time to appear for a discovery conference. The Court's pre-trial discovery conferences are held on Wednesdays. At that time, an order will be issued stating dates and times concerning all discovery procedures.

Pursuant to new rules adopted by the Office of Court Administration, counsel may avoid the necessity of a personal appearance before the Court if counsel for all sides agree and thereafter obtain and complete a form now designated as a Stipulation of Discovery and "so ordered" by the Court. Absent the completion of that form, appearances are still required.

Requests for Preliminary Conferences can be made by calling our Calendar Clerk, Denise Podlewski at (631)852-2355. All parties must appear in Supreme Court, 1 Court Street, Riverhead, New York, Courtroom #6 at 9:30 am.

A preliminary conference will only take place upon written request.

4. INQUESTS

All inquests shall be scheduled for the dates Justice Cohalan is assigned to Special Term. Such dates for the year 2009 are: Jan. 8 & 30 Feb. 25, Mar. 17, Apr. 9, May 4, June 15, July 8, Aug. 4 & 21, Sept. 16, Oct. 15 Nov. 9, Dec. 1 & 16.

5. INFANT COMPROMISES

Infant compromise orders should be submitted to the Court through the Clerk's office. Counsel will then be notified of a date for the infant to come to Court. All Infant Compromises are conducted on a Tuesday session of the Court.

No infant compromise order will be signed unless accompanied by an appropriate medical report dated no more than 6 months prior to the date the order is submitted to the Court. The medical report should state that the infant has made a full recovery, or if there is to be a need for further medical treatment, a detailed statement as to the medical treatment that will be required.

6. SUBSTITUTION OF COUNSEL

The party requesting substitution of counsel must file a fully executed Consent to Change Attorneys and/or Substitution of

Attorney form. If the foregoing cannot be obtained, application for same must be made to the Court by order to show cause.

7. ORDERS

As previously noted all unopposed motions which have been calendared for a specific date for oral argument must, by the oral argument date, have an order submitted for signature by Justice Cohalan.

Please be aware that no order will be signed by Justice Peter Fox Cohalan unless his full name is correctly captioned on the order or stipulation.

On any preliminary conference orders, certification orders or stipulations requiring the signatures of an attorney, a firm stamp name is not sufficient. The Justice's rules require a signature of an individual attorney with his name neatly printed below the signature line.

8. INQUIRIES

All inquiries as to case management or calendar status should, in the first instance, be made to the Court's Calendar Clerk, Denise Podlewski at (631)852-2355 (fax 852-3869). The only inquiries to be made directly to Chambers or the Part should be those involving the exercise of judicial discretion.