

Richmond County Supreme Court - DCM Part 4 Rules

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MOTIONS

Motions are returnable every other Friday. The first call of the calendar is at 9:30 a.m., followed by the second call. Anyone failing to answer the second call of the calendar will have their motion marked off, if they are the movant, or a default will be entered against you, if you are the opponent.

At the call of the calendar, please respond by answering ready or application, as the case may be, and the name of the firm that you represent.

Adjournment of motions are granted only with the *court's permission*. The court will provide the dates for submission of additional papers and the return date after counsel receives consent for the adjournment from all sides. Counsel may make the request for an adjournment on the Wednesday or Thursday, by stipulation, before the Friday return date only. *No ex parte telephone applications for an adjournment will be entertained. No exceptions. Do not call chambers for an adjournment.*

Motion papers, answering affidavits and reply affidavits must be served on adversaries as per CPLR § 2214. All Exhibits to Motion papers must have alphabetical tabs.

Moving papers, including cross motions, shall be filed with the Motion Support Clerk at Room 302, 130 Stuyvesant Place, Staten Island, New York 10301. The movant has the responsibility of ascertaining the return day by contacting the Motion Support Clerk. Courtesy copies are *not* to be sent to chambers prior to argument without advance permission. Fees must be paid to the County Clerk as required by law.

Summary judgment motions must be made within sixty (60) days of the filing of the Note of Issue.

If the motion seeks relief related to discovery, strict compliance with 22 NYCRR 202.7(c) is required, and prior court approval is required.

Proposed orders to show cause must be brought to the Motion Support Office for review prior to submission to the part.

CONFERENCES

Conferences shall be held every Tuesday, Wednesday and Thursday. The above mentioned rules governing the adjournment of motions apply to the adjournment of conferences.

Adjournments may be granted on consent, if all counsel agree, *with permission of the court* by written stipulation faxed directly to chambers at (718) 727-4106.

If all discovery is completed prior to a conference the parties may fax a stipulation to court that all discovery is completed in lieu of an appearance. The court will fax a certification order and a new pre-trial settlement conference date to the fax numbers provided in the stipulation confirming that discovery is completed.

TRIALS

(1) *Trial Counsel.* Only trial counsel who are prepared to try the case shall appear in Court.

(2) *Marked Pleadings.* Prior to trial, counsel shall furnish to the Court marked pleadings pursuant to CPLR §4012.

(3) *Exhibits.* Counsel shall **pre-mark** all exhibits in the order which they intend to introduce them at trial. A **list of exhibits** shall be provided to the Court prior to trial. Plaintiffs will number their exhibits and defendants will letter their exhibits. An exhibit list may be obtained from the court clerk. On the day of trial the exhibits and the list will be given to the Court reporter who will officially mark them before trial.

(4) In any *medical malpractice* action, counsel shall number the pages of the medical records sequentially before making copies of same for opposing counsel and the court to facilitate that everyone is reading from the same page.

(5) *Witnesses.* Prior to trial, Counsel shall provide to the court a list of potential witnesses in order in which they intend to call them at trial, including expert witnesses, their expertise, and summary of expected trial testimony.

(6) *Motions in Limine.* Any potential evidentiary question or procedural or substantive law matter not previously adjudicated shall be brought to the Court's attention and addressed prior to trial by way of written motion in limine. A written memorandum of law with citations to the Official Reports shall also be required, and shall accompany any such motion. Citations and copies of relevant court decisions and statutes should be furnished to the Court prior to commencement of plaintiff's case and when otherwise requested by the Court.

(7) *Depositions.* A copy of depositions intended to be used at trial should be furnished

to the Court at the commencement of the trial.

(8) *Proposed Jury Charges and Verdict Sheets.* The parties shall submit proposed jury charges and proposed verdict sheets to the Court in typed or computer generated form, with specific citations to applicable New York Pattern Instructions and any modifications thereto, prior to the commencement of the Court's preliminary instructions to the jury.

INQUIRIES

All inquiries as to case or calendar status should, in the first instance, be made to the Support Office at 718-675-8700. **Under no circumstances should telephone inquiries concerning a case status or calendaring be made to chambers.** The only inquiries to be made directly to chambers or the Part should be those involving the exercise of judicial discretion.

2/1/2011