

Court Rules of Justice Desmond A. Green
Richmond County Supreme Court, DCM Part 3
(As of October 8, 2015)

Supreme Court: Richmond County
26 Central Avenue, 4th Floor, Rm 440
Staten Island, New York 10301
Tel.: (718) 675-7860 ;Fax.: (212)-952-3068
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In addition to the Richmond County Supreme Court Uniform Civil Term Rules covering Preliminary Conference Orders, Compliance Conferences, Notes of Issue, Motions and the Jury Coordinating Part, the following part rules for cases pending before the Honorable Justice Desmond A. Green in DCM Part 3 shall apply.

Only attorneys with full knowledge of the case and authority shall appear at conferences or motions.

Conferences

(1) **Adjournments** may be granted, with good reason, on consent, if all counsel agree, by a written stipulation E-mailed (and faxed) directly to chambers **in anticipation of the court's permission**. [*Compliance Conferences (CC) are held on available Mondays and Thursdays; Preliminary (PC) and Pre-trial Conferences (PTC) held on Tuesdays; Motion day is Wednesday.*]

(2) After all discovery is complete, the parties will be given a certification order with a date to file the *Note of Issue* (NOI). A date will be given by the court for the *Pre-Trial Conference* (PTC) to be held approximately 60 days after the NOI is filed to allow for post NOI Summary Judgment motions. **AN APPEARANCE IS REQUIRED!**

THE NOTE OF ISSUE (NOI) SHALL BE FILED WITHIN 15 (fifteen) DAYS AFTER A CERTIFICATION ORDER IS ISSUED.

Motions

(1) All motions are returnable in Part DCM 3 at Supreme Court, Richmond County, 26 Central Avenue, 4th Floor, Courtroom 440, Staten Island, NY 10301 on **WEDNESDAYS** at 9:45 am.444

(2) All moving papers including cross motions must be filed with the Richmond Supreme Court, Civil Term Motion Support Clerk at 26 Central Avenue, 1st Floor, Staten Island, NY

10301. Fees must be paid to the County Clerk as required by law.

(4) Electronically Filed Cases. Parties are encouraged to utilize the e-filing system pursuant to the Uniform Rules for New York State Trial Courts §202.5-b.

(5) Paper Copies of Motions. NO COURTESY COPIES OF MOTION PAPERS ARE TO BE FILED WITH CHAMBERS OR THE COURTROOM UNLESS THE MOTION IS E-FILED. After E-filing, attorneys are **required** to serve a paper copy upon chambers of all motions, cross-motions, opposition, and replies, including memoranda of law and exhibits, **that have been E-filed**, before the return date set by the Clerk's Office.

(4) Motion papers, answering affidavits and reply affidavits must be served on adversaries pursuant to CPLR § 2214

(5) ALL MOTIONS REQUIRE APPEARANCE AND ORAL ARGUMENTS.

(6) Orders to Show Cause (OSC), on DCM 3 cases, shall be brought directly to the courtroom or chambers for review. Fees, as required by law, must be paid to the County Clerk before bringing the OSC to chambers. In any application for temporary injunctive relief to include a stay or a *Temporary Restraining Order* (TRO), the attorney shall notify the party against whom the TRO or stay is sought, advising of the time, date and place of the application pursuant to the Uniform Rules for New York State Trial Courts §202.7(f). Call chambers to confirm availability.

(7) Affidavits in support of or in opposition to the motion shall contain factual information only, attested to by a party or person with actual knowledge of the facts and are limited to **20 pages**. Any law shall be cited in a separate **memorandum of law** and is limited to **20 pages**. Any **reply** is limited to **15 pages**. All documents shall be printed in **12 point font** and **double spaced** pursuant to the Uniform Rules for NYS Trial Courts §202.5(a). All exhibits shall have tabs.

(8) Discovery motions made before a *Preliminary Conference* (PC) Order is issued, **will be converted into a PC Order**. After a PC Order is issued, counsel must first attempt to resolve discovery disputes. **Counsel must request court permission to make a discovery motion after a PC Order has been issued.**

NO DISCOVERY MOTIONS MAY BE MADE WITHOUT PRIOR PERMISSION OF THE COURT. If such a motion is authorized by the court, the Attorney's Affirmation must clearly state that the court has granted permission to make the motion.

(9) ALL MOTIONS REQUIRE APPEARANCE AND ORAL ARGUMENTS.

(10) All motions for summary judgment shall be made by the **60th day** following the filing of the Note of Issue.

(11) Adjournments. As indicated above; On consent with stipulation Emailed and faxed to the court. If no consent, all parties must appear at calendar call. Party requesting adjournment may provide proposed adjourn date in stipulation or call /Email/Fax the court to obtain date of adjournment which is to be inserted in the stipulation prior to Emailing/faxing to the court. Email to ncjohnso@nycourts.gov; fax to 212 952-3068.

Specifically, Re: Adjournments Counselors must:

- a) First request permission, stating the reason for such adjournment, via Email to the court at ncjohnso@nycourts.gov, with copy to all parties thereto, and fax same to the court at 212 952-3068.
- b) If permission is not granted (especially in cases that are very old) the parties must make their appearances on the scheduled date and make the application in person; Likewise, if your adversary opposes the adjournment, counselors must make in court appearances on the scheduled date.
- c) If permission is granted by the court, there will be a response Email regarding the proposed date or a date will be given. A stipulation thereto must be forwarded back to the court via Email with the confirmed date. *Kindly note that requests closest in time to the scheduled appearance will be addressed first.*
- d) NOTE that merely sending a stipulation by Email or Fax is not indicative of permission to adjourn. **You must receive permission from the court for all adjournments.**
- e) If for some reason you do not receive advance permission to adjourn a matter, the parties must appear and make the application in person.
- f) If you are making your request after 4pm on the day prior to the scheduled appearance, the court's preference is that you appear in person to make your application.
- g) You should kindly call the court at 718 675-7860 regarding any special issues, concerns or emergency situations.

Thank you

Chambers of Hon. Desmond A. Green, Part DCM3
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