NEW YORK COUNTY SUPREME COURT, CIVIL BRANCH

HON. PETER H. MOULTON, ADMINISTRATIVE JUDGE

Main Courthouse:
60 Centre Street
New York, New York 10007

Satellite Courthouses:
80, 100 and 111 Centre Street
71 Thomas Street
NewYork, NewYork 10013

RULES OF THE JUSTICES

**[REVISED FEBRUARY 28, 2006, EFFECTIVE APRIL 17, 2006;
RULES REGARDING PUBLIC ACCESS ON-LINE PROJECT ("SCROLL") ADDED SEPT. 8, 2006, EFFECTIVE SEPT. 15, 2006;
EMINENT DOMAIN RULES ADDED MAY 19, 2010, EFFECTIVE MAY 24, 2010;
BACKGROUND INFORMATION UPDATED: February 15, 2017]**

The following constitute the rules of the Justices of the Supreme Court, Civil Branch, New York County (hereinafter "the Rules" or "the Local Rules") with the exception of the Justices of the Commercial Division. A separate set of uniform rules governs cases assigned to the Commercial Division.

STRUCTURE OF THESE RULES: The rules of the court are set forth immediately hereafter. These rules are applicable in the Parts of the court (excluding the Commercial Division) unless otherwise indicated in the Basic Information section that follows after the main body of the rules. The Basic Information section lists the Justices of the court in alphabetical order and a summary of the operational details of their Parts (e.g., motion days). Variations exist among the Parts in regard to such details. An attorney who wishes to know the requirements followed in a particular Part should consult the main body of the Rules together with the portion of the Basic Information section that pertains to that Part.

CASE INFORMATION: Information on the status of cases and activity therein and copies of decisions and other case documents are available in the Supreme Court Records On-Line Library ("*Scroll*"), which is accessible at no charge through the website of this court (at www.nycourts.gov/supctmanh).

RULES

In addition to the Rules that follow, procedures have been developed to simplify and expedite the submission of papers to the court in electronically-filed cases. Counsel are advised to consult the court's Protocol on Courthouse Procedures for Electronically Filed Cases (posted on the "E-Filing" page of this court's website at www.nycourts.gov/supctmanh). Parts II and IV of these Rules are inapplicable to condemnation and tax certiorari cases. Emergency medical hearings and proceedings under the Mental Hygiene Law have their own special rules. Part V is applicable to matrimonial cases only.

I
RULES REGARDING THE PUBLIC ACCESS ON-LINE PROJECT ("SCROLL") [1]

Rule A-1. Redaction of Information in Documents Filed with the County Clerk and the Court. Attorneys filing documents with the County Clerk or the Court, including those that fall within a category of document that is, as explained in the Court's Notice to the Bar on the Public Access Project, included in the *Scroll* (*Supreme Court Records On-Line Library*) Public Access Project system or that shall hereafter be so included, shall omit or redact from such documents confidential personal information as provided in Uniform Rule 202.5 (e).

Rule A-2. Application for Restriction of Access to Records. A party or person who claims that the availability of a document in the *Scroll* Public Access Project system may cause harm to that party or person or who seeks to limit access in compliance with Rule A-1 may apply to the Court for a directive restricting access. Any such application shall be made as follows. If the case has been assigned to a Justice, a request shall be made to the Justice by letter describing the document as to which a restriction on access is sought and explaining the reasons why such a restriction is appropriate. If the case has not been assigned to a Justice, the party shall direct such a request to the Administrative Judge. The Court on its own initiative may direct that access be restricted. An interested party or person may apply by letter to remove a document from the *Scroll* database if, notwithstanding these rules, a document is posted on the Public Access Project system that contains sensitive information access to which in this form causes harm to that party or person.

Rule A-3. Form of Restriction on Access to Records. Where the Court grants a request to limit access to a document in the *Scroll* Public Access Project system or issues a directive sua sponte, the directive shall take the form of an administrative direction to the staff of the Court that the document in question not be included in the *Scroll* system or, if already included therein, that it be deleted from the database. Any such directive as may be issued in a case in which documents are otherwise available in the *Scroll* system shall not affect the status of the County Clerk hard-copy case file, which is open to the public unless otherwise ordered by the Court pursuant to Part 216 of the Uniform Rules for the Trial Courts.

II
GENERAL RULES

[1] The Rules set out in Part I were first promulgated in a different form by Notice to the Bar dated July 7, 2006, with an effective date of Sept. 15, 2006.

Rule 1. Appearances by Counsel; Knowledge and Authority. Counsel who appear at preliminary conferences must have sufficient familiarity with the case and authority to be able to discuss a discovery schedule in a meaningful way and to enter into agreements with regard thereto. Counsel who appear at other conferences and at the argument of motions must be familiar with the entire case in regard to which they appear and fully authorized to enter into agreements, both substantive and procedural, on behalf of their clients.

Rule 2. Settlements and Discontinuances; Change of Counsel.

(a) If an action is settled or discontinued, a stipulation shall be submitted promptly to the County Clerk with the appropriate fee (Cashier's Office, Room 160) and a copy shall be forwarded to the Part in question. If the case is otherwise disposed of, in whole or in part, counsel for the defendant affected shall immediately file a letter with the Clerk of the Part. If at the time of a settlement, discontinuance or other disposition a submitted motion is sub judice that is rendered moot, in whole or in part, by the disposition, or where a motion previously submitted is withdrawn, it is imperative that the Part be informed immediately.

(b) If counsel is changed on consent, a copy of the form shall be filed in the General Clerk's Office (Room 119). Filing with the County Clerk does not suffice. Absent submission of a consent form, an attorney of record will continue as such unless a motion for leave to withdraw is granted. If such an order is issued, counsel must serve a copy on the General Clerk's Office and all other counsel. A notice of appearance shall be filed by substitute counsel with the General Clerk's Office and the Clerk of the Part.

Rule 3. Information on Cases. County Clerk data, case history information from the court's Civil Case Information System, and many documents from the case file of most cases in the court (e.g., pleadings, decisions, orders, notes of issue, judgments) are available on-line in the *Supreme Court Records On-Line Library* (*Scroll*) of the County Clerk of New York County and the New York County Supreme Court, accessible on the court's website at www.nycourts.gov/supctmanh/. Decisions of the court with County Clerk entry stamp are posted in *Scroll* very promptly after their issuance. Information on scheduled court appearances and other case activity, including the issuance of decisions and orders, can also be obtained from *Scroll*, as well as from *e-Track*, the court system's case tracking and notification service, private services, courthouse terminals, or the New York Law Journal. The Clerk of the Part can also provide information about scheduling in the Part (trials, conferences, and arguments on motions in the Part). Counsel should not telephone Chambers.

Rule 4. Papers by Fax. Unless indicated otherwise by the court in a particular case or in the Basic Information section below, Justices do not accept papers by fax.

CONFERENCES AND DISCOVERY

Rule 5. Preliminary Conferences; Requests.

(a) A preliminary conference will be held or, in Motor Vehicle cases and most tort cases against the City of New York, an automated Differentiated Case Management ("DCM") scheduling order issued (i) within 45 days of assignment of a case to a Justice, unless impracticable for unusual reasons; or (ii) where a Request for Judicial Intervention is accompanied by a dispositive motion, within 45 days following disposition of such motion (if the case is not mooted by that disposition). Cases will be assigned to a DCM track (see Uniform Rule 202.19 (b)) upon filing. The court will afford all parties an opportunity to raise objections to the track assignment or any DCM scheduling order issued without a conference. Requests for preliminary conferences in unassigned cases should be filed with an RJI in the General Clerk's Office (Room 119). In assigned cases, if the court itself does not direct a conference in a decision nor issue an order scheduling pretrial proceedings, counsel should contact the Part Clerk.

(b) The court utilizes distinct forms of preliminary conference order in General, Medical, Dental and Podiatric Malpractice, City, Matrimonial, and Motor Vehicle cases. See the website (at www.nycourts.gov/supctmanh, under "Forms") for these forms.

Rule 6. Adjournments of Conferences. Except as otherwise provided in the Basic Information section above or in Rule 26, adjournment of conferences will be allowed only as follows. The parties may adjourn any preliminary conference once for no more than 21 days, but only by submission of a written stipulation to the Part Clerk on or before the scheduled date thereof. Appearance by counsel is not required. Further adjournment of preliminary conferences and adjournments of compliance and pretrial conferences will be allowed only with permission of the court for good cause.

Rule 7. Consultation Prior to Preliminary and Compliance Conferences. Prior to a preliminary or compliance conference, counsel for all parties shall consult one another about, and shall make a good faith effort to reach agreement on, (i) resolution of the case, in whole or in part, and (ii) discovery and any other issues to be discussed at the conference.

Rule 8. Discovery Schedule. Strict compliance with all discovery orders is required. See *Kihl v. Pfeffer*, 94 N.Y.2d 118 (1999). Unexcused or unjustified failure to comply with deadlines fixed by the court, including those set out in Preliminary Conference Orders, may result in an award of costs, conditional or otherwise, or the imposition of another penalty authorized by CPLR 3126. Unless otherwise provided in the Basic Information section above or in the order, no extensions of deadlines set forth in a preliminary conference, compliance conference or other discovery order shall be allowed except with permission of the court for good cause shown.

Rule 9. Medical Authorizations. When a defendant in a personal injury action serves a demand for authorizations together with a demand for a bill of particulars, counsel for plaintiff shall serve the authorizations with the bill.

Rule 10. Disclosure Disputes. Prior to making a discovery motion, counsel shall consult one another in a good faith effort to resolve any discovery disputes (see Uniform Rule 202.7). If a dispute is not thus resolved, the party seeking disclosure, unless otherwise directed in the Background Information section above, is advised to contact the Part Clerk promptly, and within any applicable deadline, for the purpose of arranging a conference, in court or by telephone.

Rule 11. Expert Disclosure. Unless otherwise directed by the court in a preliminary conference order or otherwise, a party having the burden of proof shall serve a response to an expert demand pursuant to CPLR 3101(d) no later than 30 days prior to the date set by the court for trial. Within 15 days after receipt of this response any adverse party shall serve its response.

Rule 12. Conferences Regarding Settlement of Actions by Infants and Others. Any proposed infant's compromise or other proposed settlement pursuant to CPLR 1207 shall be considered by the court at an appearance in court on the record. An attorney seeking approval of such a proposal shall serve on all parties, at least five days prior to the scheduled appearance, a Notice of Conference on Proposed Infant's [or other] Compromise. This Notice shall indicate the date, time and place of the conference. A copy of the proposed order of approval shall be annexed to the Notice unless previously served upon all parties. Said attorney shall submit to the court at the conference proof of service of such Notice.

IV
MOTIONS

Rule 13. Motions on Notice; Orders to Show Cause.

(a) Motions brought by notice of motion shall be made returnable in the General Clerk's Office Motion Submission Courtroom (Room 130. Relevant procedures are explained on the court's website (see "Courthouse Procedures" at www.nycourts.gov/supctmanh). Depending upon the assigned Part, contested motions submitted in the Motion Submission Part Courtroom are submitted without argument, or rescheduled for oral argument if so directed by the assigned Justice. For Justices who schedule argument on a case-by-case basis, notice of the argument date will be transmitted by the court. Counsel may ascertain how a motion submitted in Courtroom 130 was marked by consulting *Scroll* on the court's website, the *e-Track* application, or, on the two days immediately following the submission date, the New York Law Journal.

(b) Motions should be brought on by order to show cause only in a proper case (CPLR 2214 (d)). Unless otherwise directed in the Basic Information section above or in an order to show cause, original opposition papers on orders to show cause made returnable in the Part shall be delivered to the Part Clerk at least one business day prior to that date and reply papers should not be submitted.

Rule 14. Motion Papers.

(a) Counsel must attach to motion papers copies of all pleadings and other documents as required by the CPLR and as necessary for an informed decision on the motion. Documents in a foreign language shall be properly translated (CPLR 2101(b)). Whenever reliance is placed upon a decision or other authority not officially published or readily available to this court, a copy of the case or of pertinent portions of the authority shall be submitted with the motion papers. Courtesy copies shall not be submitted unless requested by the court, but working copies are required in some Parts in electronically filed cases (see the court's Protocol for e-filed cases on the website (www.nycourts.gov/supctmanh, under "E Filing")). Exhibits should be tabbed and be legible; a typed version of any exhibit that is difficult to read should be submitted with the original. Exhibits printed on both sides of the page should be bound and tabbed on the side.

(b) Unless advance permission otherwise is granted by the court for good cause, memoranda of law shall not exceed 30 pages each (exclusive of table of contents and table of authorities) and affidavits/affirmations shall not exceed 25 pages each.

(c) The CPLR does not provide for sur-reply papers, however denominated. Papers or letters regarding a motion should not be presented to the court after submission of the motion in the Motion Submission Part Courtroom (Room 130), or after argument in the Part, if any, except with the advance permission of the court. Materials presented in violation of this Rule will not be read.

Rule 15. Oral Argument; Adjournments.

(a) Calendars of motions to be argued in the Parts are published on the morning of the argument date and on the day before in the New York Law Journal under each Part. Argument information is available on a case-by-case basis in *Scroll*, and e-mail notifications are sent by *e-Track* to participating attorneys whenever a motion is scheduled for argument in the court's computer system.

(b) Unless provided otherwise in the Basic Information section: argument may be adjourned for good cause; there shall be only one adjournment, for no more than 14 days, unless otherwise directed by the court. A request for an adjournment shall be made prior to the scheduled date.

Rule 16. Orders.

(a) A copy of any order affecting the caption of a case (e.g., amendment, substitution, correction of errors) shall be served by counsel upon the General Clerk's Office (Room 119) and upon the County Clerk (Room 141B) so that the court's records and the County Clerk's records may be corrected. A copy of any order affecting the trial status of a case (e.g., striking a note of issue) shall be served on the General Clerk's Office.

(b) Proposed counter-orders submitted to the court pursuant to Uniform Rule 202.48 (c) (2) shall be marked to identify all respects in which the proposal differs from the submission to which it responds.

Rule 17. Motions for Summary Judgment. Unless otherwise provided in a particular case in the preliminary conference order or other directive of the Justice assigned, a motion for summary judgment shall be made no later than 120 days after the filing of the note of issue, except with leave of court for good cause shown.

Rule 18. Neutral Evaluation Program. City cases and many other cases will be referred to the court's Neutral Evaluation Program (informally known as "Mediation") after filing of the note of issue. The procedures of this program are available on the court's website (www.nycourt.gov/supctmanh under "ADR Programs").

V
TRIALS

This section sets forth trial procedures generally applicable to cases to be tried in pure IAS Parts (i.e., not including cases scheduled for trial through the Administrative Coordinating Part (Part 40 or Part 40 City for City cases). However, since the nature of particular cases may make departure from these rules efficient and appropriate, counsel should in every instance confirm with the court at the pre-trial conference the Justice's directive regarding applicability of these procedures to the case.

Rule 19. Pretrial Conference. In cases to be tried in IAS Parts (i.e., not including cases scheduled for trial through the Administrative Coordinating Part (Part 40 or Part 40 City), the court will conduct a pretrial conference at which settlement will be explored and a trial date will be confirmed or a firm date set. Prior to the pretrial conference, counsel shall confer in a good faith effort to identify issues not in contention, resolve all disputed questions without need for court intervention, and settle the case. Unless otherwise directed by the court, each party must be represented at the pretrial conference by counsel having full knowledge of the case and specific authority to settle or the ability immediately to contact by telephone a person with such authority. To permit the fixing of a trial date, counsel must, prior to the conference, consult their own schedules and those of their witnesses and be prepared to furnish a realistic estimate of the trial's length and discuss a suitable trial date unless previously fixed.

Rule 20. Trial Schedule in Pure IAS Parts.

(a) Insofar as possible, trials in pure IAS Parts will be scheduled at least one month in advance. As the schedules of counsel and witnesses will have been taken into account in determining the trial date, counsel will be expected to be ready to proceed at that time either to select a jury or to begin presentation of proof. Hence, once a firm trial date is set and counsel are so informed, counsel must immediately reconfirm the availability of witnesses and their own schedules. If for any reason, including trial commitments in other Parts or courts, counsel are not prepared to proceed on the scheduled date, counsel must inform the court of the difficulty

within seven days of the date on which counsel were given the firm trial date. Absent extraordinary circumstances, failure of counsel to provide such notification will be deemed a waiver of any objection to the trial date.

(b) The court will endeavor, through contact with Justices in other Parts and courts, to resolve trial scheduling difficulties for counsel who notify the court in accordance with subdivision (a) of this Rule and in instances of extraordinary and unanticipated conflicts. The court will resolve such problems in accordance with Part 125 of the Rules of the Chief Administrator (Uniform Rules for the Engagement of Counsel), taking into account the need to conserve judicial trial time or the time of jurors, the demands upon trial counsel, and the importance of the clients' right to the attorney of his or her choice.

(c) The jury shall be selected in accordance with Uniform Rule 202.33.

Rule 21. Pretrial Identification of Exhibits and Deposition Testimony in Pure IAS Parts. Counsel for the parties shall consult prior to trial and attempt in good faith to agree upon the exhibits and portions of deposition testimony (with the deletion of irrelevant matter) that will be offered into evidence on the direct case without objection.

Rule 22. Marked Pleadings and Other Pre-Trial Submissions in Pure IAS Parts. In cases to be tried in IAS Parts, unless the court directs otherwise, at least ten days prior to trial or at such other time as the court may direct, counsel shall submit to the court marked pleadings, the bill of particulars, and a list of witnesses (direct case); and in a jury case, requests to charge, a proposed verdict sheet, and, as appropriate, a memorandum of law or copies of authorities addressed to any unusual jury charge requests; and, in all jury cases in which doing so will facilitate efficient presentation of proof and in all non-jury cases, pretrial memoranda. If counsel wishes the court to charge verbatim from the Pattern Jury Instructions, it is sufficient if the request cites the PJI charge by number only. All other requested charges should be written out in full.

Rule 23. Subpoenaed Records. Subpoenaed records should be directed to and may be reviewed at the Subpoenaed Records Office, 60 Centre Street, Room 145 M.

VI
MATRIMONIAL RULES

The following Rules shall apply to all matrimonial cases and shall take precedence over any inconsistent Rule set forth above. Otherwise, the foregoing rules are applicable in matrimonial cases.

Rule 24. Appearances at Conferences. Counsel and client must appear at the preliminary conference, all compliance conferences and the pre-trial conference. Failure to appear may result in costs or sanctions being imposed against the defaulting party.

Rule 25. Submissions at Preliminary Conference. Each party is required to submit at the preliminary conference a properly certified net worth statement and a copy of the retainer agreement in accordance with Section 202.16 of the Uniform Rules for the Trial Courts.

Rule 26. Adjournments. No stipulations of adjournment will be honored without prior approval of the court.

Rule 27. P.E.A.C.E. Program. Except for cases in which there has been a history of orders of protection, parties with unemancipated children should be aware that the Justice may assign the parties to the P.E.A.C.E. Program.

Rule 28. Pre-Trial Conference. Unless directed otherwise, all cases scheduled for trial must appear for a pre-trial conference on a date set by the court. All motions *in limine* must be presented at this time and counsel should be prepared to discuss all evidentiary issues.

Rule 29. Mandatory Pre-Trial Submissions. At the pre-trial conference, counsel shall provide his or her adversary and the court (a) marked pleadings (if grounds are in issue), (b) proposed statement of disposition, (c) child support worksheet (if applicable), (d) updated net worth statement, (e) list of all proposed exhibits, (f) witness list, (g) any expert report not previously provided, (h) pre-trial memoranda and (i) proof of filing of the note of issue.

VII
EMINENT DOMAIN

These local rules supplement Uniform Rule § 202.61 with respect to the obtaining of Index Numbers for Claims and the Exchange and Filing of Appraisal Reports in Eminent Domain Proceedings.

Rule 30. Index Numbers for Fee Claims. Within sixty days from the expiration of the time set forth, pursuant to EDPL 503 (B), in an order of acquisition for the filing of written claims or notices of appearance, condemnor shall obtain an index number for each of the fee claims on file with the court pursuant to the said order so that the Clerk can separately maintain the claim and all further proceedings with respect thereto, and the condemnor shall notify the claimant or its attorney of record of the index number assigned to its claim. Thereafter, papers pertaining to each claim shall be separately prepared and filed under the index number assigned to the claim. A Request for Judicial Intervention is required to initiate proceedings before the court pertaining to a claim.

Rule 31. Index Numbers for Fixture Claims. Within six months after appraisals of fixtures have been exchanged pursuant to Uniform Rule § 202.61 (a)(1), condemnor shall obtain an index number for each individual claim for which an appraisal has been exchanged so that the Clerk can separately maintain the claim and all further proceedings with respect thereto, and the condemnor shall notify the claimant or its attorney of record of the index number assigned to its claim. Thereafter, papers pertaining to each claim shall be separately prepared and filed under the index

number assigned to the claim. A Request for Judicial Intervention is required to initiate proceedings before the court pertaining to a claim.

Rule 32. Submission and Filing of Appraisal Reports. In all proceedings for the determination of the value of property taken pursuant to eminent domain, counsel may request that the court modify the procedure set forth in Uniform Rule § 202.61 for the exchange of appraisal reports. Within the nine-month period for filing of appraisals set forth in Rule § 202.61 (a), the parties may agree by stipulation, and present same to the court for approval, to a direct exchange of appraisals without filing copies of appraisals with the court. Thereafter, the parties may extend the date for exchange of appraisal reports set forth in the stipulation by further stipulation, without court approval, for no more than an additional nine months, provided such stipulation(s) are filed with the Clerk of the court. In such event, a copy of each exchanged appraisal shall be provided to the court upon the earlier of (i) its request or (ii) a pre-trial conference called upon the filing of a note of issue. Original appraisals shall be retained for presentation as an exhibit at trial.

Rule 33. Index Numbers for Other Matters. If the condemnor seeks relief against a person who has not filed a claim, the condemnor shall commence a special proceeding or action as may be appropriate.

BASIC INFORMATION

(Rooms are located at 60 Centre Street unless otherwise indicated.)[2]

HON. NANCY M. BANNON Part 42**,** IAS General Assignment Part, Room 1127B, 111 Centre Street, Phone: 646-386-3237
Court Attorney: Kristin Stranc, Esq. **Courtroom Part Clerk:** Jerome Noriega
Chambers 111 Centre Street, Room 448 New York, NY 10013 646-386-5587 Fax: 212-457-2684

Oral Argument on All Motions: Wednesdays at 9:30am in the Trial & Motion Courtroom
All Conferences: Thursdays at 9:30am in the Trial & Motion Courtroom

- **Communications with the Part Clerk and Chambers**

1. For all motions pending in the Submissions Part (60 Centre Street, Rm. 130), follow that part's rules regarding adjournments, scheduling, and withdrawals.

2. After motions are fully submitted in the Submissions Part, they are forwarded to Justice Bannon's Part. If oral argument is requested, such request must be indicated on the notice of motion. Do not send letters to Chambers or the Part Clerk requesting oral argument.

3. DO NOT call Chambers regarding scheduling matters and requests for adjournments. Please contact the Part Clerk for instructions.

4. All requests for adjournment must be approved in advance. Without prior approval, a stipulation will not be accepted and any failure to appear will be considered a default.
    1. To make your request, please call the Part Clerk, not chambers, at least two (2) days prior to the scheduled appearance by conference call with all counsel on the line. Alternatively, a request may be made by fax with a carbon copy to all parties. All adjournment requests must provide a reason for the request. If approved, you will receive a new date and further instructions, such as submitting a stipulation.

---

1 The motion days set forth set forth in this section consist of the days on which Justices normally hear motions that have been submitted in the Motion Submission Part Courtroom (Room 130) and then rescheduled for argument in the relevant Part. However, Justices may of course schedule argument on orders to show cause at other times as need requires.

2. Except for emergency situations, adjournments for Wednesday morning motions will not be given if the application is made less than 48 hours before the scheduled appearances and you may be defaulted for non-appearance.

5. NO *ex parte* communications.
   1. Unless specifically instructed, please do not call or email chambers. If specifically instructed to call chambers regarding a pending matter, such call may be placed only by attorneys or pro se parties if not represented by an attorney. No law office employees, assistants, or aides may call chambers.
   2. Do not copy the Court on letters exchanged between counsel.

6. DO NOT write letters or emails to the Court unless you:
   1. seek to withdraw a motion in whole or in part;
   2. wish to advise the court that a case has settled; or
   3. were granted leave to do so at oral argument or by the Court.

7. If a motion has been withdrawn or the case has been settled or otherwise discontinued, please notify the Part Clerk immediately and fax a stipulation executed by all affected parties.

8. DO NOT call the Part Clerk or Chambers for a status update or to ask whether a decision has been issued. All decisions and orders are scanned and available on the internet (eCourts or SCROLL).

- **Appearances before the Court/Motion Practice**

1. Attorneys appearing before Justice Bannon must be thoroughly familiar with the case.

2. Courtroom comments and demeanor:
   1. Please do not "talk over" each other. Only one person speaks at a time.
   2. It is called "oral argument," but that does not mean you are here to fight with the Court or opposing counsel. Please present your arguments in a cogent, calm, and courteous manner.
   3. All remarks should be directed to the Court, <u>not</u> to opposing counsel.

3. General Motion Instructions
   1. Part 42 is an e-filing part. Any questions regarding the e-filing system should be addressed to the E-Filing Office at 646-386-3610 or at newyorkef@nycourts.gov.
   2. Motions with opposition will be scheduled for oral argument in the Trial & Motion Courtroom for the next available Wednesday at 9:30am.
   3. Motions submitted without opposition are generally not scheduled for oral argument.
   4. Motion Sequence Number: the first page of <u>every</u> motion paper (notice of motion, opposition, reply, exhibits, etc.) must reflect the respective motion sequence number in the upper right corner.
   5. Working copies or courtesy copies of motion papers are NOT required. If you wish to submit hard copies, DO NOT send them to chambers. Any hard copies of motion papers must be properly filed with the Submissions Part in accordance with that Part's rules. Please ensure that any staples are not protruding.
   6. Counsel should not submit a single .pdf file under a single document number for all papers submitted on a motion. Each e-filed document must have its own, respective document number (e.g. Doc # 15, Notice of Motion; Doc # 16, Attorney Affirmation; Doc # 17, Affidavit; Doc # 18, Exhibit A; and Doc # 19, Exhibit B).
   7. Exhibits:
      1. Each page in any exhibit must be numbered. Reference to any exhibit must include pinpoint citations to the exact page within the exhibit.
      2. All exhibits electronically submitted must be described in the heading of the attached exhibit (e.g. Exhibit A, Bill of Particulars; Exhibit B, Photographs), so that it is known what document is filed in the exhibit.
   8. If there is any discrepancy between the relief sought in the notice of motion and the relief sought in the supporting papers, the notice of motion is controlling.
   9. Once motions are fully submitted, the Court will not allow any further submissions. Letters to the Court after oral argument or full submission regarding a pending motion that was fully submitted will not be accepted.
   10. If you want to withdraw a motion <u>after</u> the motion leaves the Submissions Part, please inform the Part Clerk <u>immediately</u> and fax a stipulation executed by all affected parties. If the motion is in the Submissions Part, please follow that Part's rules to withdraw.

4. Orders to Show Cause:
   1. Any questions regarding the procedure for e-filing proposed orders to show cause should be directed to the Ex Parte Office at 646-386-3125.
   2. All parties must submit hard copies of motion papers filed with an order to show cause to the Part Clerk in the courtroom, Room 1127A.

3. Any party seeking immediate injunctive relief within an OSC must appear with the affected adversary or proof the adversary was notified but declined to appear when the application is presented for signature.
4. Orders to show cause will be returnable in the Part. Responsive papers to orders to show cause must be delivered to the courtroom at least 4 days prior to the return date unless the Court indicates otherwise.
5. Absent an emergency, orders to show cause may not be adjourned.

5. Motions to Renew/Reargue: All motions to renew or reargue must contain all papers submitted on the original motion and a copy of the Court's decision. There is no oral argument on these motions.

6. Discovery motions are strongly discouraged.
   1. If a discovery dispute arises, any party, in lieu of filing a motion, may request an expedited conference by calling the Part Clerk. Conferences requested on an expedited basis will be granted only at the Court's discretion.
   2. If a party has made a formal discovery motion, a conference will be scheduled for the same date as oral argument and will be conducted prior to counsel being heard on the motion.

7. Summary Judgment Motions: All summary judgment motions must be made no later than 60 days after filing the note of issue. Counsel's affirmation in support must include the note of issue filing date. Discovery must continue while any CPLR 3212 motion is pending.

- **Note of Issue:** If all parties agree that discovery is complete before the final compliance conference, the final conference may be avoided by e-filing or faxing a stipulation to the Part Clerk at least two (2) days prior to the scheduled conference. The stipulation must certify that all discovery is complete and provide for the filing of the note of issue.

- **Conferences**

1. Counsel attending the conference are expected to be familiar with the case and have authority to discuss and stipulate to resolve all discovery issues.

2. At each compliance conference, counsel must bring a list of all discovery previously ordered, but not yet completed, as well as new discovery requested which could not have been previously addressed. Failure to address all outstanding discovery existing at the time of the compliance conference may be deemed a waiver of the right to obtain said discovery.

3. Please bring all prior conference orders and stipulations to the conferences.

4. Counsel are assumed to have consulted clients, examining doctors, etc. regarding their availability for EBTs, IMEs, etc.

5. Upon a party's second failure to appear for a conference, the case may be dismissed or the party's pleading may be stricken. Any motion to vacate such a default must fulfill the requirements of CPLR 5015.

6. Conference Orders
   1. Please write legibly and press hard. Names, addresses, and telephone numbers of all counsel appearing at the conference must be indicated.
   2. In a Preliminary Conference form, <u>all</u> items must be completed or marked "n/a" if not applicable.
   3. Use firm cut-off dates, such as "on or before December 31, 2015." Do not use "within 45 days," etc. Counsel will be held to the dates to which they commit.
   4. Non-specific statements such as "all discovery not yet provided" or "unless otherwise provided" or "to the extent not yet provided" will not preserve any rights. Each attorney is expected to know what has and has not been provided.
   5. Counsel are free to take a picture of a stipulation or order on their phone. However, please keep in mind that all orders will be scanned and available on eCourts and/or SCROLL.

7. DO NOT leave the courtroom until either the Justice or her Court Attorney have reviewed your completed forms.

8. It is preferable that you wait in the courtroom for a signed copy of the order. However, you may, if you choose, leave the courtroom once the Court Attorney has reviewed the proposed order/stipulation.

9. This part requires compliance with court-ordered deadlines set forth in the preliminary/compliance/ status conference order(s). Failure to adhere to deadlines or to comply with orders may result in serious penalties.

- **Trials**

1. Upon the first appearance before this Court, the parties must furnish the following:
   1. A list of proposed witnesses, including the need for any interpreters with the required language and

dialect;
2. An estimate of required trial days;
3. All marked pleadings and bills of particulars;
4. All prior decisions in the case, including any appellate decisions;
5. Any notices to admit;
6. Copies of those portions of EBTs intended for use at trial for any purpose;
7. A trial memorandum, not to exceed five (5) pages, briefly setting forth the party's position and the relevant factual and legal issues to be tried, citing relevant case law; and
8. Two (2) business cards for each attorney.

2. Prior to the start of trial, the parties must furnish the following:
   1. All *in limine* or other applications. All motions *in limine* must be presented in writing to the Court as soon as practicable or as specifically scheduled at any pre-trial conference, with a copy to all parties. Any such motion or application must include citations to relevant authority.
   2. For jury trials:
      1. Proposed jury instructions. If the proposed instructions are taken verbatim from the Pattern Jury Instructions, PJI numbers will suffice. If a PJI instruction is not verbatim or requires characterization or description of the evidence or the parties contentions, or if the language is not based on the PJI, the exact requested language, together with the authority for it, must be submitted in Word or Word Perfect format to kstranc@nycourts.gov and to opposing counsel simultaneously;
      2. Proposed jury verdict sheet must be submitted in Word or Word Perfect format to kstranc@nycourts.gov and to opposing counsel simultaneously.

3. Parties are strongly encouraged to have the court stenographer pre-mark all exhibits for identification and/or evidence if without objection.

4. It is the duty of counsel, not court personnel, to ensure all subpoenaed documents have arrived in the subpoenaed records room at 60 Centre Street.

5. Trial dates scheduled by the court are firm and may only be adjourned upon application based upon an emergency. Trials are held every day of the week except Wednesday mornings and Thursday mornings. No adjournments will be granted if a witness is unavailable to testify unless the court concludes, in rare instances, that good cause exists.

HON. LUCY BILLINGS Part 46, IAS General Assignment Part, Room 204, 71 Thomas Street, Phone: 646-386-3279
Motions: Thurs., 9:30 AM
Conferences: Thurs., 2:15 PM

HON. ARLENE P. BLUTH Part 32, 80 Centre Street, Room 308, New York, New York 10013
Principal Court Attorney: Debra A. Lewis, Esq.
Assistant Law Clerk: Gregory L. Schneider, Esq.
Courtroom Part Clerk: Andrew Dorin: 646-386- 5607; Email:adorin@nycourts.gov

NOTE: THIS IS NOT A PAPER-LESS PART

For non e-filed cases: Parties are strongly encouraged to go to nycourts.gov or https://iapps.courts.state.ny.us.webcivil and click on e-Track to register so that you can follow your case.

Oral Argument on Motions: Tuesdays at 10:00 a.m
Conferences: Tuesdays at 2:15 p.m

1. Communications with Part Clerk and Chambers – Including Adjournments

A. Settlements: At any point in the litigation, please notify the Part Clerk immediately after a case settles so we can mark the case accordingly. If a pending motion is sought to be withdrawn or held in abeyance, notify us immediately. If the Court does not receive a request to refrain from making a decision, any decision rendered on a motion is unlikely to be withdrawn and it may interfere with settlement.

B. *Requests for Adjournments/Scheduling matters pending in the Courtroom*

Requests for adjournments on motions scheduled for submission in Room 130 should be handled by the Clerk in Room 130. All other adjournments of conferences or oral arguments will be handled by Mr. Dorin. Absent an emergency, requests for adjournments must be approved in advance. Without prior approval, a stipulation will not be accepted and any failure to appear will be considered a default.

To make your request, please contact the part clerk, Mr. Dorin (646-386-5607) at least 48 hours prior to the scheduled appearance. Either submit a signed stipulation or arrange a conference call (with all counsel on the line). If approved, you will receive a new date and further instructions (such as submitting a stipulation if the request was made by conference call).

C. No *ex parte* communications. Unless specifically instructed, please do not call or e-mail the Justice or her Court Attorneys. Do not copy the Court on letters exchanged between counsel.

D. Except in unusual circumstances (such as when a party is self-represented), all decisions and orders are scanned and available on the internet; access them through E-LAW or SCROLL (www.nycourts.gov/supctmanh - click on "Case Information" on top of page). Please do not call to ask whether a decision has been issued.

2. Appearances before the Court/Motion Practice/Page Limits

A. If a case **settles** while a motion is pending, see (I) (A) above.

B. Attorneys appearing before Justice Bluth must be familiar with the case and prepared to discuss settlement. Pre-arrange to have your client reachable by telephone.
C. Please read these rules carefully. **Your papers may be disregarded for failure to follow these rules**. The failure of the movant to follow these rules may result in the denial of the motion with leave to bring it again upon proper papers, but absent good cause no deadline will be extended.

D. General Motion Guidelines.

1. **E-Filed papers**: The Court requires hard copies of all e-filed papers to be submitted in Room 130 and they will be delivered to Chambers with the motion. Do not submit copies directly to chambers unless specifically requested.

2. Motions with opposition, after being fully submitted in room 130, will be rescheduled for oral argument in the Part 32 Courtroom for the next available Tuesday at 10:00 a.m.

3. **Motion Sequence Number ("MSQ"):** Often several motions are submitted at the same time. To keep papers organized, the first page of EVERY motion paper must reflect the respective MSQ in the upper right corner.

4. **Multiple Parties**: If the case has multiple plaintiffs or defendants, then you must state which specific party(ies) you represent in your motion papers **and** on the litigation back. Do not state that you represent "defendants" unless you represent every defendant.

5. **Exhibits**:
(i) **Tabs**: All exhibits must be identified by protruding tabs.

(ii) **Referring to exhibits**: Each page in any exhibit must be numbered. Reference to any exhibit **must include pinpoint citations** so the exact location within the exhibit can be found easily. Likewise, any reference to deposition testimony must cite to the exact page and line numbers relied upon rather than merely attaching the entire transcript or "relevant portions".

6. If the relief sought in your notice of motion differs from the relief sought in your supporting papers, the notice of motion is controlling.

7. For non-discovery motions, unless advance permission is granted*,* memoranda of law shall not exceed 25 pages (exclusive of table of contents and authorities) and affirmations/affidavits shall not exceed 25 pages each. Reply affirmations shall not exceed 15 pages. *For discovery motions, see 2(I) below.*

E. **General Orders to Show Cause**: Any party seeking immediate injunctive relief within an OSC must appear with the affected adversary (or with proof the adversary has been notified but declined to appear) when the application is presented for signature.

F. **OSC to be relieved as counsel**: Do not bring your adversary, but provide enough information for Justice Bluth to fashion a method of service likely to reach your client.

G. **Motions to Renew/Reargue:** Please provide a separate appendix, labeled "original motion and decision", containing all papers submitted on the original motion and a copy of the Court's decision. In the appendix, please provide protruding tabs as was originally provided to the Court.

H. **Motions/special proceedings submitted on default** in Room 130 are generally **not** scheduled for oral argument. However, **the movant must make certain that an affidavit of service is annexed**, even for e-filed motions; without a proper affidavit of service, relief will be denied.

I. **Discovery Motions**

1. If a party wishes to raise a discovery dispute by motion, the attorney must first confer in good faith with the opposing party in an effort to resolve the dispute. See Rule 10 of the Rules of the Justices.

2. If this meet-and-confer process does not resolve the dispute, the party may request a conference, seek to advance the next scheduled conference or bring a motion for relief. Exclusive of exhibits, this motion should not be longer than 5 pages in length and must include at least a full paragraph detailing the meet-and-confer process (with names and dates) and that it was unsuccessful. The opposing party's response shall not be longer than 5 pages in length.

J. ***Summary Judgment Motions***

1. **Discovery is to continue during the pendency of a CPLR 3212 motion,** unless good cause is shown why discovery should be stayed. A stipulation between parties will not suffice.

2. Timeliness: **All summary judgment motions must be made no later than 120 days after filing of the note of issue** - there are no exceptions without leave of Court. Absent good cause for late filing, a late motion will be denied even if your adversary does not object.

3. Cross-motions, especially cross-motions seeking relief unrelated to the main motion, DO NOT relate back to the date the original motion was made.

3. Conferences (Preliminary, Compliance, Status, Pre-Trial)

A. The rules of this part require compliance with court-ordered deadlines. The failure to adhere to deadlines and comply with orders may result in serious penalties. Counsel attending the conference are expected to be thoroughly familiar with the case, have the authority to discuss and stipulate to resolve all discovery issues and be prepared to discuss settlement. See also rule 2B above.

B. Please bring copies of all prior conference orders and stipulations to the conferences. If you have any motions pending in the Motion Submission Part, or which are *sub judice*, please bring this to the attention the Part 32 Clerk.

1. Counsel are assumed to have consulted with your clients regarding their availability for depositions.

2. Upon a party's second failure to appear for a conference, the case may be dismissed or the party's pleading may be stricken. Any motion to vacate such a default must be brought by OSC and must fulfill the requirements of CPLR 5015.

C. Instructions Applicable to Conference Orders and Stipulations

1. Please write legibly with a black ball point pen. Press hard. Illegible orders will not be signed. You must indicate the names, addresses, and telephone numbers of all counsel appearing at the conference.

2. Use complete dates, including the correct year. Please remember that some of the dates you are selecting may be in the next calendar year.

3. Use firm cut-off dates such as "on or before December 31, 2017." Do not use terms such as "within 45 days".

4. Non-specific statements such as "all discovery not yet provided" or "unless otherwise provided" or "to the extent not yet provided" will not preserve any rights. Counsel must know what has and has not been exchanged and must be prepared to resolve discovery issues. See rules 2B and 3A.

Trial Rules will be given to the attorneys when they are assigned to the part for trial.

HON. RICHARD F. BRAUN Part 23, IAS General Assignment Part, Room 418, 60 Centre Street, Phone: 646-386-3754
Conferences: Tues., 9:30 AM (compliance conferences); 10:30 AM (preliminary conferences). **Motions**: Thurs., 9:30 AM (motions that have been adjourned in the Part); 10:30 AM (motions newly calendared in the Part). All contested motions are scheduled for argument in the Part following final submission in Room 130. Opposing papers on orders to show cause will be accepted at oral argument thereof.

HON. MARGARET A. CHAN Part 52, City IAS (E-Filing Part), Room 289, 80 Centre Street (Trial and Motion Courtroom), phone: (646) 386-3742, DCM Courtroom, 80 Centre Street, Room 103 (646) 386-3687; DCM Clerk's Office, 80 Centre Street, Room 102; Chambers Court Attorney: Ilana Marcus, Esq.

I. Communications with the DCM Clerk, Part Clerk and Chambers

A. Scheduling Matters and Requests for Adjournments:
i. Neither the Justice nor her Court Attorney handles adjournments. Please contact the Part Clerk concerning all adjournments.
ii. Parties can request a pre-note settlement conference (PNSI) by calling the Part Clerk.
iii. Adjournment requests for Wednesday **afternoon** DCM compliance conferences and DCM appearances should be directed to the DCM Clerk.
iv. Adjournment requests for Wednesday **morning** oral arguments should be directed to the Part Clerk.

(1) Where all parties are agreeable to the adjournment, contact the Part Clerk and follow-up with a hard copy of stipulation for the adjournment by facsimile to the Part Clerk. Fax: 212-374-1753- Attn: Justice Margaret A. Chan.

(2) Except for emergency situations, adjournments for Wednesday morning motions will not be given if the application is made less than 24 hours before the scheduled appearances. **Adjournments by stipulation as to the Wednesday morning motions less than 24 hours will not be accepted by the court and you may be defaulted for non-appearance.**

B. No *ex parte* communications. Please do not call or e-mail the Justice or her Court Attorney. Do not copy the Court on letters exchanged between counsel; all such communication will not be entertained. Stipulations, papers, CD-Roms, etc. should be sent or delivered to the proper Clerk for filing, where appropriate.

II. Motion Practice

A. Oral Argument on non-Discovery Motions: Wednesdays from 10:00 a.m. in Part 52 Courtroom, Room 289.
DCM Compliance Conferences and Discovery Motions: Wednesdays at 2:00 p.m. in DCM Courtroom, Room 103.

B. All motions, except Orders to Show Cause, shall be made returnable to the Motion Submission Part Courtroom Room 130, 60 Centre Street.

C. Parties seeking a Temporary Restraining Order by Order to Show Cause must appear with the affected adversary, or proof of notification to adversary, when application is made.

D. The Court requires courtesy/working copies of all **e-filed** papers. Please submit working copies to the Motion Submission Part Courtroom 130, 60 Centre Street on the date of the motion.

E. Motions submitted on default in Room 130 are generally not scheduled for oral argument.

F. Non-Discovery motions with opposition will automatically be scheduled for oral argument in the Trial and Motion Courtroom for a Wednesday morning after the final appearance in the Submission Part, Room 130 at 60 Centre Street.

G. General Motion Guidelines:

i. The first page of all motion papers, including notice of motion, opposition, reply, exhibits, affirmations, memorandum of law, etc., must reflect the respective motion sequence number on the first page in the upper right hand corner.

ii. All submissions must be in 12 point font and in double-spaced line format.

iii. All courtesy copies of motion papers must have **protruding** exhibit tabs identifying the exhibits.

iv. All Exhibits electronically submitted shall be described in the heading of the attached exhibit (e.g. Exhibit A, Bill of Particulars; Exhibit B, 50-H Transcript), so that it is known what document is filed in the Exhibit without the need to electronically open it.

v. Any reference to deposition testimony must cite to the exact page and line numbers relied upon rather than merely attaching the entire transcript or "relevant portions". While the entire transcript must be provided, the failure to follow this rule may result in the denial of the motion with leave to bring it again upon proper papers, but only so long as any deadlines have not already passed - that is, your time will not be extended.

vi. As with deposition transcripts, any reference to any other voluminous exhibit annexed to a motion must include pinpoint citations so that the exact location within the exhibit can be easily located. For example, a citation to physical therapy notes contained within an exhibit of medical records should be identified as "see physical therapy note dated xx/xx/xx, exhibit B, page 9"; it should not just refer the court to the exhibit as a whole.

F. If a case has **settled** while a motion is pending (or at anytime), or if you wish to withdraw the motion *(after submission in room 130 and before oral argument),* please advise the Part Clerk in writing **immediately**.

G. All decisions are scanned and available on the internet; access them through E-LAW or SCROLL (www.nycourts.gov/supctmanh - click on "Case Information" on the right side of the page). Please do not call Chambers or the Part Clerk to ask whether a decision has been issued.

H. Once motions are fully submitted, the court will not allow further submissions. Letters to the court after oral argument or full submission regarding a pending motion that was fully submitted will be not be accepted.

HON. DAVID B. COHEN, Part 58**,** IAS General Assignment Part**,** 111 Centre Street, Room 1164A, New York, NY 10013
Part Clerk: Regina Sgro - (646) 386-3347
Chambers: 111 Centre Street, Room 457
Court Attorney: Saul Stein, Esq.
Part 58 is an E-Filing Part – The court strongly encourages all cases to be converted to e-filing. The link to the form to convert a case to e-filing is https://iappscontent.courts.state.ny.us/NYSCEF/live/forms/stipulation.and.consent.pdf

1. ADJOURNMENTS AND OTHER COMMUNICATIONS WITH THE PART CLERK AND CHAMBERS

A. All requests to adjourn conferences and oral arguments require prior court approval and must be directed to the Part Clerk. Requests to adjourn motions must be made by the Monday before the date set for conference or argument. Then a written stipulation to be "So Ordered" by the Court, explaining the reason for the adjournment, must be e-filed (on non-e-file cases, the stipulation must be hand delivered to the Part) at least one day before the scheduled conference or argument.

B. If the parties do not agree on an adjournment, they must set up a conference call with chambers or appear and make an application before the court.
C. Do not call chambers regarding other scheduling matters and uncontested requests for adjournments. Any such calls will result in your being directed to the Part Clerk.
D. Do not copy the court on letters or documents exchanged between counsel. The court will not read them and they will be discarded unread by the Part Clerk without being shown to the court.
E. *Ex parte* communications are strictly prohibited.

2. MOTION PRACTICE

A. Oral Arguments on Motions are held on Wednesdays at 9:30 a.m., or as otherwise directed.
B. Failure to appear for oral argument within 30 minutes of the directed time may result in a default.
C. All summary judgment motions must be filed within 120 days after the filing of the note of issue.
D. Part 58 requires working copies of all motion papers. Working copies shall be provided within 72 hours upon e-filing or submission of the motion in Room 130 as applicable. Motions may be scheduled for oral argument at the Judge's discretion. If oral argument is scheduled, you will be notified electronically.
E. For adjournments, see Rule 1.
F. Parties appearing on dispositive motions should have settlement authority. A failure to appear with settlement authority may be deemed a default.
G. If a motion has been withdrawn or settled, whether or not *sub judice*, the parties must immediately call the Part Clerk and e-file a stipulation.
H. If a motion has been made on your case and you are before the court on a conference, all attorneys must be prepared to discuss the pending motion. Failure to be prepared to discuss the motion may be deemed a default on the motion.

3. PRELIMINARY AND COMPLIANCE CONFERENCES

A. Preliminary Conferences, Compliance Conferences and Status Conferences are all held on Wednesdays at 9:30 a.m., or as otherwise directed.
B. For Adjournments, see Rule 1.
C. Failure to appear by 11:00 am at any scheduled conference will be considered a default and your pleadings may be stricken.
D. There will be no calendar call. Stipulations and Orders should be filled out and given to the Part Clerk when all parties are ready to proceed. The parties will then conference with the judge or a court attorney. If the opposing party fails to appear by 11:00 a.m., please notify the Part Clerk.
E. Bring to the attention of the Part Clerk all pending motions, whether pending in the Motion Submission Part or fully submitted.
F. Attorneys attending conferences must have authority to bind the party on all issues. Appearances by counsel without authority may be deemed a default.
G. All orders must be legible, contain the Part number, judge's name and must indicate the names, addresses and telephone numbers of all counsel appearing at the conference.

5. TRIALS

A. On the first appearance for trial, all parties must furnish: all marked pleadings and bills of particulars, all notices to admit, all relevant decisions, all motions *in limine*, requests to charge (subject to revision) and a proposed verdict sheet, and shall advise the court of all required interpreters.

B. Post-trial motions shall be made within 15 days after verdict (CPLR 4405).

HON. ELLEN M. COIN Part 63, General IAS Part, Room 311, 71 Thomas Street, New York, New York
Part Clerk's Phone : 646-386-3296
Chambers Phone : 646-386-3875
Principal Law Clerk: Mikhail Sheynker, Esq.
Part Clerk: Vilsaint

Preliminary Conferences: Wednesdays, commencing at 2:00 p.m., or as otherwise directed.
Compliance Conferences: Wednesdays, commencing at 2:00 p.m., or as otherwise directed.
Oral Argument on Motions: Wednesdays, staggered in ½ hour intervals commencing at 9:30 a.m. to 12:30 p.m., or as otherwise directed by order to show cause. Discovery motions will sometimes be scheduled with afternoon conferences.

I. Communications with the Part Clerk and Chambers

A. **DO NOT CALL OR WRITE CHAMBERS REGARDING SCHEDULING MATTERS AND REQUESTS FOR ADJOURNMENTS**. Any such calls will simply result in your being directed to the Part Clerk. The Law Clerk does not handle adjournments. Adjournment requests for conferences and oral arguments scheduled in Part 63 should be made by contacting
Ms. Riccobene, the Part 63 Clerk. Adjournment requests for mediation dates in Mediation I and/or jury selection dates in Trial Part 40 should be made by contacting the appropriate part clerks. Justice Coin and her Part Clerk do **not** administer those calendars. Adjournment requests for matters pending in the Motion Submission Part should follow the General Procedures for New York County found at
http://www.nycourts.gov/supctmanh/motions_on_notice.htm
Do not call chambers or the Part 63 Clerk regarding adjournments in the Motion Submission Part.

B. **PHONE CALLS TO CHAMBERS REGARDING PENDING MATTERS MAY BE PLACED ONLY BY ATTORNEYS, OR PRO SE PARTIES IF NOT REPRESENTED BY ATTORNEYS.** No law office employees, assistants or aides may call the chambers. Such phone calls should instead be directed to the Part Clerk.

C. **DO NOT WRITE LETTERS TO THE COURT UNLESS YOU**
(i). seek to withdraw a motion in whole or in part;
(ii). wish to advise the court that a case is settled; or
(iii). were granted leave to write the court at oral argument or after a consultation with the law clerk.

II. Motion Practice

A. **Page Limit** – any memorandum of law or attorney's affirmation presenting legal argument may not exceed **30 PAGES** of double-spaced text in 12-point type with 1-inch margins.

B. Oral Argument Scheduling
After motions are submitted in the Motion Submission Part, Room 130 at 60 Centre Street, they are forwarded to the part. Motions submitted on default or with no opposition are not generally scheduled for oral argument. Other motions will be scheduled for oral argument at the discretion of Justice Coin (*see,* 22 NYCRR 202. 8[d]). If oral argument is requested, it should have been so indicated on the notice of motion. **DO NOT SEND LETTERS TO THE PART OR CHAMBERS REQUESTING ORAL ARGUMENT**. If oral argument is scheduled, you will be so notified electronically.

C. **DO NOT** copy the court on letters exchanged **between** counsel. The court will not read them.

D. If a case has settled while a motion is *sub judice,* ***please so advise the Part 63 Clerk IMMEDIATELY!*** This is an exception to the "no letter" rule set forth above at I. B.

E. ***WORKING PAPERS*** are required to accompany all applications and motions filed electronically through NYS Courts Electronic Filing (NYSCEF). The working papers must be submitted in person in Room 130, 60 Centre Street, on the day the motion is returnable.

F. **Do not call chambers or the Part 63 Clerk to determine whether a decision has issued.** This information is easily available through the Supreme Court Records On-Line Library (SCROLL) and, if the action is e-filed, through NYSCEF.

G. **SUMMARY JUDGMENT MOTIONS** may not be made without arranging a telephone conference between all sides and the Court and receiving the Court's approval in the event that there are outstanding discovery motions pending; otherwise, there are no conditions or restrictions to making a summary judgment motion separate and apart from any found in the CPLR.

III. **Preliminary and Compliance Conferences**

A. Please bring copies of all prior conference orders and stipulations to the conferences. If you have any motions pending in the Motion Submission Part, or which are *sub judice*, please bring this to the attention of the Part 63 Clerk and consult with the Justice's law clerk.

B. Instructions Applicable to Preliminary Conference and Compliance Conference Orders
(i). Please write legibly with a black ball point pen. Press hard. Illegible orders will not be signed. You must indicate the names, addresses, and telephone numbers of all counsel appearing at the conference.
(ii). Number the pages (e.g., 1 of 3, 2 of 3). At the top of page 1, please indicate whether this is the 1st , 2nd , or 3rd Compliance Order and whether the matter has already been converted to electronic filing.
(iii). If it is a P.C. form, all items must be completed or marked "n/a" if not applicable.
(iv). Use complete dates, including the correct year. Please remember that some of the dates you are selecting may be in the next calendar year.
(v). Use firm cut-off dates such as "on or before December 31, 2012." Do not use "within 45 days," etc. **You are assumed to have consulted your clients, examining doctors, etc. regarding their availability for EBTs, IMEs, etc. before you pick the date. Pick a reserve date if you have any uncertainty.**
(vi). Do not leave the courtroom until either the Justice or her law clerk has reviewed your completed forms. Copies of preliminary conference and compliance conference orders will be available electronically in e-filed matters. Copies of such orders are not scanned in matters that have not be converted to electronic filing.

C. At each compliance conference, counsel should have a complete list of any discovery previously ordered but not yet completed. Failure to address such items at the subsequent conference will be deemed a waiver of the party's right to that discovery.

D. INTERROGATORIES
(A) Interrogatories are limited to 25 in number, without subparts, unless another limit is specified in the preliminary conference order. This limit applies to consolidated actions as well.
(B) Unless otherwise ordered by the court, interrogatories are limited to the following topics: name of witnesses with knowledge of information material and necessary to the subject matter of the action, computation of each category of damage alleged, and the existence, custodian, location and general description of material and necessary documents, including pertinent insurance agreements, and other physical evidence.
(C) During discovery, interrogatories other than those seeking information described in paragraph (B) above may only be served (1) if all relevant parties consent, or (2) if ordered by the court for good cause shown.
(D) At the conclusion of other discovery, and at least 30 days prior to the discovery cut-off date, interrogatories seeking the claims and contentions of the opposing party may be served, unless the court has ordered otherwise.

HON. MATTHEW F. COOPER Part 51, Matrimonial Part, Room 212, 60 Centre Street, Phone 646-386-3846
Chambers: 646-386-5696
Associate Law Clerk: Timothy Corbo, Esq. tcorbo@nycourts.gov
Assistant Law Clerk: Leah E.S. Cobean, Esq. lecobean@nycourts.gov
Part Clerk: Charlotte Williams chwillia@nycourts.gov

GENERAL PART RULES

1. All parties and attorneys are required to be present on the return date and on every subsequent adjourn date unless otherwise authorized by the court.

2. All adjournments require the prior approval of the court and must be requested no later than 1:00 P.M. of the business day immediately preceding the return date. **Adjournment requests received after 1:00 P.M. will be denied barring extraordinary circumstances**.

3. Any adjournment granted by the court must be memorialized by written stipulation prepared by counsel for the party requesting the adjournment and must be signed by the attorneys for all parties. The stipulation must include a briefing schedule for the submission of any outstanding responsive papers.

4. Motion papers, responsive papers, and any other correspondence shall **NOT** be faxed or e-mailed to the court without the court's express permission. If prior permission to fax or e-mail documents is obtained, **DO NOT** send hard copy duplicates by mail or hand delivery unless otherwise advised.

5. In the event that an answer is not interposed in an action and the parties have appeared before the court for a preliminary conference, the action may not be discontinued without prior court approval and after a motion for such relief is brought.

MOTIONS AND CONFERENCES

6. Wednesdays (at 9:15 A.M.) are the Part's designated motion and conference days.

7. All motions are required to be brought by Order to Show Cause, unless authorization to proceed by Notice of Motion is obtained from the court prior to filing.

8. Oral argument is required on all motions and orders to show cause unless otherwise directed by the court. If a hearing is requested or required, the parties shall be prepared to go forward on the return date of the application.

9. Opposition papers must be served and filed with the Part 51 court clerk at least seven (7) days prior to the return date or, where an adjournment has been granted, at least seven (7) days prior to the adjourn date, unless otherwise directed by the court. The Reply, if any, must be served and filed with the Part 51 court clerk at least one (1) day prior to the return date or, where an adjournment has been granted, at least one (1) day prior to the adjourn date, unless otherwise directed by the court. The court does not accept or require courtesy copies unless expressly requested.

10. Any cross-motion must be served and filed in the same time frame for responsive papers described above except that the original cross-motion must first be presented to the NY County Clerk for payment of the appropriate fee. After payment of the fee, the original cross-motion with proof of payment must be filed with the Part 51 court clerk.

11. All motion papers including orders to show cause, notice of motion/cross-motion, opposition, reply, memos of law, exhibits, affirmation, affidavits, and proposed/settle orders must indicate the respective **MOTION SEQUENCE NUMBER** on the first page in the upper right hand corner. Failure to do so may result in rejection of the papers.

12. All attorneys and *pro se* litigants must provide their contact information (including your e-mail address and fax number) to Room 119 at 60 Centre Street, New York, NY 10007.

13. At the preliminary conference, the parties are required to provide to the court copies of Statements of Net Worth and the pleadings. A preliminary conference shall take place on the return date for all motions seeking *pendente lite* relief in a newly filed divorce action, unless otherwise directed by the court.

14. All discovery deadlines set by the court are final and may only be extended by court order for good cause shown. The court will consider granting an extension of a discovery deadline only if an application is made by order to show cause prior to its expiration.

15. At the pre-trial conference for a custody trial, the parties shall exchange and submit to the court Proposed Parenting Plans and witness lists. At the pre-trial conference for a financial trial, the parties shall exchange and submit to the court Statements of Proposed Disposition, updated Statements of Net Worth, witness lists, and tax returns for the previous three years. Proposed Parenting Plans and Statements of Proposed Disposition shall be submitted in hard copy and e-mailed to the law clerks listed above as a Microsoft Word compatible document. Absent extraordinary circumstances, all trial dates are final and will not be adjourned.

16. For all emergency applications, the movant must contact the court to ascertain a convenient date/time to have the application heard and the order presented for signature. If represented by counsel, **THE CLIENT MUST APPEAR** on the application or the emergent relief requested may be denied.

CHANGE OF ATTORNEY

17. Any attorney seeking to withdraw from a case **MUST FILE A MOTION** by order to show cause where the granting of such application would result in the litigant being self-represented. **The court will not accept a stipulation where the litigant consents to proceeding *pro se*.** Where the litigant is merely switching attorneys, a stipulation consenting to change attorneys is required and a motion need not be brought.

HON. JAMES E. d'AUGUSTE Part 62 (E-file part), Room 320, 80 Centre Street, phone 646-386-3728, facsimile 212-952-2810

Court Attorney: Rena Malik, Esq.
Telephone: 646-386-5699
Part 62 Clerk: Ken Notto

1. Courtesy copies of e-filed cases are to be provided on the date oral argument is scheduled. Otherwise, they are not required.

2. All conferences involving the City of New York (DCM City cases) are held in Room 103 at 80 Centre Street. For adjournments or other calendar issues involving appearances in DCM, please call 646-386-3687.

3. When a motion is granted and the movant is directed to settle order or judgment on notice, settlement takes place with the Orders Section, Room 119A at 60 Centre Street. Therefore, the movant shall file (1) notice of settlement; (2) proposed order or judgment; and (3) affidavit(s) of service with the Orders Section.
   - If it's an e-file case, movant shall file working copies of the same with the Orders Section. For further information, please contact the Orders Section at 646-386-3032.
   - Do not submit proposed orders or judgments directly to chambers or the courtroom, unless specifically directed to do so.
   - *References*:
     - "The Settlement of Long Form Orders" Section on the court's website available at: http://nycourts.gov/courts/1jd/supctmanh/motions_on_notice.shtml.
     - Uniform Rules for Trial Courts (22 NYCRR) § 202.48.

4. Motions for summary judgment shall be made no later than 120 days after the filing of the note of issue, except with leave of the Court for good cause shown pursuant to CPLR Rule 3212 (a). This rule shall supercede any case scheduling order issued in an action assigned to this Part where the note of issue is filed on or after September 18, 2015.

HON. TANDRA L. DAWSON Part IDV, Integrated Domestic Violence Part, Room 1604, 100 Centre St., 646-386-3868

HON. LAURA DRAGER Part 31, Matrimonial IAS Part, Room 305, 71 Thomas Street, Phone: 646-386-3355
Motions & Conferences: Mon. all day and Tues. mornings

HON. CAROL EDMEAD Part 35, IAS General Assignment Part, Room 438, Phone: 646-386-3322
Motions: Tues. 9:30 A.M. and 11:30 A.M. on a staggered schedule

Part 35 is a PURE PAPERLESS PART. E-filed motions must contain hyperlinked case citations or said submission will be rejected. All e-filed documents must be text-searchable. Bookmarks are strongly encouraged. E-filed motions do not require hard or courtesy copies, unless requested by the Court.

The dispositive motion deadline is 60 days after the note of issue is filed, unless otherwise directed.

Discovery motions are strongly discouraged. (*See also* Rules of the Justices, New York County Supreme Court, Civil Branch (Non-Commercial Division), NYLJ, Rule 11).

Motions returnable in the Motion Submission Part Courtroom, Room 130 and assigned to the Part will be on submission unless the court advises the parties that oral argument is required.

Orders to show cause will be returnable in the Part. Responsive papers to orders to show cause must be delivered to the courtroom at least 4 days prior to the return date unless the court indicates otherwise. Absent an emergency, orders to show cause may not be adjourned. If the motion is adjourned, all papers are due in the Part on the Friday before the adjourned date.

In the event a motion has been resolved by withdrawal or settlement of the case, counsel are encouraged to advise the court prior to the Tuesday calendar by promptly faxing to the court a letter of withdrawal or a stipulation of settlement and discontinuance. There shall be no ex parte communications with chambers and there will be no telephone adjournments. (*See also* NYLJ, Rules 1 (a), 4, 13 (b), 14 (a) and 14 (c)).

Conferences:

(See NYLJ, Rule 1(a), 7(c), and 10 (b)). Requests to adjourn preliminary, compliance, or pre-trial conferences on consent of all parties shall be faxed to (212) 374-8355.

All preliminary conferences are scheduled for Tuesdays at 2:15 P.M.

Preliminary conferences may not be adjourned. All stipulations of adjournment are subject to court approval and must be on consent, in writing. If there is no consent, the date must be honored and counsel must appear for an oral application for an adjournment. When an order to show cause is filed prior to the scheduling of a preliminary conference, the court will hold the preliminary conference on the return date of the Order to Show Cause, except where an Order involves (1) a reference; (2) a stay of the proceedings, i.e. bankruptcy or (3) the death of a party or other substitutions. (*See also* NYLJ, Rule 7 (a)).

At a compliance conference, a scheduled conference may be adjourned one time for no more than two weeks by stipulation of the parties faxed to the court by noon on the preceding Friday. Any further adjournments require the approval of the court, which will be granted only for good cause. The request for any such additional adjournment must be submitted to the court by fax no later than 4 P.M. on the preceding Friday. No adjournments will be given over the telephone. (*See also* NYLJ, Rule 1(b)).

At a pre-trial conference, counsel and their clients must appear unless the court expressly directs otherwise. (*See also* NYLJ, Rule 1(b)).

Questions regarding appearances in Part 35 on a conference or motion are to be forwarded to the Part Clerk at 646-386-3322.

Trials:

Trials are scheduled for a date certain generally within 45 days after a conference is held following the filing of a note of issue. Trial dates scheduled by the court are firm and may only be adjourned upon application based upon an emergency. Trials are held every day of the week except Tuesdays, which is a calendar day. No adjournments will be granted if a witness is unavailable to testify unless the court concludes, in rare instances, that good cause exists. (*See also* NYLJ, Rules 20 and 21, and Pre-Trial Information Sheet available in the Part).

HON. ARTHUR F. ENGORON Part 37, IAS General Assignment Part, Room 328, 80 Centre, Phone: 646-386-3222; Chambers, Room 326, 80 Centre, Phone: 646-386-3181

HON. KATHRYN E. FREED IAS Part 2 (E-Filing Part), Room 280, 80 Centre Street, phone: (646) 386-3852
Principal Law Clerk: Jonathan A. Judd, Esq.
Assistant Law Clerk: Dylan Cerbini, Esq.
Part 2 Clerk: Wallace Kamper
Courtroom Phone: (646) 386-3852

I. Communications with Part Clerk and Chambers

A. Scheduling Matters and Requests for Adjournments:

i. Neither Justice Freed nor her Principal Law Clerk handles adjournments. Please contact Part 2 Clerk concerning all adjournments.

ii. Parties wishing to schedule an in-court or telephone conference must do so by conference call, with all appearing parties, to the Part 2 Clerk.

iii. Adjournment requests for Tuesday morning oral argument must be directed to the Part 2 Clerk.

(1) Where all parties are amenable to adjourning oral argument, contact the Part 2 Clerk and follow-up with a hard copy of the stipulation of adjournment by facsimile to the Clerk. Fax: (212) 952-2810- Attn: Justice Kathryn E. Freed. The stipulation can also be emailed to the Part Clerk. The stipulation **must also be e-filed**. **All parties must be copied on any correspondence to the court**.

(2) Except in emergency situations, motion adjournments for Tuesday morning motions will not be granted if the application is made less than 24 hours before the scheduled appearances. **Adjournments by stipulation submitted less than 24 hours prior to the scheduled motion must be approved by the court and parties not in compliance may be defaulted for nonappearance**.

(3) Adjournment requests for motions returnable in the Motions Submissions Part (Room 130), for mediation dates in the Mediation Part, and/or for jury selection dates in Trial Part 40 must be made by contacting the appropriate Part Clerks. Justice Freed's staff cannot adjourn any appearances scheduled in those Parts.

(4) A preliminary conference or compliance conference may be adjourned **once on consent for no more than 30 days** to a Tuesday afternoon at 2:15 p.m. A stipulation agreeing to the adjournment **must be e-filed** and a copy of the stipulation must be filed with the Part 2 Clerk at least 24 hours in advance of the conference date. Any **adjournment by stipulation submitted less than 24 hours prior to the scheduled motion must be approved by the court and parties not in compliance may be defaulted for nonappearance**. Further adjournments require Court leave.

B. **No *ex parte* communications**. **Please do not call or e-mail Justice Freed or her staff unless all parties participate in the communication**. Do not copy the Court on letters exchanged between counsel; all such communications will not be entertained. Stipulations, papers, CD-Roms, etc. should be sent or delivered to the proper Clerk for filing, where appropriate.

II. Motion Practice and Conferences

A. Oral argument of **non-discovery motions**: Tuesdays at 10:00 a.m. in Part 2 Courtroom, 80 Centre Street, Room 280.

Preliminary and Compliance Conferences and Discovery Motions: Tuesdays at 2:15 p.m. in Part 2 Courtroom, 80 Centre Street, Room 280.

B. All motions, except Orders to Show Cause, shall be made returnable to the Motion Submission Part Courtroom, 60 Centre Street, Room 130. Motions will be scheduled for oral argument in the Trial and Motion Courtroom, 80 Centre Street, Room 280, for a Tuesday at 10 a.m. after the final appearance in the Submission Part. Motions submitted on default in Room 130 may be scheduled for oral argument.

C. Parties seeking a Temporary Restraining Order by Order to Show Cause must appear with the affected adversary, or proof of notification to adversary, when such application is made.

D. The deadline for filing motions for summary judgment is **60 days** from the date of the filing of the note of issue, as set forth in the

preliminary conference order, unless otherwise ordered by the court.

E. **All motions must be e-filed and the court must be provided with courtesy/working copies of all motion papers.** Please submit working copies to the Motion Submission Part, 60 Centre Street, Room 130, on the return date of the motion **and clearly label such as a "working copy." Motions will not be scheduled for oral argument in Part 2 unless the court is provided with such courtesy/working copies. Working copies include only papers to be considered in connection with motions and other rulings and do not include documents such as a notice of entry or note of issue.**

F. General Motion Guidelines:

i. The first page of all motion papers, including notice of motion, opposition, reply, exhibits, affirmations, memorandum of law, etc., must **reflect the respective motion sequence number** and index number in the upper right hand corner.

ii. All submissions must be in 12 point font and in double-spaced line format.

iii. Documents in a foreign language must be properly translated as per CPLR 2101(b).

iv. If reliance is placed on a decision or other authority not officially published or readily obtainable by the court, a copy of the case or pertinent portions of the authority shall be submitted with the motion papers.

v. Unless advance permission is otherwise granted by the court for good cause, **memoranda of law shall not exceed 30 pages each** (exclusive of table of contents and authorities) **and affidavits/affirmations shall not exceed 25 pages each**. Reply affirmations shall not exceed **15 pages in length**.

vi. The CPLR does not permit sur-reply papers, however denominated. Papers or letters regarding a motion should not be presented to the court after submission of the motion in the Motion Submission Part (Room 130), or after argument in Part 2, if any, except with the advance permission of the court. **Materials submitted in violation of this rule will be disregarded by the court.**

vii. All courtesy copies of motion papers must have **protruding exhibit tabs** identifying the exhibits. **Absent extraordinary circumstances, papers submitted in violation of this rule will be disregarded by the court.**

viii. All exhibits submitted electronically shall be described in the heading of the attached exhibit (e.g., Exhibit A, Bill of Particulars; Exhibit B, 50-h Transcript), so that it is known what document is filed in the Exhibit without the need to electronically open it.

ix. Any reference to deposition testimony must cite to the exact page and line numbers relied upon rather than merely attaching the entire transcript or "relevant portions". The failure to follow this rule may result in the denial of the motion with leave to bring it again upon proper papers, but only so long as any deadlines have not already passed - that is a filing deadline will not be extended. As with deposition transcripts, any reference to any other voluminous exhibit annexed to a motion must include pinpoint citations so that the exact location within the exhibit can be easily located. For example, a citation to physical therapy notes contained within an exhibit of medical records should be identified as "see physical therapy note dated xx/xx/xx, Exhibit B, at page 9"; it should not just refer the court to the exhibit as a whole.

x. Memoranda of law must be bound separately from other papers. Exhibits should be bound in volumes not to exceed approximately 1 to 1.5 inches in thickness, if practicable. Velo binding is preferred. Two-sided copies of depositions or other papers must be bound on the left.

G. **If a case has settled** while a motion is pending (or at anytime), or if you wish to withdraw the motion (after submission in room 130 and before oral argument), **please advise the Part 2 Clerk in writing immediately**.

H. All decisions are scanned and available on the internet; access them through E-LAW or SCROLL (www.nycourts.gov/supctmanh - click on "Case Information" on the right side of the page). **Please do not call Chambers or the Part 2 Clerk to ask whether a decision has been issued or when a decision is expected to be issued**.

I. Once motions are fully submitted, the court will not accept any additional papers. Letters to the court after oral argument or full submission of a pending motion will not be accepted.

III. Trial Practice

A. **Trial Memoranda**. Prior to trial, each party is to submit a trial memorandum, **not to exceed five (5) pages**, briefly setting forth its position and the relevant factual and legal issues to be tried. Relevant case law should be cited in, and relevant cases should be attached to, the memorandum.
B. **Marked Pleadings**. The parties are to submit marked copies of all pleadings in the case prior to the commencement of trial.

C. As soon as possible prior to trial, the parties are to provide the court with **all relevant orders** documenting the history of the case to be tried including, but not limited to, decisions granting or denying summary judgment or dismissal motions and orders of preclusion.

D. **Motions in limine** must be provided to the court as soon as possible prior to trial.

E. Where practicable, deposition transcripts and exhibits shall be provided electronically in a word-searchable format, and a working copy thereof shall also be filed with the Part 2 Clerk.

IV. **Appearances By Counsel**

In connection with motions, conferences, or trials, counsel are expected to appear **on time**. Counsel are required to check in with the Court Officer at the time scheduled for the particular proceeding. Parties whose counsel fail to check in within one (1) hour of the appointed time for the appearance may be subject to sanctions including, but not limited to, default and/or striking of pleadings. To avoid sanctions, an attorney with an appearance(s) in another part should advise his or her adversary(ies) and the Part 2 Clerk that he or she will be leaving the courtroom.

V. **Other Submissions**

All other submissions to Part 2, including proposed orders and judgments, transcripts, stipulations, letters, and affidavits of service, must be **e-filed**, and one working copy must be filed with the Clerk of Part 2.

All working copies of documents submitted to the Court must be marked to reflect that they have previously been e-filed.

Each preliminary conference order must have annexed thereto this court's "Preliminary Conference Additional Directives" and each compliance conference order must have annexed thereto this court's "Compliance Conference Additional Directives." These directives can be found in the Part 2 courtroom on the date of the conference.

Requests for commissions should be made by stipulation, if possible, or by motion if necessary. If by motion, please annex a proposed order.

Requests for *pro hac vice* admissions must be made by motion. If by motion, please annex a proposed order.

HON. ELLEN GESMER, Part 24, Matrimonial Part, 60 Centre Street, Room 331, Courtroom phone: 646-386-3285, Chambers phone: 646-386-3730, Chambers fax: 212-884-8986
Principal Law Secretary: Kristin Bebelaar, Email: kbebelaa@courts.state.ny.us,
Associate Law Secretary: Lena J. Wong
Email: ljwong@nycourts.gov

Motion and conference days: Thursdays and Fridays, at staggered times. Minor children are not permitted in the courtroom, except by permission of the court. Any counsel appearing on a motion or conference is expected to be fully familiar with the case. Parties are expected to appear for all motions and conferences, unless excused in advance by the court.

Motions: All applications for relief, except cross-motions, shall be made by Order to Show Cause unless otherwise directed by the court. All motion papers (including opposition and reply) shall state the motion sequence number on the first page. Counsel shall file opposition papers, replies and cross-motions in the courtroom. The court does not accept surreplies without prior court permission. To reduce the need for motion practice, counsel are encouraged to contact the court by conference call prior to filing a motion.

Communication with court: Communication with the court between court dates is by telephone conference only**. Where a party is not represented, conference calls will generally be held on the record.** Counsel and parties may not communicate with the court by letter, email or fax, and may not send the court copies of correspondence between or among counsel and/or parties, without prior permission from the court. Unauthorized correspondence will not be considered and will not be maintained as part of the court file. If you are unable to obtain the cooperation of opposing counsel or opposing party, *pro se*, to place a conference call, you may call one of the Law Secretaries and request assistance in setting up a conference call. Contacting the court by conference call is a privilege, not a right. **Accordingly, the court may determine in a particular case that it will not permit conference calls and will advise the parties and/or counsel that all applications for relief must be made by motion pursuant to the CPLR.**

Adjournments: Adjournments may be sought by telephone conference call with either Law Secretary, or the Part Clerk, to be followed by a written stipulation confirming the date.

Final Status Conference: When the court schedules a final status conference, the parties shall conclude all discovery before that date, and plaintiff shall file the Note of Issue no later than the day before the Final Status Conference, unless specifically excused by the court.

Preliminary Conference: Notwithstanding the directives in the preliminary conference letter from the court, the court only requires the following to be submitted at the preliminary conference: each party's statement of net worth, most recently filed state and federal income tax return, and two most recent paycheck stubs.

Pretrial Conferences: Parties shall exchange and file with the court the following pretrial documents at the pretrial conference, if any, or at least two weeks prior to the first day of trial if there is no pretrial conference: (1) Statement of Proposed Disposition pursuant to 22 NYCRR §202.16(h); (2) updated Net Worth Statement and most recently filed tax returns; (3) Witness List; and (4) Exhibit List, with pre-marked exhibits. If the trial concerns only custody, the parties shall file a Proposed Parenting Plan instead of a Statement of Proposed Disposition, and need not file an updated Net Worth Statement. With regard to exhibits, parties shall attempt to stipulate to admissibility, or at least to authenticity, at or before the pre-trial conference. In addition, counsel shall attempt to agree upon and execute a Stipulation of Undisputed Facts. Attorneys for children, if any, may file a proposed parenting plan if they wish to do so, and shall also exchange and file lists of witnesses and exhibits they intend to present at trial. Any pre-trial motions shall be filed by Order to Show Cause at least three weeks prior to the pre-trial conference, so that they can be made returnable at the pre-trial conference.

Trials and hearings: Mondays, Tuesdays and Wednesdays. Parties and children's attorneys, if any, may use on their direct case only evidence that is listed on their respective pre-trial exhibit lists, and witnesses who are listed on their respective pre-trial witness lists. Counsel may use evidence and witnesses not appearing on the pre-trial exhibit and witness lists on cross and rebuttal. Counsel are encouraged to put all exhibits in electronic format, and to exchange and file them with the court in electronic format.

Post-trial submissions: After trial, unless the court requests oral summations, the parties and the child's attorney, if any, shall submit post-trial proposed findings of fact and conclusions of law, with copies on a USB flash drive or Word formatted email attachment.

Change of counsel: The court does not accept Consents to Change Attorney from counsel to a *pro se* litigant. Unless the client has retained new counsel who has executed and filed a valid Consent to Change Attorney, counsel seeking to withdraw from a case must make a motion to be relieved.

Court Interpreters: A matter that requires an interpreter cannot be adjourned less than one week before the conference.

HON. PAUL A. GOETZ, Part 22, Motor Vehicle Part, 80 Centre Street, Room 136, Courtroom Phone 646-386-3271
Court Attorney: Joseph Doherty

The Motor Vehicle Part includes the motions, hearings, trials, etc., heard in Courtroom 136 and the Differentiated Case Management ("DCM") Part, which supervises discovery.

Oral Argument on Motions - Wednesdays at 9:30a.m., Courtroom 136.
Part Clerk Phone: 646-386-3271
Note: The Court requires working copies of all e-filed motion papers, and exhibits.

DCM Conferences - Mondays and Fridays at 9:30a.m. in Room 103, Phone: 646-386-3682.
The DCM Office: (Room 102), Phone: 646-386-3683, Fax: 212-952-2779

- **Communications with Part Clerk, DCM Coordinators, and Chambers — Including Adjournments**

1. Please notify Part Clerk as soon as a case settles or if all parties want a settlement conference, at any point in the litigation.

2. Requests for Adjournments/Scheduling:

1. For all motions pending in the Submissions Part (Room 130 at 60 Centre Street), follow that Part's rules regarding adjournments and scheduling. The following rules only apply to matters pending in the Part 22 courtroom or in the DCM part. For a motion to be pending in the courtroom, it must have been fully submitted in Room 130 and already rescheduled for oral argument on a Wednesday morning. We can only adjourn motions if we have the file and we only get the file after it is fully submitted in Room 130.

2. For all scheduling matters and requests for adjournments, please call the Part Clerk (for matters in the courtroom) or the DCM Coordinator (for DCM conferences) for instructions. Do not call chambers. Neither the Justice nor the Court Attorney handle adjournments. Please be aware that the Part Clerk and the DCM Coordinators know when and how to consult with Justice Goetz and will do so when necessary.

3. Absent exigent circumstances, all requests for adjournments must be approved in advance. Without prior approval, a stipulation will not be accepted and any failure to appear will be considered a default. To make your request, please call **at least two days** prior to the scheduled appearance by conference call with all counsel on the line. If approved, you will receive a new date and further instructions (i.e. submission of a stipulation). For appearances scheduled in the courtroom, contact the Part Clerk (646-386-3271). For DCM conferences, call the DCM Coordinator (646-386-3682 or 646-386-3683).

C. No *ex parte* communications. Unless specifically instructed, please do not call or e-mail chambers. Do not copy the Court on letters exchanged between counsel.

D. All decisions and orders (including DCM orders) are scanned and available on the Internet (E-LAW or SCROLL). Do not call to ask whether a decision has been issued.

II. Appearances before the Court/Motion Practice

A. If you want to withdraw a motion *after* the motion leaves the Submissions Part— either before or after argument — please advise the Part Clerk by telephone **immediately.** (If the motion is in the Submissions Part, then follow that Part's rules to withdraw).

B. Attorneys appearing before Justice Goetz must be thoroughly familiar with the case. All Counsel must be prepared for settlement discussions and to have their client or adjuster "on call" by telephone.

C. Please read these rules carefully. **Your papers may be rejected for failure to follow these rules.** The failure of the movant(s) to follow these rules may result in the denial of the motion(s) with leave to renew upon proper papers. However, absent good cause, no deadline will be extended.

D. General Motion Guidelines

(1) **Motions with opposition,** after being fully submitted in Room 130, will be scheduled for a brief oral argument in the Part 22 courtroom for the next available Wednesday at 9:30 a.m. Do not deliver opposition to motions pending on the Submission Calendar to any Clerk at 80 Centre Street; submit them in Room 130.

(2) **Motion Sequence Number ("MSQ"):** Often several motions are submitted at the same time. To keep papers organized, the first page of EVERY motion paper (notice of motion, opposition, reply, exhibits, etc.) **must reflect the respective MSQ** in the upper right corner.

(3) **Multiple Parties:** If the case has multiple plaintiffs or defendants, then you must state **which specific party(ies)** you represent in your motion papers **and** on the litigation back. Do not state that you represent "defendants" unless you represent all defendants.

(4) **Exhibits:**

(i) **Tabs:** All exhibits must be identified by protruding tabs.

(ii) **Referring to exhibits:** Each page in any exhibit must be numbered. Reference to any exhibit must include pinpoint citations so the exact location within the exhibit can be found easily. For example, a citation to physical therapy notes contained within an exhibit of medical records should be identified as "physical therapy note dated xx/xx/xx, Exhibit B, page 9"; it should not just refer to "Exhibit B". Likewise, while the entire EBT transcript must be annexed, any reference thereto must cite to the exact page and line numbers relied upon rather than merely attaching the entire transcript or "relevant portions."

(5) If there is a discrepancy between the relief sought in your notice of motion and the relief sought in your supporting papers, the notice of motion is controlling.

1. **E-Filed papers**: The Court requires courtesy/working copies of all e-filed papers; kindly submit these in Room 130 on the return date and they will be delivered to Chambers with the motion. ***Submitted working copies of motion papers must be bound. Failure to submit a complete and properly bound working copy of motion papers may result in a further adjournment or denial of the relief sought.*** Do not submit copies directly to chambers.

a. **General Orders to Show Cause ("OSC"):** Any party seeking immediate injunctive relief within an OSC must appear with the affected adversary (or with proof the adversary has been notified, but declined to appear) when the application is presented for signature.

b. **Orders to Show Cause to be relieved as counsel:** Do not bring your adversary, but you must make sure you provide enough information for Justice Goetz to fashion a method of service likely to reach your client.

c. **Motions to Renew/Reargue:** Please provide a separate appendix, labeled "original motion and decision", containing all papers submitted on the original motion and a copy of the Court's decision. In the appendix, please provide protruding tabs as the exhibits were originally submitted to the Court.

d. **Motions/special proceedings submitted on default** in Room 130 are generally not scheduled for oral argument. However, **the movant must make certain that an affidavit of service is annexed,** even for e-filed motions. Without a proper affidavit of service, relief will be denied.

i. **Discovery motions are strongly discouraged.**

(1) There are two full-time DCM Coordinators and a conference system to handle discovery. Please maximize use of these valuable resources.

(2) All initial discovery motions will be converted into a Case Scheduling Order. You should avoid a motion by simply filing an RJI with a request for a preliminary conference and you will receive a Case Scheduling Order without having to appear.

(3) If you already have a Case Scheduling Order or already have had one or more compliance conferences and still have a discovery dispute, see Rule IV(B) below.

(4) If the dispute cannot be resolved at the conference, then the issue(s) will be narrowed and the DCM Order will specifically allow a motion to be brought and must set forth a briefing schedule. A copy of that conference order, as well as all other conference orders, must be annexed to all discovery motions.

A. **Summary judgment motions**

(1) **All summary judgment motions must be made no later than 60 days after filing the Note of Issue -** there are no exceptions without leave of Court. In the notice of motion or early in the affirmation in support, please state the date the Note of Issue was filed and that the motion is timely. Absent good cause for late filing, a late motion will be denied, even if your adversary does not object.

(2) Cross-motions, especially cross-motions seeking relief unrelated to the main motion, DO NOT relate back to the date the original motion was made. "Me too" motions are not cross-motions as they do not seek relief against the movant.

(3) Discovery must continue during the pendency of a CPLR §3212 motion, unless good cause is shown for a stay. Consult the DCM Coordinator at the conference regarding the "good cause"; the DCM Coordinator will consult with Justice Goetz, if necessary. A stipulation will not suffice; any stay must be so-ordered.

III. <u>Notes of Issue</u>

A. A Note of Issue may NOT be filed unless a stipulation is so-ordered certifying that discovery is complete. Improperly filed Notes of Issue may be stricken *sua sponte.*

B. Usually, the certification of completed discovery will be made at the final compliance conference. However, if all parties agree that discovery is complete before that date, then you can avoid the conference by mailing or faxing a stipulation to the DCM Coordinator at least two days before the scheduled conference. The stipulation must certify that all discovery is complete and provide for the filing of the Note of Issue. The DCM Coordinator will provide a date by which the note of issue must be filed and the so-ordered stipulation will be scanned and will appear on SCROLL.

IV. <u>DCM/Compliance Conferences</u>

A. A Bill of Particulars and authorizations are the foundation upon which much discovery is based. **Accordingly, the failure of the plaintiff to provide a Bill of Particulars and HIPAA compliant authorizations by the first compliance conference, without good cause shown, may result in the plaintiff being precluded from offering any evidence of damages.**

B. Conferences are important; be prepared.

(4) The Court invests significant resources into the DCM system **in order to efficiently and fairly resolve discovery disputes.** The rules of this Part require compliance with court-ordered deadlines. Remember, these are court orders, not suggestions. The failure to adhere to deadlines and comply with orders may result in serious penalties. Counsel attending the conference are expected to be familiar with the case and have the authority to discuss and stipulate to resolve all discovery issues.

(5) At each compliance conference, **counsel MUST bring a list** of all discovery previously ordered but not yet completed as well as new discovery requested which could not have been previously addressed (and be ready to explain why it could not have been addressed). Failure to address all outstanding discovery existing at the time of the compliance conference may be deemed a waiver of the right to obtain said discovery.

(6) Please bring copies of all prior conference orders and stipulations to the conferences. If you have any motions pending in the Motion Submission Part, or which are *sub judice,* please bring this to the attention the Part 22 Clerk and consult with the DCM Coordinator.

(7) Counsel are assumed to have consulted clients, examining doctors, etc. regarding their availability for EBTs, IMEs and the like.

(8) Upon a party's second failure to appear for a conference, the case may be dismissed or the party's pleading may be stricken. Any motion to vacate such a default must be brought by Order to Show Cause and must fulfill the requirements of CPLR §5015.

(9) **If a dispute arises about compliance** with any discovery order, or if deadlines are passing without discovery being provided, **DO NOT WAIT** until the next conference to report, in effect, that nothing has been done. As an officer of the Court, it is counsel's responsibility to comply with court orders and to report non-compliance. If your good faith efforts to resolve the dispute fail, then immediately, before the deadline and without making a motion, call the assigned DCM Coordinator. Then, upon the DCM Coordinator's discretion, the case will be scheduled for a resolution conference (in person or by telephone) or the date of the next scheduled conference will be advanced.

(10) Absent good cause, failing to report discovery problems with DCM immediately, in advance of the deadlines, or failing to comply with any discovery order or DCM Discovery Reminder Notice, may result in the imposition of penalties upon the offending party and, where warranted, upon counsel. Penalties may include waiver of the discovery, preclusion, dismissal, striking the Answer, costs, sanctions and attorneys' fees.

(11) All ordered discovery is important, but counsel should be particularly aware that severe penalties are likely to be imposed for the following noncompliance, because there is little excuse for counsel failing to provide/schedule discovery, since it is so routine:

(i) Plaintiffs failure to timely provide a Bill of Particulars and HIPAA compliant authorizations.

(ii) Defendant's failure to timely give notice of, designate physicians for, schedule or conduct IMEs of plaintiff and serve the resulting reports.

(iii) Plaintiff's failure to attend the IMEs.

(iv) Either party's failure to schedule and attend a deposition.

C. Instructions Applicable to Compliance Conference Orders

(12) Please write legibly with a black ball point pen. Press hard. Illegible orders will not be signed. You must indicate the names, addresses and telephone numbers of all counsel appearing at the conference.

(13) The DCM Case Coordinators have been instructed not to make copies. Although you are free to take a picture of the stipulation with your phone, keep in mind that all orders will be scanned and will appear on SCROLL. Use complete dates, including the correct year. Please remember that some of the dates you are selecting may be in the next calendar year.

(14) Use firm cut-off dates such as "on or before December 31, 2016." Do not use "within 45 days," etc. Because you are assumed to have consulted your clients and examining doctors regarding their availability for EBTs and IMEs, you will be held to the dates to which you commit. Pick a reserve date if you have any uncertainty.

(15) If you have not complied with the "on or before" dates in the Case Scheduling Order/Preliminary Conference Order or the first Compliance Conference Order, then you must pick a specific date during the second compliance conference for the EBTs, IMEs, etc. That is, you get two chances to comply with "on or before" dates. The second Compliance Conference Order must set forth specific dates and include penalty language (preclusion, etc.) for noncompliance and may add "unless good cause is shown for the noncompliance". If you have not complied, then come prepared to the next compliance conference with affidavits, plane tickets, death certificates or proof of hospitalization to prove any claimed "good cause".

(16) Non-specific statements such as "all discovery not yet provided" or "unless otherwise provided" or "to the extent not yet provided" will not preserve any rights. Each attorney is expected to know what has been provided and what has not. See Rule IV(B)(2) above about bringing a list of all outstanding and requested discovery to every conference and waiver of discovery.

Trial Rules for the Part will be provided to attorneys prior to trial.

HON. SHLOMO S. HAGLER Part 17, IAS General Assignment and Condemnation Part , Room 335, 60 Centre, Phone: 646-386-3283; Chambers, Room 631, 60 Centre Street, 646-386-5691

HON. SHERRY KLEIN HEITLER Part 30, IAS General Assignment Part, Room 412, Phone: 646-386-3281 Chambers Phone: 212-428-2130
Fax: 212-428-2192 Law Clerks: Roberta McClintock, Esq., rmcclint@nycourts.gov; Steven Helfont, Esq., shelfont@nycourts.gov
Part Clerk: Tom Schiel, tschiel@nycourts.gov; Admin. Asst: Valerie Qualls, vqualls@nycourts.gov
Chambers: 25 Beaver Street, Room 1128, New York, NY 10004
Motion/Conference Calendar - Mondays on a staggered schedule, starting at 9:30AM in Courtroom 412 at 60 Centre Street.

General Part Rules

1 The court will not consider any communications unless all parties participate.
2 In the first instance, parties may contact the Part 30 Clerk at 646-386-3281 regarding scheduling and requests for adjournments. If the Part 30 Clerk is not available, call chambers at 212-428-2130.
3 All adjournments must be consented to by the court.
4 All correspondence must be on notice and should be directed to Judge Heitler at 25 Beaver Street, Room 1128, New York, NY 10004. In the case of matters requiring the court's immediate attention, letters may be faxed or emailed. Parties may contact the Part 30 Clerk with any questions.
5 Please notify the Part 30 Clerk as soon as a case is settled or to schedule a settlement conference.

Conferences

1 Conferences are held in Courtroom 412 on Mondays beginning at 9:30AM. Conference times will be staggered.
2 All counsel must be familiar with the case and have the authority to enter into stipulations and settlements.
3 Relevant documents, including but not limited to prior conference orders and stipulations, must be brought to each conference.
4 Preliminary and compliance conference orders must contain firm cut-off dates such as "on or before June 3, 2015" as opposed to "within 45 days".
5 The court may request that clients attend settlement conferences.

Motions

1 Argument on motions are held in Courtroom 412 on Mondays beginning at 9:30AM. Argument is required on all motions.
2 Part 30 is an E-filing Part. The court does not require working copies of motion papers unless otherwise requested.
3 Unless otherwise provided by the court, summary judgment motions must be filed no later than 60 days after filing of the Note of Issue.
4 Any request to withdraw a motion while in the Submissions Part should be made in accordance with the Submissions Part's rules. Requests to withdraw a motion after it leaves the Submissions Part should be made on notice to the Part 30 Clerk.
5 Any questions regarding the procedure for E-filing proposed Orders to Show Cause should be directed to the Ex-Parte Clerk at 646-386-3125.

HON. DOUGLAS E. HOFFMAN Part 14, Integrated Custody and Domestic Relations Part, Room 6 S 10th Floor, 60 Lafayette Street, New York, N.Y. 10013 Phone 646-386-5290; Chambers: 646-386-5120
Law Clerk: Danielle Rodriguez, Esq. 646-386-5214 drodrig2@nycourts.gov

GENERAL PART RULES

1. All parties and attorneys must be present on any calendared court date unless expressly excused by the court.

2. All court appearances shall be assigned a time certain, unless impracticable under the circumstances. All counsel and parties are expected to adhere strictly to that schedule.

3. Tuesdays and Thursdays are the Part's designated motion and conference days. Preliminary conferences are scheduled by the Matrimonial Clerk's Office.

4. All papers requiring filing must be filed at 60 Centre Street, N.Y., N.Y. 10007.

5. Any documents pertaining to the action, including, but not limited to, motion papers, responsive papers or correspondence, must not be faxed or e-mailed to the court without the court's explicit permission. Following service and filing of documents pertaining to the action, the parties are requested either to deliver to the courtroom a courtesy copy of such documents or to e-mail a courtesy copy to the Law Clerk on or after the same date that the papers are filed at the Clerk's Office.

6. All motion papers, including orders to show cause, notices of motion or cross-motion, opposition or reply, memoranda of law, exhibits, affirmations or affidavits, and proposed orders of settlement, must indicate the motion sequence number on the first page in the upper right-hand corner. The court will not accept sur-reply papers without prior court approval.

7. All attorneys and self-represented litigants must provide their contact information, including email address, telephone number and fax number, to Room 119 at 60 Centre Street, N.Y., N.Y. 10007.

8. Any motion seeking an order transferring Family Court proceedings to Supreme Court must clearly specify which proceeding(s) the party seeks to have transferred to Supreme Court and the basis therefor. The motion must contain a copy of the Family Court petitions and any pertinent orders.

9. *Ex-parte* requests for issuance of a temporary order of protection must contain the Family Protection Registry information Sheet, and the party must be present.

10. Oral argument is required on all motions unless otherwise directed by the court. If a hearing is requested or required, the parties should be prepared to go forward on the return date of the motion.

11. The court will conduct conference calls when appropriate in the interests of justice. Requests for conference calls shall be conveyed to the Law Clerk by email upon notice to all counsel and shall state the basis for the request. Conference calls shall not serve as substitution for a motion.

12. All adjournments require pre-approval by the court and, barring exigent circumstances, must be requested no later than 10:00 A.M. of the business day immediately preceding the calendared court date. All requests for adjournment must be in accordance with Part 125 of the Rules of the Chief Administrator of the Courts.

13. In newly filed divorce actions, a preliminary conference shall take place on the return date of all motions seeking *pendente lite* relief, unless otherwise directed by the court.

14. At the preliminary conference, parties must provide the court with copies of Statements of Net Worth and the pleadings. Parties shall also submit a child support worksheet and proposed parenting plan when applicable. Counsel shall, when necessary, file motions *in limine* and must be prepared to discuss evidentiary issues at the conference.

15. All discovery and trial schedules set by the court are final and may be modified or extended only by court order.

16. Within 30 days of trial, parties must provide the court with: Updated statements of net worth, statement of proposed disposition, including an access schedule, and child support worksheet, if applicable; witness list; pre-marked exhibit list; expert witness report if not already provided; pre-marked documents submitted into evidence on consent; written statement of issues or facts to which the parties stipulate in advance of trial; and proof of the filing of the note of issue.

17. Parties may, upon mutual consent and upon consent of the court, elect to submit prepared direct examination by affidavit in lieu of live testimony in accordance with the Part 14 protocol available in the Part or upon request of the Law Clerk.

18. Any attorney seeking to withdraw from a case must file a motion by order to show cause seeking to be relieved as counsel where the granting of such an application would result in the party being self-represented.

19. All judgments of divorce must contain a form VS 140 containing the social security number of both parties. All judgments must be submitted within 60 days or the action may be deemed abandoned and dismissed. All Qualified Domestic Relations Orders must be submitted within 45 days of the signing of the Judgment and must be accompanied by written plan approval. At the conclusion of trial, each party must retrieve exhibits from the courtroom within 30 days.

HON. CAROL E. HUFF Part 32, Center for Complex Litigation and Trial Part, Room 331, Phone: 646-386-3281

HON. BARBARA JAFFE, Part 12, IAS General Assignment Part, Courtroom: 80 Centre Street, Room 279, Part Clerk: 646-386-3273, Fax Number: 212-374-3907 (please reference "Part 12, Attention: Hon. Barbara Jaffe") Chambers: 646-386-3727, Principal Court Atty: Catherine Paszkowska cpaszko@courts.state.ny.us, Asst. Law Clerk: Adam Blander ablander@courts.state.ny.us

I. COMMUNICATIONS WITH THE PART AND CHAMBERS:

A. SCHEDULING MATTERS AND ADJOURNMENT REQUESTS - all such inquiries must be directed to the Part Clerk, Mike Kasper. PLEASE DO NOT CALL OR WRITE CHAMBERS.

Adjournment requests for matters pending in the Motion Submission Part Courtroom and not yet scheduled for oral argument should be made in accordance with the general procedures for the New York County Supreme Court at

www.nycourts.gov/supctmanh/motions_on_notice.htm

Please do not call chambers or the Part 12 clerk to adjourn a motion pending in the Motion Submission Part Courtroom.

B. *EX PARTE COMMUNICATIONS ARE STRICTLY PROHIBITED*
except for scheduling matters with the Part 12 clerk.

C. DO NOT WRITE LETTERS OR EMAILS TO THE COURT UNLESS YOU:

1. seek to withdraw a motion in whole or part;
2. wish to advise the court that a case is settled; or
3. were granted leave to do so at oral argument or by the court.

D. DO NOT COPY THE COURT ON LETTERS EXCHANGED BETWEEN COUNSEL. The court will not read them.

E. SEND NOTHING TO CHAMBERS UNLESS SO DIRECTED BY THE COURT. Stipulations, papers, etc. should be e-filed or delivered to the appropriate clerk.

II. PRELIMINARY AND COMPLIANCE CONFERENCES:

Conference Courtroom: 80 Centre Street, Room 279
Conferences are held on Wednesdays at 2:15 pm in room 279, or as otherwise directed

A. Procedures:

Counsel appearing at a discovery conference are expected to be familiar with the case and to have the authority to discuss all discovery issues and to settle, and must bring to each conference a list of all outstanding discovery.

Upon a party's first failure to appear for a conference, the conference will be adjourned.
Upon a party's failure to appear for the adjourned conference, the case will be dismissed or the party's pleadings will be stricken.

B. Scheduling:

Preliminary conferences may be scheduled pursuant to an RJI or a motion.
Alternatively, any party in an action in which an RJI has already been filed may contact the Part Clerk to schedule a preliminary conference.

Compliance conferences may be scheduled pursuant to a prior discovery order, decision on a motion, or by contacting the Part Clerk.
The next compliance conference, if any, shall be scheduled no later than three months from the prior conference date.

Notes of issue will be scheduled for the week after the next conference date or, if no further conference is scheduled, within 60 days after the last discovery deadline agreed to by the parties.

C. Adjournments:

Adjournments are strongly discouraged and requests for them must be directed to the Part Clerk by telephone conference call *only* and no later than 4 pm on the preceding Tuesday. *Adjournments by stipulation will not be accepted without prior court approval.*
Adjournments will be granted for good cause shown.

If a case has settled, the parties must promptly fax the Part Clerk a stipulation of settlement and discontinuance containing all pertinent information regarding the settlement. Until the stipulation is received, the conference will not be adjourned and the parties will be expected to appear. (*See* II.A.).

III. MOTIONS:

A. General Procedures:

Motions will be scheduled for oral argument by the court and will be held on Wednesdays beginning at 9:30 am in room 279 at staggered intervals.

Sur-replies are not permitted; letters and papers are not accepted after the return date unless on the consent or order of the court.

All motion papers, including notices of motion, opposition, reply, memoranda of law, exhibits, affirmations, and affidavits, *must reflect the respective motion sequence number on the first page in the upper right hand corner.*

If a motion has been withdrawn or settled whether or not *sub judice*, the parties must promptly fax the Part Clerk a stipulation. This is an exception to the "no letter" rule.

All summary judgment motions must be filed within 60 days after the filing of the note of issue.

Information about decisions on motions should be obtained by checking with the appropriate clerk's office, the New York Law Journal or the court's website at

www.nycourts.gov/supctmanh

under "case information" or

www.nycourts.gov

under the E-courts link.

Please do not call the Part Clerk or chambers to check on the status of a decision.

B. Page Limits:

Per Rule 14(b) of Rules of the Justices, New York County Supreme Court Civil Branch, memoranda of law shall not exceed 30 pages each (exclusive of tables of content and authorities), and affidavits/affirmations shall not exceed 25 pages each, double-spaced.

C. E-Filing:

Part 12 is an e-filing part. However, working hardcopies of only the e-filed affirmations and memoranda of law must be submitted at oral argument on motions. All working hardcopies must have attached to them a confirmation notice that a copy of the documents has been e-filed.

Questions regarding e-filing should be addressed to the E-Filing Office at 646-386-3610 or at

efile@courts.state.ny.us

Answers to frequently asked questions may be found at

www.nycourts.gov/supctmanh/E-filing.htm

D. Oral argument:

After motions are fully submitted in the Motion Submission Part Courtroom, they are forwarded to Part 12, and will then be scheduled for oral argument. The parties will be notified of the oral argument date via eTrack (http://iapps.courts.state.ny.us/webcivil/etrackLogin).

Motions submitted on default or without opposition are not scheduled for oral argument.

Motions may be adjourned by stipulation signed on consent of all parties if:

1. a reason for the adjournment is set forth in the stipulation, and

2. the stipulation is filed with the clerk no later than 4 pm the preceding Tuesday afternoon.

If the parties cannot agree to the adjournment, they may contact the Part Clerk by conference call. However, parties are reminded of the importance of cooperating with one another.

E. Discovery Motions:

DISCOVERY MOTIONS ARE STRONGLY DISCOURAGED. If a discovery dispute arises before the issuance of a preliminary or compliance conference order and a party has made a formal discovery motion, a conference will be scheduled for the return date of the motion.

If a discovery dispute arises *after* the issuance of a preliminary or compliance conference order, it must be directed to the Part Clerk who will promptly schedule a new conference or advance the date of a previously-scheduled conference.

F. Orders to Show Cause

Reply papers are not accepted on an order to show cause absent express permission.

IV. PRE-NOTE SETTLEMENT CONFERENCES:

The court will conduct pre-note settlement conferences upon the request of all parties.

The parties must fill out and sign a conference request form which is available from the Part Clerk. Once the request is submitted, the court will contact the parties to schedule the date and time of the conference. The conference will usually be held on a Wednesday afternoon.

Counsel must keep in mind the following rules:

1. attorneys who appear for the conference must be knowledgeable about the case and must bring any relevant documents;

2. only attorneys with authority to settle the case may appear;

3. if an insurance company is involved, an adjuster or someone from the company authorized to enter into a settlement must appear;

4. attorneys may, but are not required to, bring their clients to the conference;

5. if a settlement is reached, the parties, through their attorneys, will be expected to sign a stipulation of settlement at the conference; and

6. requests to adjourn the pre-note settlement conference must be in writing, signed by all parties, and sent to the court by 5 p.m. the day before the conference.

V. TRIALS:

A. Requirements:

Upon the first appearance before this court, the parties must furnish the court with the following:

1. a list of proposed witnesses including the need for any interpreters with the required language and dialect;

2. all marked pleadings and bills of particulars;

3. all prior decisions in the case;

4. any notices to admit; and

5. copies of those portions of EBTs intended for use at trial for any purpose.

B. Jury Trials:

Just prior to opening statements, the parties must furnish the court and opposing counsel with the following:

1. *Proposed jury instructions*, with the following provisos:

   a. if the proposed instructions are taken verbatim from the Pattern Jury Instructions, PJI numbers will suffice; and

   b. if a PJI instruction is not verbatim or requires a characterization or description of the evidence or the parties' contentions, the exact requested language must be submitted together with the authority for it.

2. *Proposed jury verdict sheet*, with the following provisos:

   The proposed instructions and verdict sheet must be emailed as an attachment in WordPerfect or Word format to cpaszko@courts.state.ny.us and to opposing counsel *simultaneously*. Do not assume that the email has been received until a confirmation email is sent to you. If no confirmation is received within 24 hours of the email's transmission, please call the court attorney for further instructions.

3. Parties are strongly urged to have the court stenographer pre-mark all exhibits for identification and/or in evidence if without objection. Any *in limine* issues are best raised before trial commences or at the beginning of the day on which a party expects to offer the exhibit.

VI. OTHER:

A. Change of Counsel:

If counsel is changed on consent, a copy of the form shall be filed in the General Clerk's Office (Room 119). Filing with the County Clerk will not suffice. Absent submission of a consent form, the attorney of record will remain on the case unless and until a motion for leave to withdraw is granted. If such an order is issued, outgoing counsel must serve a copy of the decision granting leave to withdraw on the General Clerk's Office and on all other counsel. A notice of appearance shall be filed by substitute counsel with the General Clerk's Office and the Part Clerk.

HON. DEBRA A. JAMES Part 59, IAS General Assignment Part, Room 103, 71 Thomas Street, Phone: 646-386-3351
Motions and Preliminary Conferences: Tuesdays, 9:30 AM and 11:00 AM
Compliance Conferences: Tuesdays, 11:00 AM
Status Conferences: Tuesdays, 2:30 PM
Pre-Trial Conferences: Tuesdays, 12 noon

Appearances by Counsel: Counsel who appear at conferences or for oral argument of a motion or other matter that is scheduled in the courtroom shall note their appearance on the calendar posted inside the courtroom. The Clerk of the Part will call each matter in the order in which all parties have so marked their appearances as present. Counsel who appear at conferences shall complete the appropriate form and submit such form to the Part Clerk prior to the matter being called. Counsel shall produce copies of all prior discovery stipulations and orders at each conference.

Motions: Contested motions, after submission to the General Clerk's Office, shall be rescheduled by the Part Clerk for oral argument. Notice to the parties of such argument will be transmitted by the court.

Orders to Show Cause: Orders to Show Cause, unless directed otherwise, are returnable in the Part.

Adjournments If the parties consent to an adjournment of a Show Cause Order, the Part Clerk, Ms. Charlotte Williams (646-386-3351) must be notified two business days before the scheduled return date. Upon approval by the court, the stipulation of adjournment shall be faxed or delivered to the court by 4 PM on the business day preceding the return date.

Disputes and Motions Concerning Discovery: If counsel are unable to resolve a discovery dispute in the manner called for by Uniform Rule 202.7, the aggrieved party shall contact Charlotte Williams, the Part Clerk promptly, within any applicable deadline, and prior to bringing a formal motion. As appropriate in the circumstances, the court may direct submission of concise letters or telephonic or in-court conference. Where a formal motion concerning discovery is brought and no preliminary conference has been conducted, the court will schedule and hold a preliminary conference on the return date of such motion.

Trials At the pre-trial conference, the court will distribute to each party a Pre-Trial Information Sheet and Stipulation and Order that require, inter alia, a statement of undisputed facts and an estimate of required trial days, which each party must complete and submit to the court within one week before the date set for trial.

Miscellaneous There shall be no ex parte communications with the court.

HON. ROBERT D. KALISH Part 29, IAS General Assignment Part, Room 1127A, 111 Centre Street, Phone: 646-386-4039, Fax: 212-618-5242; **Court Attorney:** Tony Nguyen, Esq,, **Courtroom Part Clerk:** Lohoma Shipman

All Conferences are on Mondays at 9:30 am in the Trial & Motion Courtroom
Oral Argument on all motions are Tuesdays at 9:30 am in the Trial & Motion Courtroom

I. Preliminary and Compliance Conferences

A. All compliance and preliminary conferences are held on Mondays at 9:30 am in the Trial & Motion Courtroom unless otherwise scheduled by the Court. Parties will appear on time and prepared to conference with the Court.

B. Parties shall sign in with the Court Clerk and their cases will be heard in the order of appearance of all parties to an action.

C. Parties should appear for all conferences with copies of all prior orders, including preliminary and compliance conference orders issued in the underlying action.

D. Parties attending the conference are expected to be familiar with the underlying case and have the authority to discuss and resolve all discovery issues.

1. Any attorney appearing on behalf of a party at a preliminary or compliance conference must be fully prepared to discuss the details of the underlying action and have a working knowledge of any material issues. This includes "per diem" attorneys, junior associates and/or attorney other than the lead attorney appearing before the Court at the conference.

2. Attorneys must be able to provide information as to any pending appeals, prior motion practice, outstanding motions and motions that they intend to file within the immediate future of the underlying action.

E. The Parties are encouraged to begin preparing the relevant preliminary conference and compliance conference forms prior to conferencing with Justice Kalish or his court attorney.

1. Preliminary conference orders must indicate that any substantive motions such as motions for summary judgment shall be made within 60 days of the filing of the Note of Issue.

2. Parties will submit their completed preliminary conference and compliance conference forms to the Court Clerk to be reviewed by the Court.

F. Do not leave the courtroom until either Justice Kalish or his Court Attorney have reviewed your completed orders and Justice Kalish has signed the order or stipulation. The Court will review all preliminary conference and compliance orders with the attorneys in the order we receive them.

G. This part requires compliance with court-ordered deadlines set forth in the preliminary/compliance/ status conference order(s). Failure to adhere to deadlines or to comply with orders may result in the dismissal of the underlying action, waiver of discovery rights, and/or preclusion at trial.

H. Unless otherwise scheduled by the Court, a party that fails to appear before the Court for a preliminary or compliance conference by 11:00 am, or in the case of afternoon compliance conferences by 3:30 pm may have a default judgment (22 NYCRR 202.27) rendered against them or their case dismissed based upon their failure to appear.

I. Any requests for adjournments of compliance conferences and/or preliminary conferences must be made at least two business days prior to the scheduled conference date.

1. Said request can be made by calling the Part Clerk and or calling chambers directly followed by faxing a written stipulation by the parties to the Part Clerk for approval by the Court.

2. The Court will not consider any requests for an adjournment made less than two business days prior to the appearance date absence an emergency and a written stipulation by all parties consenting to the adjournment.

3. All requests for adjournments must be approved in advance. Without prior approval, a stipulation will not be accepted regardless of the parties' consent and any failure to appear will be considered a default.

II. Motion Practice - oral argument Tuesdays at 9:30 am. Notification is done via E-TRACK (see III(C) below)

A. For all motions pending in the Submissions Part (60 Centre Street, Rm. 130), the Parties will follow that part's rules regarding adjournments, scheduling, and withdrawals.

B. With the exception of non-e-filed cases that were originally submitted before other Justices, Part 29 is an e-filing part and requires that working copies be filed. Any questions regarding the e-filing system should be addressed to the E-Filing Office at 646-386-3610 or at newyorkef@nycourts.gov.

a. All e-filed papers must be entered into the e-filing system in a .pdf format that allows for in-text search

b. All Exhibits to e-filed papers will be e-filed separately as exhibits and appropriately identified. (Parties will not e-file Exhibits as part of other e-filed papers themselves).

c. If a party fails to e-file their papers in accordance with the above stated rules, the Court may require that the party re-e-file their papers at the party's expense.

C. The Court requires working copies of all e-filed motion papers, and the parties shall submit working copies of all their papers to the Submissions Part to be provided to the Court. Additional courtesy copies are not required and are not to be submitted directly to the Court.

D. The Parties' submitted and e-filed motion papers will be clearly labeled as Notices of Motion, Affidavits in Support, Affirmations in Support, Memorandums of Law and Exhibits. The same goes for Opposition Papers and Reply Papers.

1. Motion papers shall consist of Moving Papers, Opposition Papers, Reply Papers and the attached affidavits, affirmations, exhibits and memorandums of law. The Parties will not submit any sur-replies or additional papers unless the Court has granted express permission to do so. The Court will not consider any sur-replies or additional papers submitted on a motion without the Court's permission.
2. The Parties submitted papers shall be written in double spaced, sized twelve Times New Roman font with one inch margins.
3. All submitted documents including Affirmations and Memorandums of Law shall be at most **15** pages in length unless the Court grants permission otherwise.
4. All substantive legal arguments including references to statutes and case law shall be made in Memorandums of Law, which will be submitted and e-filed **separately** from any Affirmations or Affidavits.
5. **Legal arguments are not to be included in Affirmations**.
6. All Exhibits, including deposition transcripts shall be submitted in working copies (and e-filed) as separate documents **unattached** to any Affirmations, Affidavits or Memorandums of Law.
7. Deposition transcripts shall be labeled and e-filed to indicate both their Exhibit number/letter and to identify the deposed individual.

E. Orders to Show Cause:

1. Any questions regarding the procedure for e-filing proposed orders to show cause should be directed to the Ex Parte Office at 646-386-3125.
2. All parties must submit hard copies of motion papers filed with an order to show cause to the Part Clerk in the courtroom, Room 1127A.
3. Any party seeking immediate injunctive relief within an OSC (ie...TRO) must appear with the affected adversary or proof the adversary was notified but declined to appear when the application is presented for signature.
4. Orders to show cause will be returnable in the Part. Responsive papers to orders to show cause must be delivered to the courtroom at least 3 business days prior to the return date unless the Court indicates otherwise.
5. Absent an emergency, orders to show cause may not be adjourned.

F. Motions to Renew/Reargue: All motions to renew or reargue must contain all papers submitted on the original motion and a copy of the Court's decision.

G. Discovery motions are strongly discouraged.

1. If a discovery dispute arises, any party, in lieu of filing a motion, may request an expedited conference by submitting a letter stating the issue to the Part Clerk. Conferences requested on an expedited basis will be granted only at the Court's discretion.
2. If a party has made a formal discovery motion, a conference will be scheduled for the same date as oral argument and will be conducted prior to counsel being heard on the motion.

H. Summary Judgment Motions: All summary judgment motions must be filed no later than 60 days after filing the note of issue. Counsel's affirmation in support must include the note of issue filing date. Discovery must continue while any CPLR 3212 motion is pending unless otherwise ordered by the Court.

1. Discovery <u>is not stayed</u> pending the determination of summary judgment motions or other motions unless specifically indicated by the Court.

III. Communications with Chambers

A. Unless otherwise directed by the Court, Parties will not copy the Court on letters exchanged between the Parties

B. If a motion has been withdrawn or the case has been settled or otherwise discontinued, please notify the Part Clerk by phone and fax a stipulation executed by all affected parties.

C. Attorneys are strongly recommended to sign up for E-TRACK to follow their case. It is FREE and the case does not have to be an e-filed case to track it. Sign up by going to https://iapps.courts.state.ny.us.webcivil

IV. **Trials**

A. Upon the first appearance before this Court, the parties must furnish the following:

1. A list of proposed witnesses, including the need for any interpreters with the required language and dialect;
2. An estimate of required trial days;
3. All marked pleadings and bills of particulars;
4. All prior decisions in the case, including any appellate decisions;

5. Any notices to admit;
6. Copies of EBTs intended for use at trial for any purpose;
7. If necessary, a trial memorandum, not to exceed five (5) pages, briefly setting forth the party's position and the relevant factual and legal issues to be tried, citing relevant case law; and
8. Two (2) business cards for each attorney.

B. Prior to the start of trial, the parties must furnish the following:
1. All *in limine* or other applications. All motions *in limine* must be presented in writing to the Court as soon as practicable or as specifically scheduled at any pre-trial conference, with a copy to all parties. Any such motion or application must include citations to relevant authority.
2. For jury trials:
(a) Proposed jury instructions. If the proposed instructions are taken verbatim from the Pattern Jury Instructions, PJI numbers will suffice. If a PJI instruction is not verbatim or requires characterization or description of the evidence or the parties contentions, or if the language is not based on the PJI, the exact requested language, together with the authority for it, must be submitted in Rich Text or Word Perfect format to tnguyen@nycourts.gov and to opposing counsel simultaneously;
(b) Proposed jury verdict sheet must be submitted in Rich Text or Word Perfect format to tnguyen@nycourts.gov and to opposing counsel simultaneously.

C. All exhibits are to be pre-marked for identification prior to the commencement of trial by the court stenographer.

D. It is the duty of counsel, not court personnel, to ensure all subpoenaed documents have arrived in the subpoenaed records room at 60 Centre Street.

E. Trial dates scheduled by the court are firm and may only be adjourned upon application based upon an emergency.

F. Due to the courts conference days and motion days most jury trials, unless otherwise told will not be conducted on Mondays and Tuesdays

G. Appropriate cases will be bifurcated for trial by the court (22 NYCRR 202.42)

HON. DEBORAH A. KAPLAN Part 20, Matrimonial Part, Room 540, Courtroom Phone: 646-386-3300; Chambers Phone: 646-386-5567; Fax: 212-401-9037
Principal Law Clerk: Joan G. Levenson, Esq.
Assistant Law Clerk: Andrew T. Coyle, Esq.
Rules (effective March 25, 2009):

GENERAL PART RULES

All court appearances are on a staggered schedule.

All adjournments require the prior approval of the court.

All adjournments due to the actual engagement of counsel shall be granted in accordance with Part 125 of the Rules of the Chief Administrator of the Courts. Affirmations must be faxed to the Court at least one (1) day prior to the court appearance.

All parties **must** be present for all appearances and conferences unless excused by the Court.

Correspondence, whether by mail, e-mail or facsimile, between counsel is **not** to be copied to Chambers.

Pursuant to 22 N.Y.C.R.R. 202.16(d) a R.J.I. **must** be filed within the forty-five (45) days of the date of service of the summons **unless an affidavit of no necessity is filed,** in which event the R.J.I. must be filed within one hundred and twenty (120) days.

All papers submitted to Part 20 **must** include a fax number.

MOTIONS

Wednesday is designated as motion day.

Oral argument is required on all motions and orders to show cause, unless directed otherwise by the Court.

Counsel are required to file all responsive papers in Part 20. All exhibits are to be identified by tabs. Cross motions are to be filed with the Matrimonial Clerk's Office **two (2)** days prior to the return date.

Motions may not be adjourned on consent more than once without court approval. Counsel are directed to submit a written stipulation reflecting their consent which must include additional available dates.

Counsel are reminded that the CPLR does not provide for sur-reply papers or allow the presentation of papers or letters to the court after argument of a motion. Sur-replies, letters and the responses to such letters addressed to the substance of motions will not be considered.

Any allegations of fact submitted to the court, including allegations contained in an affidavit and/or the complaint, must be certified by counsel in the form prescribed by the Chief Administrative Judge.

ORDERS OF PROTECTION

Ex- parte requests for orders of protection must be accompanied by the Family Protection Registry Information Sheet and the litigant must be present. Motions to consolidate Family Court orders of protection actions must contain a complete copy of the Family Court file.

PRELIMINARY CONFERENCE

Preliminary Conferences will be held on Wednesdays and Thursdays, unless notified otherwise by the Court. The conference must be held within forty-five (45) days of the filing of an R.J.I. **The party seeking judicial intervention is required to notify the opposing party of the Preliminary Conference date. There will be no adjournments of Preliminary Conferences without express permission from the court.**

Counsel are reminded that pursuant to 22 N.Y.C.R.R. 202.16(f)(1) Net Worth affidavits are to be filed with the court ten (10) days prior to the conference date. They are to be accompanied by the attorneys' retainer statements and the parties' recent pay-stubs or W-2 statements.

COMPLIANCE CONFERENCE

Compliance Conferences will be held on Wednesdays and Thursdays or on a date selected by the court.

The date of the Compliance Conference shall be set at the time of the Preliminary Conference. Counsel should not wait until the date of the Compliance Conference to advise the Court of any failures to comply with Preliminary Conference directives and discovery orders. Such failure should be addressed **prior** to the Compliance Conference either by motion or conference call to Chambers. Failure to **timely** comply with the Court ordered discovery may result in the imposition of sanctions and counsel fees.

PRE-TRIAL CONFERENCE

Note of Issue shall be filed prior to the pre-trial conference and in accordance with the compliance order. **At the pre-trial conference, counsel will provide the court with statements of proposed disposition, updated net worth statements with the last three years of tax returns and a child support worksheet, if applicable.** Counsel shall present all motions in limine at this conference.

TRIAL

The Court is to be provided with the following pursuant to Court Order but no less than thirty (30) days prior to day of trial:

1. Marked pleadings.

2. Updated statement of net worth, statement of proposed disposition and child support worksheet, if applicable.

3. A witness list, expert reports not previously filed and any pre-trial memorandum.

4. A list of all proposed exhibits.

5. A list of documents which counsel may stipulate into evidence, such documents are to be pre-marked by counsel.

6. A written copy of any issues or facts to which the parties can stipulate in the advance of trial. Said stipulation to be read into the record at the commencement of the trial.

7. Statements of proposed disposition.

Counsel are reminded that pursuant to 22 N.Y.C.R.R. 202.16(9) all expert reports are to be exchanged and filed with the Court sixty (60) days before the date set for trial. Reply reports, if any, shall be exchanged and filed no later than thirty (30) days before said date.

Sanctions and/or costs may be imposed for failure to comply with any rules set forth herein.

Once a case has been assigned a trial date, **it is presumed ready for trial**. Trials will be day to day. No consent adjournments will be accepted. Failure to proceed will result in default relief being granted or the action being dismissed. In the event the action is resolved prior to the court date, counsel are expected to notify Chambers immediately.

The Court is to be provided with duplicates of all items marked into evidence.

The Court may direct one or both parties to order the transcript and allocate the costs.

All judgments of divorce must contain a form VS 140 containing the social security number of both parties. All judgments must be submitted within 60 days or the action will be deemed abandoned and dismissed. All QDROs must be submitted within 45 days of the signing of the Judgment and must be accompanied by written plan approval.

Copies of decisions and orders will be mailed to all counsel and any self-represented litigants.

Information on whether decisions have been issued or judgments or signed orders should be obtained by telephoning the Matrimonial Clerk's Office between 9-5 p.m. or by checking the New York Law Journal.

HON. MICHAEL L. KATZ Part 24 Matrimonial Part 111 Centre Street, Room 574, New York, NY 10013
Principal Court Attorney Jessica Cygler Wagner, Esq.**;** (646) 386-3103; jwagner@nycourts.gov
Part Clerk Primitivo Torres**;** (646) 386-3285

General Rules

Hearings and trials are generally scheduled on Mondays, Tuesdays and Wednesdays. Conferences and motions are generally scheduled (on a staggered basis) on Thursdays and Fridays. All parties must be present at every appearance, including conferences and motions, unless otherwise directed by the court.

All adjournments require the prior approval of the court. Applications for adjournments may be made by counsel jointly initiating a telephone conference with Chambers at **(646) 386-3103** at least two (2) days prior to the scheduled court appearance.

Counsel may also jointly initiate a telephone conference with the court should an issue arise between court dates which requires court intervention. Counsel and parties should not contact the court by letter, email or fax, and should not forward to the court copies of correspondence between or among counsel and/or parties, without prior permission from the court.

Any attorney seeking to withdraw from a case where a substitute attorney has not been retained must move by order to show case for an order to be relieved. *The court will not accept a stipulation where the litigant consents to proceeding pro se*.

Motions

To reduce the need for motion practice, counsel are encouraged to contact the court by conference call prior to filing a motion. All motions shall be made by order to show cause unless otherwise directed by the court. All motion papers (including opposition and reply papers) shall state the motion sequence number and return date of the motion on the first page. All exhibits should be identified by tabs.

All papers shall be filed with the Part Clerk at 111 Centre Street, Room 574. Sur-replies are not accepted without prior court permission. Oral argument is required on all motions, unless otherwise directed by the Court.

Temporary restraining orders
Any party bringing an order to show cause seeking a temporary restraining order or other interim relief (other than an ex-parte application for an order of protection) must first contact the Part Clerk at **(646) 386-3285** to obtain a date and time to present the order to show cause to the court. The party must then notify all parties or their counsel of the date, time and location that the parties will be heard on the request for interim relief.

Orders of Protection
Ex-parte applications for orders of protection must be accompanied by the Family Protection Registry Information Sheet and the litigant must be present. Motions to consolidate family offense proceedings pending in Family Court must contain a complete copy of the relevant pleadings and orders (with relevant docket numbers).

Conferences

Preliminary, compliance and status conferences
The following documents shall be submitted at the preliminary conference: (i) each party's sworn statement of net worth; (ii) the most recently filed state and federal income tax returns; and (iii) each party's two most recent paycheck stubs. The date of the *compliance conference* shall be set at the time of the preliminary conference. All discovery shall be completed before the *final status conference*.

Pre-trial conferences
Parties shall exchange and file with the court the following documents at the pre-trial conference, if any, *or at least two weeks prior to the first day of trial if there is no pre-trial conference:* (i) statement of proposed disposition; (ii) updated statement of net worth and most recently filed tax returns; (iii) witness list; and (iv) exhibit list (with pre-marked exhibits).

If the trial concerns the issue of custody only and involves no financial issues, the parties shall file a proposed parenting plan instead of a statement of proposed disposition, and need not file an updated statement of net worth. Attorneys for children, if any, may file a proposed parenting plan if they wish to do so, and shall also exchange and file witness and exhibit lists.

Prior to the pre-trial conference, the parties shall attempt to execute a stipulation as to: (i) the authenticity and admissibility of exhibits; and (ii) undisputed facts.

Any pre-trial motions, including motions *in limine,* shall be filed by order to show cause at least three weeks prior to the pre-trial conference, so that they can be made returnable at the pre-trial conference.

Trials and Hearings

Absent extraordinary circumstances, all trial dates are final and will not be adjourned.

As a general rule, no counsel or party will be permitted to offer a document into evidence unless the document was disclosed on the previously exchanged exhibit list, and no witness will be permitted to testify unless the witness was disclosed on the previously exchanged witness list.

HON. TANYA R. KENNEDY, Parts 40 B and MFP, Trial Part and Mortgage Foreclosure Part, Room 490, 111 Centre (Part 40 B), Phone: 646-386-5908; Room 408, 60 Centre (Part MFP), 646-386-3752

HON. JOAN M. KENNEY, Part 8, IAS General Assignment Part, Room 304, 71 Thomas St., Phone 646-386-3572
Preliminary Conferences: Thursdays, commencing at 9:30 a.m., or as otherwise directed.
Compliance Conferences: Thursdays, commencing at 10:00 a.m., or as otherwise directed.

1. *Communications with the Part Clerk and Chambers*

A. Adjournment requests for conferences and oral arguments scheduled in Part 8 should be made by contacting the Part Clerk. If granted, a stipulation signed by all counsel shall be sent via facsimile (212-748-4294), to the Part Clerk. Counsel seeking an adjournment of any appearance, must make the request prior to the Monday immediately preceding the scheduled appearance date. Late requests for adjournments may not be entertained by the Court.

B. Adjournment requests for motions returnable in the Motion Submission Part Courtroom (Room 130 - [646-386-3030]), for mediation dates in Mediation I (646-386-3689) and for jury selection dates in Trial Part 40 (646-386-3265) should be made by contacting the appropriate part clerks.

C. No *ex parte* communications except pursuant to CPLR 6313.

2. *Motion Practice*

A. If oral argument is scheduled after the motion is submitted in Room 130 you will be contacted.

B. Any party seeking injunctive relief must appear with an adversary when the application is presented for signature.

C. **DO NOT** copy the court on letters exchanged **between** counsel. The court will not read them. They will be discarded and unread.

D. If a case has settled while a motion is *sub judice,* ***please so advise the Part 8 Clerk IMMEDIATELY!***

E. Stipulations, papers, etc. should always be filed or delivered to the appropriate back office or Clerk and not to chambers unless previously directed to do so by the Court.

F. All decisions are scanned and posted on the internet with the entry date. This information is easily available through the Supreme Court Records On-Line Library (SCROLL) (www.nycourts.gov/supctmanh).

G. Do not call chambers or the Part 8 Clerk to determine whether a decision has been issued.

H. Parties are advised that the court adheres to the following rules:

i. CPLR 3212 summary judgment motions are to be ***filed*** with the General Clerk's Office within ***30*** days of ***filing*** the Note of Issue. Absent good cause shown for the late filing, a late motion will be summarily denied, even if the adversary has failed to raise the issue. A cross-motion will be deemed filed on the day it is filed, and its timeliness does not relate back to the filing of the motion-in-chief.

ii. Discovery is to continue during the pendency of CPLR 3212 motions, unless good cause is shown why discovery should be stayed.

iii. CPLR 2215 motions seeking relief by a non-moving party, requires that a cross-motion shall be made on the moving party. If the cross-movant is seeking relief against a party other than the one who made the initial motion, the cross-motion ***must*** be filed as a separate motion. A party failing to comply with this rule will have their "cross-motion" denied without prejudice to re-file. Strict adherence to this rule avoids problems with "short service" of cross-motions and permits for a much more orderly and efficient administration of the part.

I. No sur-replies will be considered as part of a motion deemed submitted for decision.

3. *Preliminary and Compliance Conferences*

A. Scheduling

Preliminary conferences are scheduled by the General Clerk's Office pursuant to the filing of a RJI or a motion.

Compliance conferences may be scheduled pursuant to the preliminary conference Order.

B. **Please bring copies of all prior conference orders and stipulations to the conferences. If you have any motions pending in the Motion Submission Part Courtroom, or are *sub judice*, please bring this to the attention of the Justice's law clerks at the next conference.**

C. **Instructions Applicable to Preliminary Conference and Compliance Conference Orders**

i. Please write legibly with a black ball point pen. Press hard. Illegible orders will not be signed. You must indicate the names, addresses, and telephone numbers of all counsel appearing at the conference.

ii. Number the pages (e.g., 1 of 3, 2 of 3). At the top of page 1, please indicate whether this is the 1st, 2nd, or 3rd Compliance Order.

iii. If it is a preliminary conference form, all items must be completed or marked "n/a" if not applicable.

iv. Use complete dates, including the correct year. Please remember some of the dates you are selecting may be in the next calendar year.

v. Use firm cut-off dates such as "on or before December 31, 2009." Do not use "within 45 days," etc. **You are assumed to have consulted your clients, examining doctors, etc. regarding their availability for EBTs, IMEs, etc. before you pick the date. Pick a reserve date if you have any uncertainty.**

vi. If this is the 2nd Compliance Conference addressing an issue, please add the following language:

"The parties have been advised that the dates contained herein will be strictly enforced and that failure to comply with this court's *orders* will result in the imposition of any appropriate sanction, including, but not limited to, monetary costs and sanctions, issue or defense preclusion, witness preclusion, and or the complete or partial striking of a pleading."

vii. Do not leave the courtroom until either the Justice, or one of the law clerks, have reviewed the forms. Copies of such orders are not scanned.

viii. Consult with the Justice's law clerks regarding any issues you cannot amicably resolve. *They serve as referees appointed by the Court to resolve disputes.*

D. **Instructions Applicable to Preliminary Conference Order Forms only.**

The time frames here are for initial Preliminary Conference Orders only; Compliance Conference Orders should generally have a ***shorter*** time frame.

i. Caption: Part 8, Justice Joan M. Kenney.
ii. Appearances: Please provide, legibly, your phone number and address in addition to your name.

Item 1: (Insurance Coverage): Select a date for insurance information to be provided not later than 21days from today's date. As set forth above, for this, and all items requiring a cut-off date, use an actual date such as "on or before December 31, 2009." Do not use "within 45 days," etc.

Item 2: (Bill of Particulars): Select an actual date for the demand to be served that is within 15 days of today's date and then the bill shall be served as per CPLR.

Item 3: (Medical Records/Authorizations): Select an actual date by which authorizations shall be served and be sure that the date is within 20 days of today's date. Medical records shall be served within 75 days of today's date.

Item 4: (Physical Examinations): Exams shall be held within 45 days of the deposition. A copy of the physician's report shall be furnished to plaintiff within 30 days of the exam.

Item 5: (Depositions): The court will assume you have consulted a calendar and clients when scheduling depositions. Designate a time and place for depositions and be as specific as possible regarding whom you will produce. You must also select an actual end date after which the right to depositions may be deemed waived. This end date for depositions must be within 4 months of today's date and may not be adjourned without court approval.

Item 6: Exchange of delineated items to occur within 21 days of today's date.

Item 7: (End date for disclosure): Select a date not later than eight months from today's date. If a party is more than 70 years of age, select a date not later than four months from today's date.

Item 8: (Impleader): Select a date not later than 45 days after your last scheduled deposition.

Item 9: (Compliance Conference): Pick a Thursday date not later than six months from today's date. Please verify with the Clerk that this is an available Thursday.

Item 10: (Dispositive motions): "Summary judgment motions ***must*** be within ***30*** days of the ***filing*** of the note of issue." The court uses filing, not service of the note of issue to measure the timeliness of dispositive motions, so be advised accordingly. The party filing the note of issue, shall notify all other parties to the action, in writing, of the filing date within 48 hours of the filing date.

Item 11: (Note of Issue): Select a date not later than 60 days after the date selected for the end date of disclosure in item 7.

Additional Directives: Counsel should indicate that they have received a copy of the Part 8 Rules (Jan. 2010 version).

4. ***Trial Dates***

Unless otherwise directed, after a note of issue has been filed, the case will be assigned to Mediation I Trial Part 40 by the General Clerk's Office. Part 8 will no longer maintain a separate pre-trial conference calendar on the matter. However, the matter may be referred to Part 8 after jury selection

5. ***Settlement Authority:***

Parties appearing in Part 8 must have settlement authority. A failure to appear with settlement authority, may be deemed in default or "unnecessary appearance" for the purpose of evaluating an application for fees, costs or sanctions.

Attorneys attending conferences **must** have authority to bind the party on all issues. Appearances by counsel without authority may be deemed a default.

HON. CYNTHIA S. KERN, Part 55, IAS General Assignment and Complex Litigation Part and Asbestos Trial Part, Room 432, 60 Centre Street, Phone: (646) 386-3289; Chambers Law Clerks: Yael Wilkofsky, Esq. and Jenna Gerry, Esq.

Oral Argument on Non-Discovery Motions: Tuesdays at 9:30 a.m.
Oral Argument on Discovery Motions: Tuesdays at 9:30 a.m.
Preliminary Conferences: Tuesdays at 9:30 a.m.
Compliance Conferences: Tuesdays at 11:00 a.m.

1. *Communications with the Part Clerk and Chambers.*

A. **DO NOT CALL CHAMBERS REGARDING SCHEDULING MATTERS AND REQUESTS FOR ADJOURNMENTS**. Any such calls will simply result in your being directed to the appropriate court clerk. Judge Kern's court attorneys do not handle adjournments. Adjournment requests for motions and other appearances scheduled in the Courtroom should be made by contacting the Courtroom part clerk, Lisa Smalle at (646) 386-3289.

B. No *ex parte* communications.

2. *Motion Practice*

A. Motions are usually decided on submission only. If oral argument is needed, the court will notify the parties.
B. *E-FILED CASES:*
i. **Motions Submitted through Motion Support (including E-filed cases)**: all parties must submit hard copies of all papers to Motion Support, Room 130, but parties DO NOT need to provide chambers with courtesy copies.
ii. **Orders to Show Cause**: all parties must submit hard copies of motion papers filed with an Order to Show Cause to the Part Clerk in the courtroom, Room 432.
C. Please do not copy the court on letters exchanged between counsel.
D. If a case has settled while a motion is *sub judice,* ***please so advise the Part Clerk IMMEDIATELY!***
E. ***Send NOTHING to chambers unless previously directed to do so by the Court.*** Stipulations, papers, etc. should be sent or delivered to the appropriate Clerk.
F. Please do not call Chambers or the Part Clerk to determine whether a decision has been issued. Inquiries as to the status of motions can be obtained from the court's "Supreme Court Records On-Line Library" ("Scroll"), access to which is available at no charge under "Case Information" on the website of the court (www.nycourts.gov/supctmanh).
G. You must file your motion for summary judgment within sixty (60) days of the filing of the Note of Issue.

3. *General Instructions for Completing Compliance Conference Stipulation and Order Forms*

A. Please write legibly with a black ball point pen. You must indicate the names, addresses, and telephone numbers of all counsel appearing at the conference.
B. Number the pages (e.g., 1 of 3, 2 of 3). At the top of page 1, please indicate whether this is the 1st, 2nd, or 3rd Compliance Order.
C. Use firm cut-off dates such as "on or before December 31, 2009." Do not use "within 45 days," etc.
D. Do not leave the courtroom until either the Justice or one of the court attorneys has reviewed your completed forms.

4. ***Settlement*** - If the parties enter into a Stipulation of Settlement, a copy of the Stipulation of Settlement must be faxed to the Part Clerk at (212) 618-5010.

TRIAL REQUIREMENTS

1. Prior to the start of trial, please supply the court with the following:

   3. All marked **pleadings** and **bills of particulars.**
   4. All **prior decisions** in the case.
   5. Any Notices to Admit.
   6. Copies of transcripts of **depositions** intended for use at trial.
   7. Proposed **jury verdict sheet.**
   8. A list of ***all*** requested **PJI sections** from the most current volume to be included in the final charge to the jury. You may list the section by number only, if it does not call for any characterization of the evidence or the contentions of the parties. **If the section does call for a characterization or description of the evidence or contentions of the parties, you must supply such description of evidence or contention in writing. If you are requesting other language, not based on the PJI, you must provide the proposed language in writing, along with the appropriate citations. Please provide copies of any cases upon which you rely for charge language.**
   9. Copies of **cases** and **authorities** upon which you will be relying for *in limine* or other applications. Provide a list of citations for the court reporter.
   10. Copies of any **statutes** or **sections from the Administrative Code** or other **rules and regulations** which are pertinent to the case.
   11. A list of **proposed witnesses.** If a witness needs an **interpreter**, please indicate the language and any dialect.

2. Please stipulate to all facts and documents not in dispute prior to trial. Have agreed-upon documents, photographs and other exhibits pre-marked into evidence by the court reporter while the jury is not present.

3. It is the duty of counsel, not court personnel, to make sure all subpoenaed documents have arrived in the subpoenaed records room at 60 Centre Street. Court personnel may only retrieve records from subpoenaed records when not needed in the courtroom.

4. The court will not engage in *ex parte* communications. Any phone calls to chambers must be made with all parties present. Avoid letters and e-mails, but if sent they must be copied to the other parties, or they will be returned unread.

HON. LYNN KOTLER, Part 5, IAS General Assignment, Room 307, 80 Centre Street, New York, NY 10013, Part Clerk/Courtroom: (646) 386-3374, Chambers: (646) 386-3339, FAX: (212) 618-5212, Email: lmeletic@nycourts.gov; Eric Wursthorn, Esq., Principal Court Attorney;
Lorraine Meletiche, SCC, Part Clerk; Email: lmeletic@nycourts.gov

General

Ex parte communications with Justice Kotler and/or her Court Attorney are not permitted. Letters seeking affirmative relief will not be considered. The Court will not entertain settlement conferences or telephonic conferences regarding discovery disputes.

Compliance, Status, and Trial Readiness Conferences

All conferences will be held in the DCM Part, Room 103, unless otherwise specified.

Motions

All Orders to Show Cause will be heard on Tuesdays at 80 Centre Street, Room 307, at 9:30 a.m., unless otherwise provided for by the Court. Any party seeking Temporary Restraint/Interim Relief in an Order to Show Cause MUST either appear with the affected adversary, or provide proof that their adversary was notified when the application is presented for signature.

Motions brought by Notice of Motion shall be made returnable in the General Clerk's Office Motion Submission Courtroom, Room 130, at 60 Centre Street. Unless specifically requested by a party on the first page of the papers considered in the top right corner, motions will be considered submitted without argument, or rescheduled for oral argument on a case-by-case basis.

"Courtesy" copies of e-filed motions and/or motions returnable in the Submissions Courtroom should not be delivered to the Part 5 Courtroom.

Letters should not be sent to the Court concerning a motion after said motion has been marked submitted (see Rule 14[c]).

A copy of a decision can be obtained from www.nycourts.gov/supctmanh under "Case Information", www.nycourts.gov under E-Courts, or from the County Clerk.

Adjournments

Oral argument on a motion may be adjourned on consent, provided all parties who have appeared in the action sign a stipulation to that effect and deliver it to Court by 2:30 p.m. the day before the appearance is scheduled. The stipulation is still subject to Court approval and it must include:

1. The motion sequence number on the first page of the stipulation;
2. The reason for the adjournment;
3. The date the case was last on; and
4. The date by which the Note of Issue must be filed.

If there is NO consent, the scheduled date must be honored and counsel must appear for an oral application for the adjournment.

Please clear the new adjourn date for oral argument on a motion with the Part Clerk **before** filing the stipulation.

Note of Issue

The Note of Issue may be filed and a future compliance conference dispensed with provided all parties who have appeared in the action stipulate in writing that all discovery has been completed. This stipulation must be sent or delivered to the DCM Part.

Trials

Trials are scheduled to proceed day by day until completed. Once a trial is assigned to Part 5, counsel are required to serve and submit:

1. Marked pleadings;
2. The bill of particulars;
3. A witness list; and
4. In a Jury trial:
    a. Proposed jury instructions;
    b. Proposed verdict sheets; and
    c. A one paragraph summary of the contentions.

Parties must have AT LEAST three (3) copies of exhibits in addition to the original: a copy for the Court, a copy for each adversary and a copy for themselves.

All parties are encouraged to have their exhibits pre-marked by the court reporter.

HON. GERALD LEBOVITS Part 7, IAS General Assignment, Guardianship, and Trial Part, 111 Centre Street, Room 583, New York, New York 10013, Courtroom Phone: 646-386-3746 (Part Clerk)
60 Centre Street fax: 212-952-2757
Court Attorney: Alexandra Standish, Esq.

I. General

1. All the General Rules of the Justices (Local Rules) apply unless these Rules state otherwise.
2. Oral Argument on Motions: Wednesdays at 2:15 p.m. following the calendar call.
3. Post-argument Part 7 motions transferred to Justice Lebovits: The court will contact the parties. The parties may also contact the Part Clerk but not chambers.
4. All Conferences: Wednesdays at 10:00 a.m., 11:00 a.m., and noon.

II. Communications with Chambers and the Part Clerk

1. For all motions pending in the Submissions Part (60 Centre Street, Rm. 130), follow that Part's rules about adjournments, scheduling, and withdrawals.
2. After motions are fully submitted in the Submissions Part, they are forwarded to Justice Lebovits's Part. If oral argument is requested, the request must be indicated on the notice of motion. Do not contact chambers or the Part Clerk to request oral argument.
3. Do not call or email chambers about scheduling matters or requests for adjournments. Contact only the Part Clerk.
4. All requests for adjournment must be approved in advance. Without approval in advance, a stipulation will be rejected, and any failure to appear will be considered a default.
5. To make your request for an adjournment, call the Part Clerk (not chambers), by conference call with all counsel on the line, at least two days before the scheduled appearance. All adjournment requests must provide a reason for the request. If approved, you will receive a new date and further instructions, such as submitting a stipulation.
6. Except for emergencies, adjournments for Wednesday afternoon motions will not be given if the application is made less than 48 hours before the scheduled appearances. Otherwise, you may be defaulted for non-appearance.
7. No ex parte communications. Do not call or email chambers unless specifically instructed to do so. If instructed to call chambers about a pending matter, the call may be placed only by attorneys or pro se parties if not represented by an attorney. No law-office employees, assistants, or aides may call chambers.
8. Do not copy the court on letters exchanged between counsel.
9. Do not write letters or emails to the court unless you seek to withdraw a motion in whole or in part; wish to advise the court that a case has settled; or were granted leave to do so at oral argument.
10. If a motion has been withdrawn or the case has been settled or otherwise discontinued, notify the Part Clerk immediately and fax a stipulation executed by all affected parties.

11. Do not call the Part Clerk or chambers for a status update or to ask whether a decision has been issued. All decisions and orders are scanned and available on the internet (eCourts or SCROLL).

III. Appearances before the Court

1. Attorneys appearing before Justice Lebovits must be thoroughly familiar with the case.
2. Courtroom comments and demeanor: Present your arguments cogently, calmly, and courteously. Remarks should be directed to the court, not to opposing counsel.

IV. Motion Instructions

A. General

1. Part 7 is an e-filing part. Any questions about the e-filing system should be addressed to the E-Filing Office at 646-386-3610 or at newyorkef@nycourts.gov.
2. Oral argument on motions are at the court's discretion. Motions with opposition will be scheduled for oral argument for an available Wednesday at 2:15 p.m.
3. Motions submitted without opposition are rarely scheduled for oral argument.
4. Motion Sequence Number: The first page of every motion paper (notice of motion, opposition, reply, exhibits, etc.) must reflect the respective motion sequence number in the upper-right corner.
5. Working or courtesy copies of motion papers are required. Hard copies of motion papers must be properly filed with the Submissions Part in accordance with that Part's rules. Do not send hard copies to chambers.
6. Counsel should not submit a single .pdf file under a single document number for papers submitted on a motion. Each e-filed document must have its own, respective document number (*e.g.*, Doc # 15, Notice of Motion; Doc #16, Attorney Affirmation; Doc #17, Affidavit; Doc #18, Exhibit A; and Doc #19, Exhibit B).
7. Exhibits: Each exhibit must be numbered. Reference to exhibits must cite the exact page within the exhibit. All exhibits electronically submitted must be described in the heading of the attached exhibit (*e.g.*, Exhibit A, Bill of Particulars; Exhibit B, Photographs) to allow the court to ascertain what document is filed in the exhibit.
8. If any discrepancy arises between the relief sought in the notice of motion and the relief sought in the supporting papers, the notice of motion controls.
9. Once motions are fully submitted, the court will not allow any further submissions. Letters to the court after oral argument or full submission about a pending, fully submitted motion will be rejected.
10. To withdraw a motion after the motion leaves the Submissions Part, inform the Part Clerk immediately and fax a stipulation executed by all affected parties. If the motion is in the Submissions Part, follow that Part's rules to withdraw.

B. Orders to Show Cause

1. Any questions about how to e-file proposed OSCs should be directed to the Ex Parte Office at 646-386-3125.
2. All parties must submit to the Part Clerk in the courtroom, room 731, hard copies of motion papers filed with an OSC.
3. Any party seeking immediate injunctive relief within an OSC must appear with the affected adversary or prove that the adversary was notified but declined to appear when the application is presented for signature.
4. OSCs are returnable in the Part. Responsive papers to OSCs must be delivered to the courtroom at least four days before the return date unless the court indicates otherwise.
5. Absent an emergency, OSCs may not be adjourned.

C. Motions to Renew/Reargue

All motions to renew or reargue must contain the papers submitted on the original motion and a copy of the court's original decision. No oral argument on these motions will be entertained.

D. Disclosure Motions

Disclosure motions are strongly discouraged. If a disclosure dispute arises, a party may, instead of filing a motion, request an expedited conference by calling the Part Clerk. Conferences requested on an expedited basis will be granted only at the court's discretion. If a party has made a formal disclosure motion, a conference will be scheduled for the same date as oral argument and will be conducted before counsel is heard on the motion.

E. Summary-Judgment Motions

Summary-judgment motions must be made no later than 60 days after filing the note of issue. Counsel's affirmation in support must include the note of issue filing date. Disclosure must continue while a CPLR 3212 motion is pending.

F. Note of Issue

If all parties agree before the final compliance conference that disclosure is complete, the final conference may be avoided by e-filing or faxing a stipulation to the Part Clerk at least two days before the scheduled conference. The stipulation must certify that all disclosure is complete and provide for the filing of the note of issue.

V. Conferences

A. General

1. Counsel attending the conference are expected to be familiar with the case and have authority to discuss and stipulate to resolve all disclosure issues.
2. At each compliance conference, counsel must bring a list of all disclosure already ordered but not yet completed as well as new disclosure requested that could not have been addressed earlier. Failure to address all outstanding disclosure existing at the time of the compliance conference may be deemed a waiver of the right to obtain that disclosure.
3. Bring all conference orders and stipulations to the conferences.
4. Counsel are assumed to have consulted clients, examining doctors, etc., regarding their availability for EBTs, IMEs, etc.
5. Upon a party's second failure to appear for a conference, the case may be dismissed or the party's pleading stricken. A motion to vacate a default must fulfill the requirements of CPLR 5015.

B. Conference Orders

1. Please write legibly and press hard. Names, addresses, and telephone numbers of all counsel appearing at the conference must be indicated.
2. In a Preliminary Conference form, all items must be completed or marked "n/a" if not applicable.
3. Use firm cut-off dates, such as "on or before December 31, 2015." Do not use "within 45 days," etc. Counsel will be held to the dates to which they commit.
4. Non-specific statements such as "all discovery not yet provided" or "unless otherwise provided" or "to the extent not yet provided" will not preserve any rights. Each attorney is expected to know what has and has not been provided.
5. Counsel are free to photograph a stipulation or order on their cell phone, although all orders will be scanned and available on eCourts and/or SCROLL.
6. Do not leave the courtroom until either the Justice or his Court Attorney reviews your completed forms.
7. You may leave the courtroom once the Court Attorney has reviewed the proposed order/stipulation, but it is preferable that you wait in the courtroom for a signed copy of the order.
8. This Part requires compliance with court-ordered deadlines set forth in the preliminary/compliance/status conference order(s). Failure to adhere to deadlines or to comply with orders may result in penalties.

VI. Trials

A. General

1. Upon the first appearance before this court, the parties must furnish a list of proposed witnesses, including the need for any interpreters with the required language and dialect; an estimate of required trial days; all marked pleadings and bills of particulars; all decisions in the case, including any appellate decisions; any notices to admit; copies of those portions of EBTs intended for use at trial for any purpose; a trial memorandum not to exceed five pages briefly setting forth the party's position and the relevant factual and legal issues to be tried, citing relevant case law; and two business cards for each attorney.
2. Before the start of trial, the parties must furnish all in limine or other applications. All motions in limine must be presented in writing to the court as soon as practicable or as specifically scheduled at any pretrial conference, with a copy to all parties. Any motion or application must include citations to relevant authority.
3. Parties are strongly encouraged to have the court stenographer premark all exhibits for identification or evidence if without objection.
4. It is the duty of counsel, not court personnel, to ensure all subpoenaed documents have arrived in the subpoenaed records room at 60 Centre Street.
5. Trial dates scheduled by the court are firm and may be adjourned only upon application based upon an emergency. Trials are held every day except Wednesday. No adjournments will be granted if a witness is unavailable to testify unless the court concludes, in rare instances, that good cause exists.

B. Jury Trials

1. Proposed jury instructions: If the proposed instructions are taken verbatim from the Pattern Jury Instructions, PJI section numbers suffice. If a PJI instruction is not verbatim or requires characterizing or describing the evidence or the parties' contentions, or if the language is not based on the PJI, the exact requested language, together with the authority for it, must be submitted in Word to Ms. Standish at astandis@nycourts.gov and to opposing counsel simultaneously.
2. Proposed jury verdict sheets must be submitted in Word to Ms. Standish at astandis@nycourts.gov and to opposing counsel simultaneously.

VII. Guardianships

1. All communications must be made to Ms. Standish at astandis@nycourts.gov. Do not call chambers except for emergencies.

HON. KELLY O'NEILL LEVY, Part 19**,** IAS General Assignment Part**,** 111 Centre Street, Room 1164B, New York, NY 10013,
Part Clerk: Christine Pond, phone 646-386-3979, Fax: (212) 618-5135
Chambers: 111 Centre Street, Room 934, New York, NY 10013**,** Phone 646-386-3885
Court Attorney: Premila Reddy, Esq.

Part 19 is an E-Filing Part.

Preliminary Conferences: Wednesdays at 9:30 a.m., or as otherwise directed.
Compliance/Status Conferences: Wednesdays at 9:30 a.m., or as otherwise directed.
Oral Arguments on Motions: Wednesdays at 11:00 a.m., or as otherwise directed.

FAILURE TO APPEAR BY 11:00 AM AT ANY SCHEDULED CONFERENCE WILL BE CONSIDERED A DEFAULT; YOUR PLEADINGS MAY BE STRICKEN.

FAILURE TO APPEAR FOR ORAL ARGUMENT WITHIN 30 MINUTES OF THE DIRECTED TIME MAY RESULT IN A DEFAULT.

1. COMMUNICATIONS WITH THE PART CLERK AND CHAMBERS

Adjournment requests and questions regarding scheduling should be directed to the Part Clerk. Do not call Chambers regarding scheduling matters and requests for adjournments. Any such calls will result in your being directed to the Part Clerk.

A. Adjournment requests for conferences and oral argument should be made by contacting the Part Clerk. All adjournments require prior court approval.

B. Adjournment requests for mediation dates in Mediation I and/or jury selection dates in Trial Part 40 should be made by contacting the appropriate Part Clerks. Justice O'Neill Levy and her Part Clerk **do not** administer those calendars.

C. Cases that have been settled require the filing of a Stipulation of Settlement and Discontinuance with the County Clerk's Office and must be e-filed with a fax copy to the Part Clerk [(212) 618-5135].

NO *EX PARTE* COMMUNICATIONS.

2. MOTION PRACTICE

A. Part 19 is an e-filing part. Any questions regarding e-filing should be addressed to the E-Filing Department at (646) 386-3610 or newyorkef@nycourts.gov.

B. *Discovery motions are strongly discouraged.* Counsel are reminded that in accordance with Rule 10 of the Rules of the Justices, prior to making any such motion, counsel shall consult one another in a good faith effort to resolve any discovery disputes. If a discovery dispute arises before the issuance of a preliminary or compliance conference order and a party has made a formal discovery motion, a conference will be scheduled for the return date of the motion. If a discovery dispute arises after the issuance of a preliminary or compliance conference order, it must be directed to the Part Clerk who will schedule a new conference or advance the date of a previously-scheduled conference.

C. All summary judgment motions must be filed within 120 days after the filing of the note of issue.

D. **Motion Papers**: Memoranda of law shall not exceed 30 pages each (exclusive of table of contents and table of authorities), and affidavits/affirmations shall not exceed 25 pages each, double-spaced. All motion papers, including notices of motion, opposition, reply, memoranda of law, exhibits, affirmations, and affidavits must reflect the respective motion sequence number on the first page in the upper right hand corner. No sur-replies are accepted.

E. Part 19 requires working copies of all motion papers. Working copies shall be provided at least two days prior to oral argument.

F. **Oral Argument**

i. **Scheduling**: If oral argument is requested, it should be so indicated on the notice of motion. After motions are fully submitted in the Motion Submission Part Courtroom (Room 130), they are forwarded to Part 19 and scheduled for oral argument. The parties will be notified of the oral argument date via eTrack (http://iapps.courts.state.ny.us/webcivil/etrackLogin). Motions submitted on default or with no opposition are not generally scheduled for oral argument. Other motions will be scheduled for oral argument at the Judge's discretion. If oral argument is scheduled you will be so notified electronically.

ii. **Adjournments:** All adjournments of oral argument require prior court approval. Should you seek an adjournment, please call the Part Clerk and fax a stipulation of adjournment no later than 4:00 p.m. of the Monday before the argument date. If the parties do not agree on an adjournment, they should arrange a conference call with the Part Clerk.

iii. **Settlement Authority**: Parties appearing on dispositive motions should have settlement authority. A failure to appear with settlement authority may be deemed a default.

G. **DO NOT COPY THE COURT ON LETTERS OR DOCUMENTS EXCHANGED BETWEEN COUNSEL.** The court will not read them and they will be discarded unread by the Part 19 Clerk without being shown to the court.

H. **If a motion has been withdrawn or settled, whether or not *sub judice*, the parties must immediately call the Part Clerk and efile and fax a stipulation to the part.**

I. **SEND NOTHING TO CHAMBERS, UNLESS PREVIOUSLY DIRECTED TO DO SO BY THE COURT**. Stipulations, papers, etc. should be filed or delivered to the appropriate Clerk. The appropriate Clerk accepts documents for filing, not chambers.

J. **TO DETERMINE WHETHER A DECISION HAS BEEN RENDERED**, please check the ECF system or the Supreme Court Records On-Line Library (SCROLL) at www.nycourts.gov/supctmanh

3. PRELIMINARY AND COMPLIANCE CONFERENCES

On conference days, there is NO calendar call. Orders should be filled out and given to the Part Clerk when all parties are ready to proceed. The parties will then conference with the Judge or court attorney.

If the opposing party fails to appear by 11:00 a.m., please notify the Part Clerk.

A. **Scheduling:**

i. **Preliminary Conferences** - May be scheduled pursuant to an RJI or a motion. Alternatively, any party in a case which has an RJI that was already filed may contact the General Clerk's Office which will schedule one for the first available date.

ii. **Compliance Conferences** - May be scheduled pursuant to a prior discovery order, a decision on a motion, or by the parties by contacting the Part 19 Part Clerk via stipulation or conference call. A date will be scheduled as soon as practicable.

iii. **Adjournments:** All adjournments of conferences require prior court approval. Should you seek an adjournment, please call the Part Clerk and efile and fax a stipulation of adjournment no later than 4:00 p.m. of the Monday before the conference date. If the parties do not agree on an adjournment, they should arrange a conference call with the Part Clerk.

B. **Prior Orders or Stipulations:** Please bring copies of all prior conference orders and stipulations to conferences. If you have any motions pending in the Motion Submission Part Courtroom, or which are *sub judice*, please bring this to the attention of the Part 19 Part Clerk and consult with the Judge's court attorney.

C. Following each conference, all Orders will be scanned and available on eCourts/ECF and/or SCROLL.

D. **Authority:** Attorneys attending conferences must have authority to bind the party on all issues. Appearances by counsel without authority may be deemed a default.

E. **Instructions Applicable to All Conference Orders**

i. Caption: IAS Part 19, Justice Kelly O'Neill Levy.
ii. Please write legibly with black or blue ball point ink and press hard. Illegible orders will not be signed. You must indicate the names, addresses and telephone numbers of all counsel appearing at the conference.
iii. Please number the pages (e.g. 1 of 3, 2 of 3, etc.). All items on a Preliminary Conference form must be completed or marked "n/a" if not applicable.
iv. Use complete dates, including the correct year.
v. Use firm cut-off dates such as "on or before December 31, 2015." *Do not use* "within 45 days," etc. Please consult with your clients, examining doctors, etc. regarding their availability for EBTs, IMEs, etc. before you select a date. Pick a reserve date if you are unsure of the exact date.
vi. Consult with the Judge's court attorney if you have any issues that cannot be resolved amicably. The court attorney will serve as a referee to resolve disputes and the case may be referred to the Judge.
vii. DCM Track: Any dispute concerning the track assigned to the case (Expedited, Standard, Complex) should be brought to the attention of the court attorney.
viii. The Court reserves the right to include the following relevant language:
"The parties have been advised that the dates contained herein will be strictly enforced and that failure to comply with this Court's Order(s) will result in the imposition of any appropriate sanction, including, but not limited to, monetary costs and sanctions, issue or defense preclusion, witness preclusion, and/or the complete or partial striking of a pleading."

4. TRIAL DATES

Unless otherwise directed, after the note of issue has been filed, the case will be assigned to Mediation I or Trial Part 40 by the General Clerk's Office. Part 19 does not maintain a separate pre-trial conference calendar.

5. TRIAL RULES

A. Upon the first appearance before this Court for trial, the parties must furnish the following:

i. A list of proposed witnesses, including the need for any interpreters with required language and dialect;

ii. An estimate of required trial days;

iii. All marked pleadings and bills of particulars;

iv. A copy of any statutory provisions in effect at the time the cause of action arose upon which any party relies;

v. Any notices to admit;

vi. Copies of those portions of EBTs intended for use at trial for any purpose;

vii. A trial memorandum, not to exceed five (5) pages, setting forth the party's position and the relevant factual and legal issues to be tried, citing relevant case law;

viii. All prior decisions in the case, including any appellate decisions; and

ix. Two (2) business cards for each attorney.

B. Prior to the start of trial, the parties must furnish the following:

i. All *in limine* or other applications. All motions *in limine* must be presented in writing to the court as soon as practicable or as specifically scheduled at any pre-trial conference, with a copy to all parties. Any such motion or application must include citations to relevant authority.

ii. For jury trials:

a. Proposed jury instructions and jury verdict sheets. At the commencement of trial, all counsel shall submit proposed jury charges and verdict sheets.

1. Proposed jury instructions are to be emailed in Word or WordPerfect format to the court attorney and opposing counsel simultaneously. If using PJIs, please include the number and title. If an instruction requires characterization or description of the evidence or the parties' contentions, the exact requested language, together with the authority for it, must be submitted; and

2. Proposed jury verdict sheets must be emailed in Word or WordPerfect format to the court attorney and to opposing counsel simultaneously;

C. Parties are strongly encouraged to have the court reporter pre-mark all exhibits for identification and/or evidence if without objection;

D. It is the duty of counsel to ensure all subpoenaed documents have arrived in the subpoenaed records room at 60 Centre Street, Room 145M;

E. Trial dates scheduled by the court are firm and may only be adjourned upon application based upon an emergency. Trials are held every weekday except Wednesday. No adjournments will be granted if a witness is unavailable to testify unless the court concludes that good cause exists.

F. No Communication with Jurors: In order to maintain the appearance of total impartiality, once the jury has been selected, no one is to communicate in any form at any time with any juror. This includes both verbal and non-verbal communication.

G. Trial Objections and Arguments: Objections should be concise. If you believe further argument is required, ask permission to approach the bench.

H. Courtroom Comments and Demeanor: Please remain calm and courteous at all times. All remarks should be directed to the court. No comments should be made to opposing counsel. Please do not "talk over" each other; only one person may speak at a time to make for a clear record.

I. Examination of Witnesses: Do not approach a witness without permission of the Court. Please allow the witness to complete his/her answer to your question before asking another question. Do not interrupt the witness in the middle of an answer, unless it is totally unresponsive in which event you should seek a ruling from the court.

HON. DORIS LING-COHAN Part 36, IAS General Assignment Part, Room 428, Phone: 646-386-3733
PART 36 General Procedural Information:
Only admitted attorneys familiar with the case may appear on matters before the Court.

Motions: All motions (except orders to show cause) shall be made returnable to: Motion Submission Part Courtroom, Room 130, 60 Centre Street. Oral argument will be scheduled at the Court's discretion, and will generally be held on Tuesday and Wednesday mornings at 9:30 a.m., Room 428 at 60 Centre Street, unless otherwise directed, by the Court. Parties will be notified, should oral argument be required.

Adjournments: shall be by stipulation, with Court approval, not to exceed one month, and must be requested by the parties at least two (2) days prior to the return/argument date; stipulation to be submitted to the Part Clerk, at 60 Centre Street, Room 428.

Once a motion is fully submitted in the Motion Submission Part Courtroom, the Court will not accept additional papers, unless by stipulation of the parties.

Motion Guidelines:
1. Any references to EBT testimony shall cite to the exact page and line numbers relied upon rather than merely attaching the entire transcript or "relevant portions"; full transcripts shall be supplied.
2. Protruding exhibit tabs shall be used to reference all exhibits.
3. On motions to renew and reargue, a separate appendix containing the original motion, and all papers submitted, with a copy of the Court's decision shall be provided. The appendix shall contain protruding exhibit tabs, as was originally provided to the Court. Such appendix shall be labeled "Appendix Containing Decision, Original Motion Papers".
4. Plastic covers shall not be provided to the Court.
5. Courtesy copies shall not be provided, unless directed by the Court.
6. Counsel is requested to ensure that any staples are not protruding.

Discovery Issues: Prior to filing a discovery related motion, if still unable to resolve discovery issues after efforts have been made as required by 22 NYCRR §202.7(a), parties are encouraged to write a letter to the Court, with a copy to opposing counsel, requesting a conference, if a regularly scheduled conference is not imminent. In addition, all discovery issues shall be brought to the Court's attention at regularly scheduled discovery compliance conferences, or shall be considered waived.

Discovery Conferences: Discovery Compliance Conferences are generally held on Thursdays (unless notified otherwise), in Room 428 at 60 Centre Street, on a staggered schedule, beginning at 9:30 a.m. Counsel appearing shall be prepared to discuss all outstanding discovery issues, as well as the facts of the case and settlement options. Parties shall advise the Court of any pending motions, and if any party is self-represented. There shall be no adjournments, unless by written stipulation, with Court approval; such stipulation shall be received at least two (2) days prior to the scheduled conference, to be delivered/mailed to: Part 36 Clerk, Room 428, 60 Centre Street, N.Y., N.Y. 10007. When a note of issue is filed, counsel shall send a courtesy copy to the Part 36 Clerk.

Dispositive Motions: Dispositive motions shall be filed within 60 days of filing a note of issue. The filing of a motion for summary judgment will not stay the discovery process, nor mediation.

Facsimiles: The Court does **not** accept faxes, unless prior permission has been received from the Court. Any fax received without prior Court permission will not be considered.

Letters: Do not send letters to the Court in triplicate (i.e. via regular mail, fax and hand delivery); please choose one delivery method when sending a letter to the Court.

Conference Calls: To the extent possible, please arrange conference calls between 3 and 3:30 p.m., unless otherwise directed by the Court

HON. JOAN B. LOBIS Part 6, Medical Malpractice IAS Part, Courtroom - Room 345, Phone: 646-386-3312 Chambers - Room 690: (646) 386-3247; Chambers Fax: (212) 374-1220 (faxes may not be sent without prior permission.) (revised June 2015)

Conferences:
Conferences and oral arguments are held on Tuesdays. Generally arguments and preliminary conferences are scheduled beginning at 2:15 p.m.; compliance, status, and pre-trial conferences are scheduled on a staggered calendar from 9:30 a.m. to 11:00 a.m.

Counsel and parties who are appearing should be prepared to discuss all aspects of the matter, including settlement. Failure to appear may result in costs or sanctions.

Preliminary Conferences:

In completing the preliminary conference form, counsel or unrepresented parties should comply with the following time frames:

Authorizations should be supplied within 30 days from the date of the preliminary conference.

Plaintiff's deposition should be scheduled within 90 days after the due date for receipt of authorizations. Defendants' depositions are generally conducted in the order in which the defendants are listed in the caption, but, where a defendant's deposition cannot proceed as scheduled, the remaining defendants' depositions should proceed as scheduled.

The date for filing the note of issue will be assigned as 15 months from the date for filing the Request for Judicial Intervention.

Pre-Trial Conferences:
Following the filing of the note of issue, counsel or unrepresented parties must appear for a pre-trial conference. For conferences specifically designated for settlement discussions, which are generally scheduled for non-Tuesdays (Settlement Conferences), the Court may require representatives of insurance carriers, or other persons having an interest in any settlement to also attend or be available by telephone. The Court requires three business days' notice for cancellation or adjournment of Settlement Conferences.

At least three weeks before the initial pre-trial conference, plaintiff should communicate a written demand to defendant.

Discovery:
If during a deposition a dispute arises, the parties should consult the Uniform Rules for the Conduct of Depositions (22 N.Y.C.R.R. § 221.1, et seq.). If they cannot resolve the issue, counsel for all parties should call the Court for guidance.

Parties having discovery disputes are encouraged to address these by telephone conference with the Court before filing any written motion.

Plaintiff should file the note of issue only after completion of discovery, including non-party depositions.

Adjournments:
Any adjournment must be approved by the Court. Requests must be made orally either at a conference or by teleconference. The Court does not accept stipulations signed by one attorney on behalf of another. Multiple signature pages are permitted. Requests for adjournments of conferences or oral argument of motions must be made by 3:00 p.m. on the immediate prior Monday.

Motions and Orders:
Counsel are strongly encouraged to seek a conference with the Court to resolve any ongoing non-dispositive or ancillary disputes *prior* to filing motions over those disputes.

Summary judgment motions must be made by order to show cause no later than 60 days after the filing of the Note of Issue. For non-efiled cases only, motions that are more than one inch thick must also include a CD-ROM version (in searchable form) of the motion. Papers must be bound by fasteners that are **not** plastic or metal acco-style fasteners. Papers that are more than two inches thick must be divided into multiple bound volumes and labeled by order: e.g., Vol. 1 of 3, Vol. 2 of 3, etc. The volumes must not be more than two inches thick each.

All motions should include pinpoint citations to documents contained within exhibits, where appropriate. For example, in a medical malpractice case, a citation to an operative report that is included in an exhibit containing medical records should not simply cite to the exhibit as a whole but rather should identify the document within the exhibit and any location within that document to which you direct the Court's attention. E.g., See Exh. C at operative report dated xx/xx/xx at page 1. Avoid using condensed transcripts of more than 4 pages per page.

All papers filed by order to show cause must be filed with this Part by the Friday before the Tuesday return date. Any motions where oral argument is required should be filed by order to show cause.

Correspondence:
The Court does not accept ex parte communications. The Court deems unsolicited letters to the Court to be ex parte, even if all sides are copied on the communication. Correspondence among the parties should not be submitted to the Court. These will not be read and will be returned to the sender. Faxes need prior authorization from the Court.

HON. JOAN A. MADDEN Part 11, IAS General Assignment Part and Asbestos Trial Part, Room 351, Phone: 646-386-3314
Motions: Thurs., 9:30 AM **Conferences**: Thurs., 9:30 AM

HON. ANDREA MASLEY Part 25, Guardianship Part, Room 1254, 111 Centre Street, Phone: 646-386-5675

HON. MANUEL J. MENDEZ Part 13**,** IAS General Assignment Part**,** Room 210, 71 Thomas Street, New York, NY 10013, Phone 646-386-3736, Fax #: (212) 884-8975; Chambers Room 209, 71 Thomas Street, New York, NY 10013**,** Phone 646-386-5705

Law Clerk: Martha Cappelluti-Tessler, Esq.

Part 13 Clerk: Kathy Quammie

Calendar Call: 9:30 a.m. calendar call, attorneys to check in on arrival.
Preliminary Conferences: Wednesdays, commencing at 9:30 a.m., or as otherwise directed.
Compliance Conferences: Wednesdays, commencing at 9:30 a.m., or as otherwise directed
Oral Arguments on Motions: Wednesdays, commencing at 9:30 a.m., or as otherwise directed

FAILURE TO APPEAR BY 11:00 AM AT ANY SCHEDULED CONFERENCE WILL BE CONSIDERED A DEFAULT, YOUR PLEADINGS MAY BE STRICKEN.

FAILURE TO APPEAR FOR ORAL ARGUMENT BY 11:00 AM MAY RESULT IN A DEFAULT.

1. COMMUNICATIONS WITH THE PART CLERK AND CHAMBERS:

DO NOT CALL CHAMBERS REGARDING SCHEDULING MATTERS AND REQUESTS FOR CONFERENCE ADJOURNMENTS. Any such calls will simply result in your being directed to the part clerk.

Adjournment requests for oral arguments scheduled should be made by contacting Kathy Quammie, the Courtroom/Part Clerk at 646-386-3736.

Adjournment requests for mediation dates in Mediation I and/or jury selection dates in the Trial Assignment Part, or J-Med, Part 40, should be made by contacting the appropriate part clerks. Justice Mendez and his Part Clerk do **not** administer those calendars.

Cases that have been settled require the filing of a Stipulation of Settlement and Discontinuance with the County Clerk's Office and a copy (can be faxed) to Kathy Quammie, the Courtroom/Part Clerk.

NO EX PARTE COMMUNICATIONS.

2. MOTION PRACTICE:

A. **Motion Papers: Motion papers including the combined affirmation and memorandum of law, should be no more than twenty (20) pages in length**.

B. **Oral Argument**

i. Scheduling: Working copies of motions are to be submitted in the Submissions Part, Room 130 at 60 Centre Street, New York, N.Y.. After motions are fully submitted in the Submission Part, Room 130 at 60 Centre Street, they are forwarded to the IAS Part 13. Motions submitted on default or with no opposition are not generally scheduled for oral argument. All other motions will be scheduled for oral argument. **DO NOT SEND COURTESY COPIES OF ANY MOTION PAPERS, AFFIRMATIONS OR RELATED DOCUMENTS DIRECTLY TO IAS PART 13 UNLESS DIRECTED TO DO SO BY THE COURT. DO NOT SEND LETTERS TO THE PART OR CHAMBERS FOR ANY REASON INCLUDING REQUESTING ORAL ARGUMENT**. **If oral argument is scheduled you will be so notified.**

ii. Adjournments: **TO ADJOURN ORAL ARGUMENT ON A MOTION, THE PARTIES NEED TO SUBMIT A WRITTEN STIPULATION OF ADJOURNMENT TO IAS PART 13 NO LATER THAN 5:00P.M. OF THE MONDAY BEFORE THE ORAL ARGUMENT DATE**. **ALL PARTIES SHOULD ARRANGE A CONFERENCE CALL WITH KATHY QUAMMIE, THE IAS PART 13 CLERK, BEFORE PREPARING OR SUBMITTING A STIPULATION TO ASCERTAIN AVAILABLE ADJOURN DATES AND OBTAIN DIRECTIONS FOR SUBMISSIONS OF THE STIPULATION. THE PARTIES ARE REMINDED OF THE IMPORTANCE OF COURTESY AND COOPERATION WITH EACH OTHER AND THE IAS PART 13 CLERK**.

iii. Settlement Authority: Parties appearing on dispositive motions should have settlement authority.

C. DO NOT COPY THE COURT ON LETTERS OR DOCUMENTS EXCHANGED BETWEEN COUNSEL. The court will not read them. They will be discarded unread by the IAS Part 13 Clerk without being shown to the Court.

D. If a case has settled while a motion is sub judice, **PLEASE ADVISE THE IAS PART 13 CLERK IMMEDIATELY! NOTE: SETTLED CASES ARE NOT REMOVED FROM THE IAS PART 13 CALENDAR UNTIL A STIPULATION OF SETTLEMENT OR DISCONTINUANCE IS FILED WITH THE COURT. ADJOURNMENTS WITH CONTROL DATES FOR SETTLEMENT PAPERS REQUIRE THE PARTIES TO ADVISE THE COURT IF A FURTHER ADJOURNMENT IS NEEDED, FAILURE TO DO SO MAY RESULT IN SANCTIONS FOR NON-APPEARING PARTIES.**

E. **SEND NOTHING TO CHAMBERS, UNLESS PREVIOUSLY DIRECTED TO DO SO BY THE COURT**. Stipulations, papers, etc. should be filed or delivered to the appropriate Clerk. The appropriate Clerk accepts documents for filing, not chambers or the IAS Part 13 clerk.

F. Courtesy copies of non-e-filed decisions will be mailed. Decisions on e-filed cases are also scanned and posted on the internet.

G. DO NOT CALL CHAMBERS OR THE PART 13 CLERK TO DETERMINE WHETHER A DECISION HAS BEEN RENDERED, ADVISE ON MOTION PRACTICE, OR FOR DIRECTORY INFORMATION. This information is easily available through the Supreme Court Records On-Line Library (SCROLL), NYSEF, the General Clerk's Office and on nycourts.gov.

H. Parties are advised that the Court adheres to the following rule(s):

i. CPLR §3212 Summary Judgment motions are to be made and filed within 120 days of the filing of the Note of Issue. Absent good cause for the late filing, a late motion will be summarily denied, even if the adversary has failed to raise the issue. A cross-motion will be deemed filed on the day it is filed, and its timeliness does not relate back to the filing of the main motion.

I. NO SUR-REPLIES.

3. PRELIMINARY AND COMPLIANCE CONFERENCES:

A. Scheduling:

i. **Preliminary Conferences** - may be scheduled pursuant to an RJI or a motion. Alternatively, any party in a case which has an RJI that was already filed, may simply contact the trial support clerk in the General Clerk's Office which will schedule one for the first available date.
ii. **Compliance Conferences** - May be scheduled pursuant to a prior discovery order, a decision on a motion, or by the parties contacting IAS Part 13 via conference call. **ALL PARTIES MUST BE ON THE CONFERENCE CALL**. A date will be scheduled as soon as practicable. **DO NOT CONTACT CHAMBERS**.

B. Prior Orders or Stipulations: Please bring copies of all prior conference orders and stipulations to conferences, this includes transcripts of those Orders placed on the record. If you have any motions pending in the Motions Submission Part, or which are sub judice, please bring this to the attention of the Part 13 Clerk and consult with the Justice's Law Clerk.

C. Authority: Attorneys attending conferences must have authority to bind the party on all issues. Appearances by counsel without authority may be deemed a default.

D. Instructions Applicable to Preliminary Conference Orders.

E. PRELIMINARY CONFERENCE ORDERS:

i. Please write legibly with black or blue ball point ink. Press hard. Illegible orders will not be signed. You must indicate the names, addresses and telephone numbers of all counsel appearing at the conference.

ii. Please number the pages (e.g. 1 of 3, 2 of 3, etc.). All items on a Preliminary Conference form must be completed or marked "n/a" if not applicable.

iii. Use complete dates, including the correct year. Please remember that some of the dates you are selecting may be in the next calendar year.

iv. Use firm cut-off dates such as "on or before December 31, 2010." ***Do not use***, "within 45 days, etc." Your are assumed to have consulted with your clients, examining doctors, etc. regarding their availability for EBT's, IME's, etc. before you pick the date. Pick a reserve date if you have uncertainty.
v. Consult with the Justice's Law Clerk if you have any issues that cannot be resolved amicably. The Law Clerk will serve as a referee to resolve disputes.

vi. Caption: IAS Part 13, Justice Manuel J. Mendez.

vii. DCM Track: Any dispute concerning the track assigned to the case (Expedited, Standard, Complex) should be brought to the attention of the Law Clerk.

viii. Appearances: Please provide legibly, your phone number and address in addition to your name.

PRELIMINARY CONFERENCE FORM:

Item 1 - (Insurance Coverage): Select a date for insurance information to be provided, not later than 21 days from today's date. As set forth above, for this, and all items requiring a cut off date, use an actual date such as, "on or before December 31, 2010." Do not use, "within 45 days," etc.

Item 2 - (Bill of Particulars): Select an actual date for the demand to be served that is within 30 days of today's date and then the bill of particulars shall be served as per the CPLR.

Item 3 - (Medical Records/Authorizations): Select an actual date by which authorizations
shall be served make sure that the date is within 30 days of today's date. Medical records shall be served within 45 days of today's date.

Item 4 - (Physical Examination): Exams shall be held within 45 days of the deposition. A copy of the physician's report shall be furnished to the plaintiff within 45 days of the physical examination.

Item 5 - (Depositions): The court will assume you have consulted a calendar and clients when scheduling depositions. Designate a time and place for depositions and be as specific as possible regarding whom you will produce. You must also select an actual end date after which the right to depositions may be deemed waived. This end date for depositions must be within four (4) months of today's date.

Item 6: Exchange of delineated items to occur within 21 days of today's date.

Item 7 - (End date for Disclosure): Select a date not later than six (6) months from today's date. If a party is more than 70 years of age, select a date not later than four (4) months from today's date.

Item 8 - (Impleader):Select a date not later than 60 days after your last scheduled party deposition.

Item 9 - (Compliance Conference): Pick a Wednesday date not later than three (3) months from today's date. Please verify with the Clerk that this is an available Wednesday.

Item 10 - (Dispositive Motions): "Summary judgment motions must be filed within 120 days of the filing of the note of issue." The court uses filing to measure the timeliness of dispositive motions, so be advised that this may give you slightly less than 120 days to file.

Item 11 - (Note of Issue): Select a date not later than sixty (60) days after the date selected for the end date of disclosure in Item 7.

Additional Directives: counsel should indicate that they have received a copy of the Part 13 rules.

F. COMPLIANCE CONFERENCE and STATUS CONFERENCE ORDERS:

i. Compliance Conference and Status Conference Orders will be prepared by Justice Mendez or his Law Clerk. Please bring copies of all prior conference orders and stipulations to conferences, this includes transcripts of those Orders placed on the record.

ii. Attorneys attending conferences must have authority to bind the party on all issues. Appearances by counsel without authority or knowledge concerning the status of discovery may be deemed a default.

iii. The Court reserves the right to include the following relevant language:

"The parties have been advised that the dates contained herein will be strictly enforced and that failure to comply with this Court's Order(s) will result in the imposition of any appropriate sanction, including, but not limited to, monetary costs and sanctions, issue or defense preclusion, witness preclusion, and /or the complete or partial striking of a pleading."

G. TRIAL DATES:

Unless otherwise directed, after the note of issue has been filed, the case will be assigned to Mediation I or Trial Part 40 by the Trial Support Office. Part 13 does not maintain a separate pre-trial conference calendar.

H. TRIAL RULES:

1.) Counsel shall furnish the Court with copies of :

A.) Marked Pleadings as required by CPLR §4012;

B.) A copy of any statutory provisions in effect at the time the cause of action arose upon which either the plaintiff or defendant relies;

C.) The Bill(s) of Particulars;

D.) If any part of a deposition is to be read into evidence (as distinguished from mere use on cross-examination), you must, well in advance, provide the Court and your adversary with the page and line number of all such testimony so that all objections can be addressed prior to use before the jury.

2.) No Communication with Jurors: In order to maintain the appearance of total impartiality, once the jury has been selected no one is to communicate in any form at any time with any juror. This includes both verbal and non-verbal communication, including, without limitations, nods, shrugs and shaking the head. Do not even say "hello" or "good morning."

3.) Trial Objections and Arguments: If a lawyer wishes to make an objection, it can be accomplished by standing and saying the word, "objection", and by adding thereto up to three or more words so as to state the generic grounds for the objections, such as "hearsay," "bolstering,""leading," or "asked and answered." If you believe further argument is required, ask permission to approach the bench. This request will almost always be granted. Keep in mind that you will always be given the opportunity to make a full record.

4.) Courtroom Comments and Demeanor: All remarks should be directed to the Court. Comments should not be made to opposing counsel. Personal remarks, including name-calling and insults, to or about opposing counsel will not be tolerated. Remember do not try to "talk over" each other; only one person speaks at a time or the record of the proceeding will be incomprehensible. Simple requests (e.g. a request for a document or an exhibit), should be accomplished in a manner which does not disrupt the proceedings or your adversary, such as a possible stipulation, ask for permission to approach the bench. I will grant that request, and you will have a chance to talk to each other outside the presence of the jury. In addition, no grandstanding in the presence of the jury i.e., making demands, offers or statements that should properly be made outside the presence of the jury.

5.) Examination of Witnesses: Do not approach a witness without permission of the Court. Please allow the witness to complete his/her answer to your question before asking another question. Do not interrupt the witness in the middle of an answer, unless it's totally unresponsive in which event you should seek a ruling from the Court. Direct examination, cross, redirect and re-cross are permitted. However, the Court does not ordinarily permit re-redirect examination of a witness.

6.) Jury Charge and Verdict Sheet: At the commencement of the trial all counsel shall submit suggested jury charges and a suggested verdict questionnaire. Amendments thereto shall be permitted at the final charging conference. If counsel relies on a Pattern Jury Instruction [PJI] without any charge thereto, it should be referred to by PJI number and topic only. If any changes to the PJI are suggested, then the entire proposed charge should be set forth and the changes should be highlighted or otherwise called to the Court's attention. Citations to appropriate statutory or common law authority shall be given in support of suggested non-PJI jury charges or suggested PJI modifications. In addition, unless a marshaling of the evidence is waived, Counsel should at the final charging conference, provide the Court with the proposed facts which counsel believes should be marshaled by the Court; and the respective contentions of the parties.

HON. DOUGLAS MCKEON, Part MMSP, Special Medical Malpractice Part, Room 408, Phone: 646-386-3752

HON. PETER H. MOULTON Part 50, Complex Litigation Part (Asbestos), Room 412 (Temporary), Room 321 (Permanent), Phone: 646-386-3291, Chambers: Room 512, 646-386-5713

HON. FRANK P. NERVO Part 44, Matrimonial IAS Part, Room 327, 80 Centre St., 646-386-3728

HON. JEFFREY K. OING Part 48, General IAS Part)[also Commercial Division Part (see Commercial Division website)], Room 242, Phone: 646-386-3265

Principal Law Clerk: Tracey A. Dunn, Esq. 646-386-5723 tdunn@nycourts.gov

Assistant Law Clerk: Brendan H. Strang, Esq. 646-386-5723 bstrang@nycourts.gov

Facsimile Telephone Number: 212-419-8462
Counsel are advised that there shall be no ex parte communications with Chambers.

GENERAL PART RULES

1. All adjournments (motions, conferences, trials) require prior court approval.

2. A court approved adjournment shall be reduced to a written stipulation prepared by the requesting counsel and must be signed by all counsel. If applicable, the stipulation shall set forth a briefing schedule.

3. Any paper and/or correspondence shall not be faxed or e-mailed to the court unless expressly permitted by the court.

MOTIONS: Friday, 9:30 a.m.

1. Motions returnable in the Motion Submission Part Courtroom, Room 130, and assigned to the Part are on submission unless the court advises counsel that oral argument is required. Notice of such argument will be transmitted to counsel by the court. Courtesy copies are not to be submitted to the court.

2. Orders to Show Cause are returnable in the Part. Opposition papers to an OSC will be accepted on the return date unless otherwise directed by the court. Reply papers are not permitted, absent court approval. An OSC providing for temporary injunctive relief pending hearing of the OSC shall not be adjourned absent good cause.

3. Discovery motions are strongly discouraged. If a discovery dispute arises after the issuance of a preliminary or compliance conference order, counsel shall telephone Chambers to seek a conference telephone call with all counsel to resolve the discovery dispute. If the issue cannot be resolved, counsel may move for appropriate relief.

4. If a motion is withdrawn or resolved, counsel shall promptly notify Chambers by facsimile.

4. A copy of a decision can be obtained from www.nycourts.gov/supctmanh under "Case Information", www.nycourts.gov under E-courts, or from the County Clerk. Please do not call the Part Clerk or Chambers.

CONFERENCES (Preliminary, Compliance, Status, Pre-Trial): Friday, 10:30 a.m.

1. All cases are heard in the order in which they are ready. All counsel must be present for the case to be deemed ready. Do not check in with the Part Clerk until all sides are present.

2. Default applications will be entertained by the court at 11:30 a.m.

3. Counsel appearing shall be familiar with the case and have the authority to discuss all discovery issues and to participate in a settlement conference.

4. Pending an appearance with the court, counsel are advised to confer with each other and draft a preliminary or compliance conference order or stipulation providing for all remaining discovery. Discovery disputes will be resolved at the conference. Discovery orders/stipulations must set forth specific dates for all deadlines, including IMEs and impleaders.

TRIALS

1. Trials are scheduled for a date certain, and are held every day of the week except Fridays.

2. For jury trials, counsel shall submit to the court at least seven (7) days prior to trial a witness list, proposed jury instructions, and a proposed verdict sheet. If the proposed jury instructions are verbatim from the Pattern Jury Instructions, providing the PJI numbers will be sufficient. If a PJI instruction is modified, exact language shall be submitted supported by appropriate authority.

3. For bench trials, counsel shall submit a witness list, proposed findings of fact, and a memorandum of law.

4. For all trials, counsel shall submit marked pleadings and a copy of the bill of particulars. If a witness needs an interpreter, counsel shall notify the court in writing seven (7) days prior to trial. Please indicate the language and dialect.

5. No adjournments will be granted if a witness is unavailable to testify unless good cause is shown.

HON. BARRY R. OSTRAGER Part 61, IAS General Assignment Part, Room 300, 60 Centre St. 646-386-3169
Courtroom hours are from 9:30 a.m. to 4:30 p.m.
Lunch recess is from 1:00 p.m. to 2:15 p.m., with the courtroom closed at that time.
Judge Ostrager's rules for both IAS General Assignment cases and Commercial Division cases appear at
http://www.nycourts.gov/courts/comdiv/ny/newyork.shtml

HON. EILEEN A. RAKOWER Part 15, General IAS Part, Room 205, 71 Thomas Street, Tel: 646-386-3316, Fax: (212) 520-1095
Court Attorneys:
- Jamie A. Yonks, Esq.
- Jeanne Barenholtz, Esq.

Courtroom Part Clerk: Mr. Martin Walsh (646) 386-3316

COMPLIANCE CONFERENCES

- Conference Courtroom: 71 Thomas Street, Room 205
- Conferences are held on Tuesdays at 9:30 a.m. in Room 205 unless a different time is specifically designated.

PROCEDURES:

- Counsel appearing at compliance conferences are expected to be familiar with the case, and to have the authority to discuss all discovery issues and to settle matters.
- Please bring copies of all prior conference orders and stipulations to the conferences.
- Counsel must bring a list of all outstanding discovery. Items not on the list will be deemed (1) not requested; (2) complied with; or (3) withdrawn.
- If you have any motions pending, please bring this to the attention of the Court at the time of conference and have working copies available.
- If the case has settled, the parties must promptly call or fax the Court with the stipulation of settlement and discontinuance containing all pertinent information regarding the settlement. Parties are expected to appear unless a stipulation is received.

ADJOURNMENTS:

- Adjournments will **NOT** be granted, on consent or otherwise, without a showing of exigent circumstances, and an affirmation attesting to the reason an adjournment is being requested.
- Parties seeking permission for an adjournment because of a pending dispositive motion must still appear at their scheduled compliance conference.
- Discovery will not be stayed pending appeals, motions to dismiss, and motions for summary judgment unless specifically ordered. Please do not request an adjournment for this purpose.
- The court will not grant adjournments where counsel anticipates making a future motion.

MOTIONS

- All motions are on submission unless the Court schedules Oral Arguments.
- The time to move for summary judgment is the statutory 120 days after the filing of the note of issue (see, CPLR §3212[a]). No extension will be permitted.
- Sur-replies will not be accepted, without Court permission.

1. Discovery is not stayed pending a motion, unless specifically ordered.

- Working copies of papers are **NOT REQUIRED** to accompany motions filed electronically through NYS Court Electronic Filing (NYSCEF). **HOWEVER**, working copies are **REQUIRED** for orders to show cause and where oral argument has been scheduled by the court.
- Do not call the Court to determine whether a decision has issued. This information is available through the Supreme Court Records On-Line Library (SCROLL) and, if the action is e-filed, through NYSCEF.
- All documents submitted for in camera review **MUST** be bate stamped and accompanied by a privilege log.

1. Where counsel seeks to withdraw from representation, there shall be no stay in effect unless and until such motion is granted.

ORAL ARGUMENT

- Where oral argument is scheduled, WORKING COPIES OF ALL PAPERS ARE REQUIRED and should be directed to 71 Thomas Street, Room 205, no later than one week prior to argument.

ORDERS TO SHOW CAUSE

- All Orders to Show Cause are by appearance on the return date.
- Opposing papers must be submitted before Oral Argument, on the date directed, and delivered to the Court Part by 3:00 p.m. If no date is directed, opposition papers are to be served and filed in Court on the day before argument by 3 p.m.
- Reply papers are not accepted on Orders to Show Cause absent express permission.
- Orders to Show Cause **WILL NOT** be adjourned.

COMMUNICATIONS WITH THE COURT

- The Court will **NOT** do business by phone. The only questions that are properly addressed to the Court are those concerning scheduling. All such inquiries should be directed to the Park Clerk, Martin Walsh, (646) 386-3316. The Court is in recess from 1:00 pm -2:00 p.m.
- **PLEASE DO NOT CALL OR WRITE CHAMBERS.**
- Please do not call the Court to adjourn a motion pending in the Motion Submission Part. In any event, no adjournment will be granted beyond 60 days. Uniform Rules for Trial Courts, 202.70, Rule 16(c).
- **EX PARTE COMMUNICATIONS ARE STRICTLY PROHIBITED. This includes any telephone calls to chambers regarding decisions rendered.**
- **DO NOT WRITE LETTERS OR EMAIL TO THE COURT UNLESS YOU:**
  1) Seek to withdraw a motion
  2) Wish to advise the court that a case has settled
- All letters, or other correspondence concerning substantive issues will be not be accepted or responded to.
- The Court will not make a ruling by phone. If an issue arises during a deposition, the parties are directed to follow the rules for depositions and to make a record of their objections. See CPLR §§3106-3116.

TRIALS

- At the commencement of trial, the Court is to be provided with the marked pleadings as well as proposed verdict sheets and requests to charge, with the understanding that these will be subject to revision.

- The Court is also to be provided with a copy of any deposition transcripts that are intended for use during trial, a list of proposed witnesses, all prior decisions in the case, and any notices to admit.

POST TRIAL

- Any post trial motions must be made by Order to Show Cause within the statutory 15 days after the verdict. (See, CPLR §4405).

HON. LETICIA M. RAMIREZ Part 4, Room 308, Harlem Courthouse, 170 East 121st Street, Phone: 212-360-4107

HON. ROBERT R. REED Part 43, IAS General Assignment Part, Room 581, 111 Centre St., 646-386-3238 Principal Court Attorney: Mr. John Owens Jr., Esq.

Part 43 Clerk: Ms.Alicia Washington

Preliminary Conferences: Thursdays, commencing at 9:30 a.m., or as otherwise directed.
Oral Argument on Motions: Thursdays, commencing at 9:30 a.m., or as otherwise directed.
Compliance Conferences: Thursdays, commencing at 2:30 p.m., or as otherwise directed.
Pretrial Conferences: Mondays, commencing at 2:30 p.m., or as otherwise directed.

Parties should be familiar with the rules of the Justices of the Supreme Court, Civil Branch, New York County, available at http://www.nycourts.gov/courts/1jd/supctmanh/Uniform_Rules.pdf. Relevant procedures are explained on the Court's website (see Protocol on Courthouse and County Clerk Procedures for E-Filed Cases at http://www.nycourts.gov/courts/1jd/supctmanh/E-Filing.shtml).

I. ***Appearances by Counsel***

Counsel are required to check in with the Court Officer at the time scheduled for the particular proceeding. Parties whose counsel fail to check in within one (1) hour of the scheduled time are subject to default/striking of pleadings. Counsel with appearances elsewhere in the courthouse should advise their adversary of their whereabouts to avoid a default/striking of pleadings. In general, matters are heard in the order that all parties on the matter are present and ready to proceed [see Rule 1 of the Local Rules].

II. ***Communication with the Part Clerk and Chambers:***

A. Unless specifically instructed to do so, **DO NOT** call, e-mail or attempt to fax chambers regarding scheduling matters and requests for adjournments.

B. Adjournment requests for conferences and oral arguments scheduled in Part 43 should be made by contacting the Part 43 Clerk. If you contact the Part Clerk via e-mail, all parties must be copied, i.e., cc'd, on such e-mail message.

C. Parties must obtain Court permission to adjourn any Court appearance. Absent an emergency, such permission must be obtained no later than one (1) business day in advance of the scheduled conference and no later than two (2) business days in advance of an oral argument.

D. Adjournment requests for motions returnable in the Motion Submissions Part (Room 130), for mediation dates in Mediation-I, and/or for jury selection dates in Trial Part 40 should be made by contacting the appropriate Part Clerks. Justice Reed, chambers staff and the Clerk of the Part do not administer these calendars.

E. No *ex parte* communication. In addition, do not copy the Court on letters exchanged between counsel, unless previously directed to do so by the Court.

F. Do not send documents to chambers, unless previously directed to do so by the Court. All documents should be E-Filed or delivered to the Part Clerk. If you have E-Filed a document that requires judicial action, please advise the Part Clerk.

G. If a case settles while a motion is *sub judice*, please advise the Clerk of Part 43 IMMEDIATELY!

III. ***Motion Practice***:

A. All motion papers must comply with Rule 14 of the Local Rules.

B. All requests for admission pro hac vice, whether made by motion or stipulation, shall be accompanied by an affirmation in support from a member of the Bar of the State of New York, an affirmation from the applicant, and a recent certificate of good standing from the applicant. The affirmation must also advise the Court whether the applicant has ever been or is presently subject to disciplinary proceedings.

C. When appropriate, proposed orders should be submitted with motions, e.g., motions to be relieved, pro hac vice admissions, open commissions, etc. No proposed order should be submitted with motion papers on a dispositive motion.

D. CPLR 3212 summary judgment motions are to be filed not later than 60 days of filing the Note of Issue. A cross-motion will be deemed filed on the day it is filed, and its timeliness does not relate back to the filing of the main motion.

E. Any party wishing to submit a proposed Order to Show Cause containing a Temporary Restraining Order (TRO), in accordance with Uniformed Rules of N.Y.S. Trial Courts 202.7(f), must notify all parties that such

proposed OSC is to be filed, and must provide the date, time and location it is set to be presented to the Court for argument of the TRO only. Attestation of notification must be included in the application in support of the proposed OSC.

F. E-Filing and Other Filing Considerations

i. Justice Reed requires working copies of motion papers. Working copies of motions on notice are required to be submitted to the Motion Submission Part (Room 130) on the final return date of the motion in that room. Exhibits submitted as part of working copies should be tabbed and legible. Working copies are not required for documents that do not require judicial action (e.g., note of issue).

ii. Questions regarding E-Filing should be addressed to the E-Filing office by calling 646-386-3033 or via e-mail at efile@nycourts.gov. Answers to frequently asked questions can be found at http://www.nycourts.gov/supctmanh/E-Filing.htm.

iii. The CPLR does not provide for sur-reply papers, however denominated. The Court will not read sur-reply papers.

E. Oral Argument

i. Scheduling

After motions are marked submitted in the Motion Submission Part they are forwarded to Part 43. Motions submitted on default or with no opposition are not generally scheduled for oral argument. All other motions will be scheduled for oral argument at the discretion of Justice Reed, pursuant to 22 NYCRR 202.8(d). Once oral argument is scheduled, notification will be sent by Motion Support or via an E-Courts alert.

ii. Adjournments

All requests for an adjournment of an oral argument should be made to the Clerk of Part 43. If granted, a stipulation should be faxed to the Part no later than 4:30 p.m. on the Tuesday prior to the oral argument date. If the parties cannot agree on an adjournment, a conference call may be arranged with the Clerk of the Part or an application made on the date of oral argument. **Note: The parties are reminded of the importance of courtesy and cooperation when dealing with one another.**

IV. ***Discovery***:

A. Please consult Rule 10 of the Local Rules. If after good faith efforts, counsel are unable to resolve or narrow the issues involving discovery, the aggrieved party, before filing a motion, shall first request an expedited conference by contacting the Part 43 Clerk. **DO NOT** call chambers. The party requesting the conference will be responsible for notifying all parties of the date and time of the conference. The Part 43 Clerk must be copied, i.e., cc'd, by e-mail, on all such notifications. Once the notification is received by the Part, the expedited conference will be placed on the Court's calendar. Conferences requested on an expedited basis generally will be scheduled on the first available Thursday. Conferences requested on an expedited basis will be granted only at the Court's discretion.

B. Discovery motions shall not be made without first complying with the above directive; any such motion may be denied summarily.

C. Where a party objects to disclosure on the ground of privilege, its response shall include a log of the documents being withheld and a copy of redacted documents, bates-stamped. The privilege log shall identify all withheld and redacted documents by bates-stamp number; shall list date, author, and recipients (except where same is disclosed on redacted documents), and shall state the privilege(s) being asserted. Following service of the privilege log, counsel shall confer and, if, after such conference, they are unable to reach an accommodation, the aggrieved party may contact the Part Clerk to arrange a conference.

D. Any order regarding the confidential exchange of information should be based on the Proposed Stipulation and Order for the Production and Exchange of Confidential Information prepared by a committee of the New York City Bar Association for use in the Commercial Division available at http://www.nycbar.org/pdf/report/ModelConfidentiality.pdf.

V. ***Preliminary and Compliance Conferences***:

A. Preliminary conferences may be scheduled following the filing of an RJI or after decision on a motion. Alternatively, the parties in any action in which an RJI has already been filed may contact the Clerk of Part 43, who will schedule a conference for the first available date.

B. Compliance/Status conferences may be scheduled pursuant to a prior discovery order, a decision on a motion, or by any party contacting the Clerk of Part 43, who will schedule a date, if necessary as soon as is practicable.

C. Please bring copies of all prior conference orders stipulations to the conferences. If there are motions pending in the Motion Submission Part or any motions which are *sub judice*, please bring this to the attention of the Part Clerk.

D. All appearing parties must be present for a case to be conferenced. Without a conference, the order will not be signed. A conference has not been completed until either the Justice or his court attorney has reviewed the completed form, conferenced the case and provided a signed copy of the order/stipulation.

E. The failure of counsel to appear for a conference may result in a sanction authorized by section 130.2.1 of the Rules of the Chief Administrator or section 202.27, including dismissal, the striking of an answer, direction for an inquest or direction for judgment, or other appropriate sanction.

F. Absent good cause, failure to comply with a discovery order may result in may result in the imposition of penalties upon the offending party and, where warranted, upon counsel. Such penalties may include waiver of the discovery, preclusion, dismissal, striking of an answer, costs, sanctions, and attorney's fees.

G. In E-Filed matters, copies of preliminary conferences and compliance conference orders will be available electronically.

VI. ***Trials***:

****Unless otherwise directed, after the note of issue has been filed, the case will be assigned a date in Mediation-I by the Trial Support Office. ****

A. Jury Trials

After a case concludes its time in Mediation-I, it is sent to Part 40 for jury selection. After jury selection, trials are assigned to a Part at the discretion of the Justice presiding in Part 40.

B. Non-Jury Trials

After a case concludes its time in Mediation-I, it is sent to Part 43. The Clerk of Part 43 will schedule a pre-trial conference as early as is practicable, for a date convenient for the Court. Counsel should come prepared to set trial dates within two months of the pre-trial conference, the Court's schedule permitting.

C. Trial Preparation/Trial Practice

i. Marked pleadings and the bill of particulars shall be provided to the Court by plaintiff before the commencement of trial. EBT or hearing transcripts to be read or referred to during trial should be provided to the Court by the party planning to use them before the commencement of trial. If any part of an EBT or hearing transcript is to be read into evidence (as distinguished from mere use on cross-examination), counsel must, well in advance, provide the Court and the adversary with the page and line number of all such testimony so that all objections can be addressed prior to use before the jury.

ii. Motions *in limine* shall be presented in writing to the Court as soon as is practicable after trial assignment, with a copy to all parties, or as specifically scheduled at any pre-trial conference. Any undue delay in presenting such motion, with a copy to all parties, may result in a delay in the trial's start date, waiver of such motion, or referral back to Part 40 for further action.

iii. To the extent practicable, the parties shall endeavor to pre-mark exhibits for identification prior to the commencement of trial. Parties should stipulate to all facts and documents not in dispute prior to the commencement of trial. For jury trials, parties should have all stipulated documents, photographs and other exhibits pre-marked into evidence by the court reporter while the jury is not present.

iv. For jury trials, the parties shall submit proposed verdict sheets and requests to charge (subject to amendment), citing the PJI sections, preferably before the commencement of trial, but not later than the start of the second day of trial.

v. If a lawyer wishes to make an objection, it can be accomplished by standing and saying "objection," with a brief generic ground for the objection (e.g., hearsay, leading, relevance, asked and answered, etc.).

vi. All remarks should be directed to the Court. Comments should not be made to opposing counsel.

vii. Do not approach a witness without permission of the Court. Please allow the witness to complete his/her answer to your question before asking another question.

viii. For non-jury trials, the parties shall submit proposed findings of facts and conclusions of law within ten (10) calendar days of the close of the record, unless otherwise directed by the Court.

ix. Any post-trial motion shall be made by OSC within the time allotted pursuant to CPLR 4405.

x. Trial extracts will be filed by the Part Clerk within 30 days of entry of the verdict or decision.

HON. LORI S. SATTLER Part 9, Matrimonial Part, Room 308, 80 Centre Street, 646-386-3848; Chambers: Room 308, 80 Centre Street

HON. JENNIFER G. SCHECTER Part 57, IAS General Assignment Part, Room 623, 111 Centre Street, Phone: 646-386-3657

HON. ALICE SCHLESINGER Part 16, Medical Malpractice IAS Part, Room 222, Phone: 646-386-3318
Motions: Wed., 9:30 AM (Discovery), 2 PM (Substantive) **Conferences**: Wed., 9:30 AM

HON. MARTIN SCHOENFELD Part 28, Medical Malpractice Part, Room 408, Phone: 646-386-3752

HON. MARTIN SHULMAN, Part 1, IAS General Assignment Part and Complex Litigation Part, Room 325, 60 Centre Street, Phone: 646-386-5758; also Tax Certiorari Part (E-filing).
Motions and Conferences: Tues., on a staggered schedule. Any requests for adjournments must be made to the Part Clerk by conference call with all parties represented.

HON. GEORGE J. SILVER, Part 40, Administrative Coordinating Part, Room 422, 60 Centre Street, N.Y., N.Y 10007 Phone: 646-386-3722

HON. GEORGE J. SILVER, Part 10, IAS General Assignment Part, Room 422, 60 Centre Street, N.Y., N.Y 10007 Phone: 646-386-3722

Principal Court Attorney: Denis M. Reo, Esq
Assistant Court Attorney: Will Kostas, Esq.
Parts 40 & 10 Clerk: Part Clerk: Michele Crocitto 646-386-3722

Part 10 Rules

1. Preliminary Conferences

Preliminary conferences are held each Tuesday at 9:30 a.m. Cases are called when all sides have checked in and are present. Default applications will be heard after 11:00 a.m.

2. Motions

Orders to Show Cause are returnable directly in the Part, usually on a Tuesday. Motions on notice are returnable any day in Room 130 and those motions can only be adjourned through (and in accordance with the rules of) Part 130. Once a motion is marked submitted in Part 130, oral argument, if directed by the court, will be scheduled in Part 10. Unusually large motions should be accompanied by a CD version of the hard copy. No advance permission is required to bring a motion, even discovery motions.

3.Decisions and Orders

The foregoing court documents are scanned and all available online.

4. Compliance, Status and Trial Readiness Conferences

Counsel must be prepared and have authority to discuss all aspects of a matter, including settlement, at each conference.

5. Adjournments

Stipulations on consent can be sent via fax to the Part Clerk (no emails accepted) at (212) 401-9288 or delivered by another means so that they arrive 24 hours prior to the scheduled court appearance. All adjournments are subject to court approval; adjournment requests must include: 1) the reason for the adjournment, 2) the date the case was last on, and 3) the date the parties would like the case/motion adjourned to. If there is no consent, you must submit an affirmation of actual engagement (if applicable), or honor the scheduled date and make the application for an adjournment orally. To follow up on an adjournment, please call the Part Clerk. Stipulations in E-Filed cases must be uploaded into the system first. The stipulation can then be faxed to the number above with a confirmation notice attached.

6. Note of Issue

A note of issue and certificate of readiness may not be filed until the parties stipulate or the court orders that all discovery is complete.

7. Summary Judgment
Summary Judgment motion are to be made no later than 60 days after the filing of note of issue.

Judicial Mediation

1. Parties and/or counsel appearing for a Judicial Mediation conference must be fully familiar with all pertinent facts of the case and must have the authority to settle the case. In cases where liability insurance is involved a claims adjuster or other authorized person on behalf of the insurance carrier should be available by telephone during the conference.

2. Parties are not required to submit Mediation Memoranda.

3. In the event the case is not settled, at the conclusion of the Judicial Mediation conference the parties will enter into a stipulation agreeing to a firm trial date. This trial date may not be adjourned.

HON. MICHAEL D. STALLMAN Part 21, Transit/City Transit Part, Room 278, 80 Centre Street, Phone: 646-386-3738
Motions & Conferences: Thursdays.

Papers: Papers must be submitted in 14 point size in a readable typeface (e.g. Arial - 14 point).

Unless advance permission otherwise is granted by the court for good cause, memoranda of law submitted in a large print typeface shall not exceed 40 pages each (exclusive of table of contents and table of authorities) and affidavits/affirmations shall not exceed 34 pages.

For motions submitted to Justice Stallman, condensed transcripts (i.e., multiple transcript pages shrunk to fit onto a single page) are not accepted.

Any exhibits (e.g., documents, maps, or diagrams) must be in full, original size.

HON. LAURA VISITACION-LEWIS Part 26, Guardianship Part, Room 355, Phone: 646-386-3308
Motions: Thurs., 9:30 AM **Conferences:** Thurs., 2:15 PM

HON. GEOFFREY D. WRIGHT Part 47 General IAS Part, Room 122, 80 Centre Street, New York, NY 10013.

- **Part Clerk:** Susan MacLeod 646-386-3743, Fax: 212-401-9249
- **Court Attorney**: Phaedra Perry 646-386-3765 Fax: 212-401-9249

Counsel are advised that there shall be **NO EX PARTE** communications with Chambers.

MOTIONS:

2. MOTIONS SCHEDULED FOR ORAL ARGUMENTS ARE CALLED AT 2:15 P.M., AND 2:45 P.M. FAILURE TO APPEAR FOR ORAL ARGUMENT BY 2:45 P.M., MAY RESULT IN A DEFAULT.

3. The deadline for filing motions for summary judgment is 90 days from the date of the filing of the note of issue. The filing of a motion will not stay the discovery process.

4. The court requires working copies of all E-Filed papers. Counsel must submit one hard copy (a/k/a working copy) of all papers to Motion Support, Room 130 but **DO NOT** need to provide chambers with courtesy copies.

5. All working copies of motion papers must have protruding exhibit tabs.

6. Oral argument shall be held upon request or at the court's discretion. **All discovery motions will be placed on the court's conference calendar**. Order to Show Cause are returnable in the Part.

7. All courtesy copies must have protruding exhibit tabs identifying the exhibits.
A copy of a decision can be obtained from www.nycourts.gov/supctmanh under "Case Information", www.nycourts.gov under E-Courts, or from the County Clerk.

ADJOURNMENTS:

8. **ALL ADJOURNMENTS** (motions, conferences, trials) **REQUIRE PRIOR COURT APPROVAL**. Adjournment requests shall be directed to the Part Clerk at 646-386-3743.

9. A court approved adjournment shall be reduced to a written stipulation prepared by the requesting counsel and must be signed by all counsel. If applicable, the stipulation shall set forth a briefing schedule.

CONFERENCES:

10. Preliminary, Compliance and Status Conferences are held on **Thursdays** at 9:30. Counsel shall bring copies of the preliminary conference order(s) and all prior discovery orders.
11. All cases are heard in the order in which they are ready. **All counsel must be present for the case to be deemed ready**. Do not check in with the Part Clerk until all sides are present.
12. Pending an appearance with the court, counsel are advised to confer with each other and draft a preliminary or compliance conference order or stipulation providing for all remaining discovery. Discovery disputes will be resolved at the conference. Discovery orders/stipulations must set forth specific dates for all deadlines, including IMEs and impleaders.

TRIALS:

Once a trial is assigned to Part 47, counsel are required to serve and submit:
Marked Pleadings;
The bill of particulars;
A Witness list;

In a jury trial: Proposed jury instructions and proposed verdict sheet.

Listing of Parts in Numerical Order and Justices Assigned (excluding Commercial)

Part	Justice	Part	Justice	Part	Justice
1	Shulman	20	Kaplan	40 TASP	Heitler
2	Freed	21	Stallman	41	Marks
4	Cohen	22	Ramirez	42	Bannon
5	Kotler	23	Braun	43	Reed
6	Lobis	24	Katz	44	Nervo
7	Lebovits	25	Masley	46	Billings
8	Kenney	26	Visitacion-Lewis	47	Wright
9	Sattler	28	Schoenfeld	50	Moulton
10	Silver	29	Kaliish	51	Cooper
11	Madden	30	Heitler	52	Chan
12	Jaffe	31	Drager	55	Kern
13	Mendez	32	Bluth	56	Lowe
14	Hoffman	33	Hunter	57	Schecter
15	Rakower	35	Edmead	58	Cohen
16	Schlesinger	36	Ling-Cohan	59	James
17	Hagler	37	Engoron	62	D'Auguste

18	Kennedy	39	Scarpulla	63	Coin
19	Levy	40 TR 40 TR City	Leibovitz	J-Med	Silver

MMSP McKeon MFP Cannataro
IDV Dawson

Effective Date:
April 17, 2006

THE JUSTICES OF THE SUPREME COURT,
CIVIL BRANCH, NEW YORK COUNTY