

Part Rules for Justice Kitzes
Part 17

Preliminary Conference

A preliminary conference shall be scheduled (1) automatically by the court within 45 days after filing a request for Judicial Intervention, pursuant to 22 NYCRR 202.12(b), or (2) upon filing a written Request for a Preliminary Conference with the Clerk's Office (Room 140) in compliance with 22 NYCRR 202.12(a) or an appropriate notice is filed in malpractice or certiorari cases pursuant to 22 NYCRR 202.56 and 202.60.

All Preliminary Conferences will be held on THURSDAYS at 9:30 a.m at the Preliminary Conference Part, Room 307 of the Courthouse, and they are presided over by the court-appointed referee, unless otherwise directed by the court. Failure to appear at the scheduled preliminary conference may result in discovery being ordered ex-parte or any other appropriate sanction including preclusion or dismissal ordered. Contact the Preliminary Conference Part at (718) 298-1046, not chambers.

Compliance Conference

For all Non-Commercial Division cases, Compliance Conferences shall be held on the date scheduled in the Preliminary Conference Stipulation and Order. Conferences shall be held before Justice Ritholtz in Courtroom 313.

For all Commercial Division cases, Compliance Conferences shall be held on the date scheduled in the Preliminary Conference Stipulation and Order. Conferences shall be held before Justice Kitzes in Courtroom 116.

Pre-Trial Conference

Counsel attending the conference must be fully familiar with and authorized to settle, stipulate, and dispose of the action(s).

Motion Practice

The motion calendar will be called every WEDNESDAY at 9:30 a.m. promptly. A second call will follow immediately thereafter. No courtesy copies to chambers are required EXCEPT IN THE CASE OF E-FILED MOTIONS.

All motions and applications are to be submitted on papers only, except those relating to any phases of discovery and/or bills of particulars, including motions to strike or restore a case from trial calendar, which require personal appearance by counsel for all parties. If the application is an Order to Show Cause then all parties MUST appear (movant must submit Affidavit of Service to Part Clerk) on the return date. Counsel should be prepared to discuss and agree upon a discovery schedule.

Oral argument will be entertained only in the Court's discretion.

Use of calendar service is permitted both to submit papers and to request counsel adjournments, which will be limited to two. The first adjournment on consent will be allowed on papers, thereafter attorneys seeking a further adjournment must appear.

Do not call the Part or Chambers for adjournments as **NO ADJOURNMENTS WILL BE GRANTED ON THE TELEPHONE**. The Court will not consider papers sent to Chambers or to the Part after submission.

The members of the Bar should make every effort to notify their adversaries and co-counsel of all applications for adjournments in advance.

The Court requests that any attorney appearing on a case for any purpose must be familiar with the case, ready and authorized to resolve any and all issues.

Electronic Filing of Legal Papers

Electronic filing is available for filing legal papers with this Court. Parties interested in electronic filing should read the materials set forth at www.nycourts.gov/efile. The rules and User's Manual for electronic filing are available on this web site. Courtesy copies to chambers are required **IN THE CASE OF E-FILED MOTIONS**.

Inquiries

All inquiries as to case or calendar status are to be made to the appropriate Clerk's office.

IAS Motion Support Office (718) 298-1009

Ex Parte Support Office (718) 298-1018

Trial Term Office (718) 298-1021