

## PART RULES

### I. MOTIONS

- A. On submission, generally. Appearance required only when there is a writing -- OTSC, letter, or interim order -- directing appearance by counsel and/or parties.
- B. One month automatic adjournment of No-Opp motions.
- C. Affidavit of service:
  - 1. Copy must be provided with all motions.
  - 2. CPLR §308(2) – party accepting process must be fully identified with respect to name, description and relationship to the defendant.
  - 3. CPLR §308(4) – due diligence requires at minimum 3 attempts (on dates prior to date of affixation), at least one of which was during non-work (and non-travel) hours or weekend.
- D. Summary Judgment – motions must be made within 120 days following certification, unless otherwise directed by the Court.
- E. All motions pertaining to the same case will generally be adjourned to the date of the last-filed motion and will be considered and determined contemporaneously.
- F. No discovery motions may be filed without leave of the Court. Counsel must attempt to resolve the issue, if necessary in a telephone conference with the Court before filing motion. “Consistent with **Uniform Rules for Trial Courts §202.7**, no discovery motions may be submitted unless there is an initial conference with the Court by telephone or otherwise, and this Court makes a determination that it is appropriate to submit same.”
- G. Adjournments
  - 1. On consent: Call the court clerk to request adjournment. Fax letter to Court and all parties advising of consent adjournment and new date. Such adjournment will be granted only if the matter is not beyond standards and goals.
  - 2. Without consent: Must apply to the Court, upon notice to all parties. Conference call or in-court appearance required.

### II. CONFERENCES

- A. All counsel must come with full knowledge and be prepared to discuss the merits of the case at all conferences.
- B. At certification, counsel must appear with full knowledge of the case and authority to settle (or state that the case is no-pay or that injunctive relief is sought

and no resolution is available).

- C. No adjournments on consent, except with court approval and within the certification deadline established according to DCM standards and goals.
- D. NOI must be filed within the period of time following certification as set forth in the CPLR or Uniform Court Rules (currently 90 days).

### III. TRIAL

- A. Motions in Limine must be made before commencement of trial.
- B. Proposed jury verdict sheet and charges must be submitted before conclusion of 2<sup>nd</sup> day of trial, unless leave of Court is granted.

### IV. MISCELLANEOUS

- A. All counsel must provide e-mail and fax addresses of the office utilized by counsel which is closest to Mineola, NY.
- B. In all matters, attorneys for the parties are required to have knowledge of such matter and authority to resolve issues of the claim or defense. If discussions arise, there will be justified positions articulated in conference by counsel for each party and the pro se party, if applicable. No ad hominem attacks are permitted and the conference shall proceed with civility as contemplated by the Uniform Court Rules, New York Rules of Professional Conduct, and the NYS and American Bar Association Rules of Conduct.

Effective: October 7, 2011

Hon. F. Dana Winslow