

**SUPREME COURT OF THE STATE OF NEW YORK
I.A.S. PART 54 - SUFFOLK COUNTY**

PART 54 RULES & PROCEDURES

HON. MICHAEL A. GAJDOS, JR., J.S.C.

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These rules are in addition to the Uniform Rules for New York State Trial Court and the Local Rules of Court.

I. ADJOURNMENTS

A. Conferences/Motions and Submissions:

1. Applications for adjournments of conferences, motions and/or submission shall be made by contacting chambers via email to sufgajdos@nycourts.gov, no later than 3:00 p.m. on the business day prior to the scheduled conference or motion return date. All applications shall be made after consultation with all attorneys on the file and **ON CONSENT OF ALL SIDES**.
2. In the event all counsel do not consent to the adjournment, an application shall be made to the Principal Law Clerk by email sent to sufgajdos@nycourts.gov, no later than 3:00 p.m. on the day preceding the scheduled conference or motion. The Court may direct a conference call or virtual conference be held to address the adjournment request; however, the Court in its discretion may grant the adjournment over objection without the need for a conference.
3. **ALL ADJOURNMENTS, which have been approved by the Court, MUST be confirmed with an email (to the Court and all parties).** The

email shall include the parties' names and index number, that the adjournment request was granted, indicating if it was on consent or over opposing counsel's objection, the initial scheduled date and the new return or conference date and time. If a conference date is adjourned, any motion also returnable that day, unless specifically indicated and agreed between counsel, shall be adjourned to the next scheduled conference date.

If the application is based on counsel's actual engagement on another matter, an Affirmation of Actual Engagement in conformity with 22 NYCRR § 125 shall be submitted via email and NYSCEF upload with the above information included, copied to all counsel.

4. A request to adjourn a divorce packet submission shall be made by email to the Court. Failure to submit a request for an adjournment may cause the matter to be dismissed for failure to submit the packet pursuant to the submission order.
5. Adjournment requests are not to be considered granted until **a response from chambers has been received** specifically granting the request. If counsel submits an adjournment request and fails to appear without the adjournment having been granted by the Court, the Court in its discretion may impose sanctions.

B. Preliminary Conference :

1. All counsel and parties shall attend the Preliminary Conference in person. No Preliminary Conferences shall be adjourned absent a compelling reason. (Counsel are directed to review 22 NYCRR § 202,16(f)). Counsel shall complete the Preliminary Conference form prior to the conference date. The forms are currently available in the courtroom and may be emailed on request.
2. Counsel are directed to comply with all Discovery, Certification and Note of Issue dates. Unless counsel otherwise agree in a written, signed Stipulation, to be provided to the Court, discovery dates will not be extended. In the event counsel cannot agree, counsel are urged to contact the Court by conference call prior to making any formal motion. Certification and Note of Issue dates may not be extended absent approval of the Court.

II. MOTIONS

COUNSEL ARE TO CONTACT THE COURT AND REQUEST A CONFERENCE PRIOR TO THE MAKING OF ANY MOTION IN ORDER TO ALLOW THE COURT TO ASSIST IN A POSSIBLE RESOLUTION.

A. Submission of Motions:

1. Affidavits in Opposition and/or Affidavits in Reply must be submitted to the Motion Clerk or e-filed on NYSCEF **no later than 3:00 pm on the return date.**

No opposition/reply papers received, submitted or e-filed to NYSCEF after 3:00 pm on the return date will be accepted except for good cause shown made by letter/email request on notice to all parties. Cross-Motions with Affidavits in Opposition to the principal motion will be calendered on the return date of the original application. Counsel should ensure that the principal motion is adjourned to the return date of the Cross-Motion for all papers to be considered.

2. All motions are submission only and no appearances are required unless otherwise specifically indicated by the Court.
3. Motions are to be served and filed in conformity with CPLR § 2214 and in accordance with the NYSCEF filing rules if all parties have consented to participate in the NYSCEF filing system.
4. All motions seeking *pendente lite* relief must be in compliance with 22 NYCRR § 202.16 to be properly considered.
5. There is no right to submit a Reply for applications brought by Order to Show Cause and leave of the Court must be obtained **PRIOR** to the submission of a Reply.
6. All motions, Order to Show Cause, Opposition, and Reply papers **MUST** be e-filed through NYSCEF or filed with the Clerk's Office by 3:00 on the return date or they will not be considered. Counsel's failure to file any motion or responsive papers by 3:00 pm on the return date shall not be a basis for a motion to renew or reargue.
7. Once all responsive papers have been submitted in accordance with the terms set forth herein above the motions shall be set down for a presubmission conference prior to the motions being marked "Fully Submitted" for decision. Unless there is a future conference date scheduled counsel is directed to reach out to the Court and request a presubmission conference once all papers in connection with the motion have been filed.
MOTIONS WILL NOT BE SUBMITTED FOR DECISION WITHOUT A PRESUBMISSION CONFERENCE.

B. Application for a Stay or Temporary Restraining Order:

Any Order to Show Cause seeking injunctive or emergency relief, including a stay or TRO, must be made in accordance with 22 NYCRR § 202.7 (f). The

moving party shall advise all sides as soon as practicable of counsel's intent to make the application. If an application is e-filed there is no guarantee that the application will be heard on the day of filing. **Upon review of the papers, the Court, as it deems appropriate, will contact the moving party and advise of the Court's availability to hear oral argument regarding the temporary relief requested.** All appearances on emergency or injunctive relief arguments are in person with all parties and attorneys present. (Failure of counsel to appear, absent a compelling reason about which the Court shall be notified prior to the scheduled time shall be deemed a waiver of his/her right to participate.)

C. Interim, Partial or Full Settlement:

If all or part of a motion has been settled, counsel shall forward a Stipulation to the Court along with a letter from the movant, on notice to all sides, indicating the return date of the motion and setting forth, in detail, what aspects of the motion have been settled and what issues remain to be decided. In the event the motion has been resolved in its entirety, the movant's letter shall indicate same and shall confirm that the motion is either marked "settled" or "withdrawn".

D. Judgment Submission packets

A sixty (60) day order will be issued upon the settlement or trial decision of a matter. The submission packet should be filed on or before the initial submission date. If additional time is necessary, an adjournment request must be made via email to the Court requesting additional time to submit the final packet.

No more than two (2) adjournments will be granted to submit a judgment packet. The third request, except for good cause shown, will require a court appearance of all parties and attorneys. Failure to appear may cause the matter to be dismissed.

III. COURT APPEARANCES

A. All Court appearances unless otherwise specifically stated are in person appearances and parties and counsel are directed to appear at all scheduled court dates unless otherwise excused by the Court. Counsel and parties are to appear timely. If Counsel is running late on another appearance, they shall contact the Court and opposing counsel as a courtesy to all counsel and parties.

B. All attorneys and pro se litigants must check in with the Court Clerk or Court Officer in the part. Counsel are requested to leave their cell phone numbers with the Court Clerk or Court Officer, in the event they are leaving the part.

IV. VIRTUAL CONFERENCES

A. Virtual Conferences are scheduled as time certain conferences. If counsel is unavailable or late to said conferences, the Court, in its discretion may adjourn the conference to a later time or date.

- B. If a virtual conference is to include the parties, Counsel shall make certain, prior to said conference, that their respective clients have the necessary link and equipment (microphone and camera) to be included in the virtual conference, and if an interpreter is necessary the Court must be notified at least 24 hours in advance of the virtual conference.

IV. COMMUNICATION WITH CHAMBERS

- A. All communication with chambers by NYSCEF, letter, or email shall be copied to all sides and shall include the title of the action, the full names of the parties, the date the matter next appears on the Court's calendar, and the index number. If all parties have consented to utilize NYSCEF, all communication to the Court shall also be uploaded to the NYSCEF case file.
- B. The Court will not consider any ex parte communication on any issue. All communication to the court should be on notice to all counsel or parties.
- C. Counsel SHALL NOT send copies of any correspondence between counsel to the Court. Any such correspondence will be disregarded by the Court.
- D. The Court will not consider any out of court settlement other than those reduced to writing on notice to all sides and submitted to the Court.

V. SANCTIONS

Any application for sanctions must be supported by the applicable statute under which the application is made.