

HON. STEVEN M. JAEGER

Part 39
100 Supreme Court Drive
Mineola, NY 11501
Courtroom Clerk:
Law Secretary: Eric P. Milgrim
Secretary: Luisa Lezaja
Chambers: 516-493-3207
Courtroom: 516-493-3210
Fax: 516-493-3082 (not for filing of papers)

Courtroom: Located on the 4th Floor East
Chambers: Located on the 2nd Floor

Unless otherwise ordered, matters before the Court shall be conducted in accordance with the following rules, as well as the CPLR and the Uniform Civil Rules of the Supreme Court:

Letters: Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.

Telephone Calls. Except as provided below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at the number listed above.

Faxes. Faxes to chambers are **not permitted without prior authorization** or as set forth below.

Appearances. All appearances shall be made by attorneys with knowledge of the facts and vested with authority to enter into stipulations and/or dispositions which bind their respective clients. The failure to comply with this rule or the failure to appear in timely fashion may subject counsel to one or more of the sanctions authorized by 22 NYCRR §202.27 and or 22 NYCRR Part 130-2. Attorneys shall comport themselves in accordance with the rules established in 22 NYCRR §700.4, the Rules of Professional Conduct, and the NYS Standards of Civility. Self-represented litigants are subject to the same rules of practice as attorneys appearing in the Part.

Attorneys of record must continue to appear for their clients until such time as the court has relieved counsel of that obligation or until a stipulation substituting counsel has been filed with the clerk of the court. See, CPLR §321..

Preliminary Conferences. Preliminary conferences will be held according to the rules set forth in 22 NYCRR §202.19 and will be conducted in the Preliminary Conference Part of the Supreme Court Building. The conference will be scheduled by the clerk of that Part. (telephone no. 516-493-3120).

Compliance Conference. The compliance conference date will be set down in the preliminary conference order and must be held no later than 60 days before the date scheduled for the completion of discovery (22 NYCRR §202.19[b][3]). The conference will be held in the

courtroom. Attorneys appearing at the compliance conference must have telephone access to their respective clients and shall be prepared to enter into good faith settlement discussions with the court. Adjournments will be granted only for compelling reasons. In no event shall the compliance conference be held later than the compliance requirement date set forth in the DCM timetable accompanying the preliminary conference order. To adjourn a compliance conference on consent, call chambers (516-493-3207) not later than 4:00 p.m. the day before the conference. A letter confirming the adjournment must be sent by facsimile (516-493-3082) with a copy to the other side. No compliance conference may be adjourned by phone or stipulation more than once or more than four (4) weeks without permission from the court.

Certification Conference. Pursuant to the rules of the Administrative Judge, a certification conference will be held prior to the filing of a note of issue. The certification conference will be held no later than 90 days before the date fixed for the filing of the note of issue. The conference will be held in the courtroom. Attorneys appearing at the certification conference must have telephone access to their respective clients and be prepared to enter into good faith settlement discussions with the court. There shall be no adjournments of certification conferences without the permission of the court.

Motion Practice.

A. Effective March 3, 2014, all motions will be handled by the Centralized Motion Part (CMP), Room 152, 516-493-3311, and the Rules of that Part. All Motions are to be made returnable at a Centralized Motion Part (CMP), Room 152, 100 Supreme Court Drive, Mineola, NY, on any weekday at 9:30 a.m. All inquiries concerning unsubmitted motions shall be made pursuant to the Rules of said Part.

B. *Memoranda of law required.* **Every party in a special proceeding or a motion requesting dispositive relief in a case assigned to Justice Jaeger is required to submit a separate memorandum of law in support of its respective position.** Papers are to be submitted through the Motion Support Office. Citations are to be to the Official Reporter.

Trials.

Motions in limine. **All motions in limine shall be in writing.** All motions *in limine* addressing the preclusion of evidence, testimony or other trial related matters must be brought to the attention of the court immediately upon counsel becoming aware of such matter to be addressed, it being the intent to avoid applications made on the eve of, or during trial of a matter, absent extraordinary circumstances.

Jury Trials. A trial conference with the Court shall be held immediately prior to the commencement of all jury trials. At the trial conference, counsel shall supply the Court with marked pleadings, amendments thereto and all bills of particulars served. Counsel shall further provide the Court with a list of proposed jury charges and the contentions of each party and proposed jury verdict sheets. A list of all pre-marked exhibits shall also be provided to the Court and to the stenographer. Counsel shall notify the Court and opposing counsel in writing of any motions *in limine* and any supporting statutory or case law. Counsel shall notify the Court of their inability to stipulate to the admission of any exhibits to be offered at trial. Counsel shall further advise the Court of the witnesses to be called, and if any be experts, shall further

provide the information required by CPLR 3101 (d)(1)(I). The filing of a note of issue is a condition precedent to the commencement of any trial.

Non Jury Trials. Non-jury trials are subject to scheduling upon forty-eight hours notice. A conference with the Court shall proceed the commencement of all non-jury trials at which counsel shall provide the following: 1) A copy of marked pleadings, amendment thereto, bills of particulars; 2) A list of pre-marked exhibits; and identification of those on which counsel could not agree as to their introduction at trial; 3) A list of witnesses and if any be experts, the information required by CPLR 3101(d)(1)(I); and 4) pre-trial memoranda of law and motions *in limine*. **The parties are required to provide the Court with a transcript of the trial.** The filing of a note of issue is a condition precedent to the commencement of any trial.

Miscellaneous Rules.

A. *Ex parte and miscellaneous communications.* The court will not accept any ex parte communications by telephone or letter from counsel or a self-represented litigant. The court will not accept any correspondence between counsel except as may be necessary to confirm a consent adjournment.

B. *Settlements and other stipulations.* If an action is settled or discontinued or the parties otherwise stipulate to the resolution of an issue in dispute, counsel shall advise the court forthwith by sending the court a copy of the stipulation. The original of any stipulation of settlement or discontinuance must be filed with the County Clerk, as the clerk of the court.

C. *Court personnel.* The court functions with the aid and support of the courtroom and chambers personnel. The court and the personnel assigned to the court will treat counsel, litigants and other persons present with dignity and courtesy which is indispensable to the proper administration of justice and the court expects the court personnel to be treated in like manner.

D. *Hearings/Inquests:* All hearings and/or inquests emanating from cases in the inventory of IAS Part 39 shall be scheduled by this Court or the Justice presiding in CCP. The filing of a note of issue is a condition precedent to the commencement of any hearing or inquest, unless otherwise ordered by the Court.

March 3, 2014