

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby renumber section 208.9 (venue) of the Uniform Rules for the New York City Civil Court to be section 208.8, I hereby adopt a new section 208.9 of such Rules relating to the preliminary conference, and I hereby amend section 208.18 of such Rules, relating to a preliminary conference calendar, all to be effective November 7, 2005, and to read as follows:

§[208.9] 208.8 Venue

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§ 208.9 Preliminary conference. (a) The Chief Administrator of the Courts may designate a specific class or specific classes of cases in one or more counties to be subject to this section.

(b) The plaintiff in a class of cases designated by the Chief Administrator pursuant to subdivision (a) shall request a preliminary conference within 45 days after joinder of issue. The request shall state the title of the action; index number; date of joinder of issue; name, address, and telephone number of all attorneys appearing in the action; and the nature of the action. The request shall be served on all other parties and filed with the clerk together with stamped postcards addressed to all parties. The court

shall order a preliminary conference in the action upon compliance with the requirements of this subdivision.

(c) The clerk shall notify all parties of the scheduled conference date, which shall be not more than 45 days from the date the request for a preliminary conference is filed unless the court orders otherwise. A form of stipulation and order, prescribed by the Administrative Judge, shall be made available which the parties may sign, agreeing to a timetable which shall provide for completion of disclosure. If all parties sign the form and return it to the court before the scheduled preliminary conference, such form shall be “so ordered” by the court, and, unless the court orders otherwise, the scheduled preliminary conference shall be canceled. If such stipulation is not returned signed by all parties, the parties shall appear at the conference. Except where a party appears in the action pro se, an attorney thoroughly familiar with the action and authorized to act on behalf of the party shall appear at such conference.

(d) The matters to be considered at the preliminary conference shall include:

(1) the simplification and limitation of factual and legal issues, where appropriate;

(2) establishment of a timetable for the completion of all disclosure proceedings;

(3) addition of other necessary parties;

(4) settlement of the action;

(5) any other matters that the court may deem relevant.

(e) At the conclusion of the conference the court shall make a written order including its directions to the parties as well as any stipulations of counsel.

(f) When a notice of trial and certificate of readiness is filed pursuant to section 208.17 of this Part in an action to which this section is applicable, the filing party, in addition to complying with all other applicable rules of the court, shall file with the notice of trial and certificate of readiness an affirmation or affidavit, with proof of service on all parties who have appeared, showing specific compliance with the preliminary conference order or with the so-ordered stipulation provided for in subdivision (c) of this section.

(g) In the discretion of the court, failure by a party to comply with the order resulting from the preliminary conference, or with the so-ordered stipulation provided for in subdivision (c) of this section, or the making of unnecessary or frivolous motions by a party, may result in the imposition upon such party of costs or such other sanctions as are authorized by law.

(h) A party may move to advance the date of a preliminary conference upon a showing of special circumstances.

(i) Motions in actions to which this section is applicable made before the preliminary conference is held may be denied or marked off the calendar unless good cause is shown why such relief is warranted before that time.

(j) No action or proceeding to which this section is applicable shall be deemed ready for trial unless there is compliance with the provisions of this section and any order issued pursuant thereto.

(k) The court, in its discretion, may order such further conferences as it may deem helpful or necessary at any time in a matter before the court to which this section is applicable.

(l) At the discretion of the Administrative Judge, a judicial hearing officer may preside at a preliminary conference scheduled pursuant to this section.

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§ 208.18 Calendars of Triable Actions

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(a)(1) General calendar. A general calendar is for actions in which issue has been joined.

(2) Preliminary conference calendar. A preliminary conference calendar is for the calendaring for conference of cases after issue has been joined for specific classes of cases designated by the Chief Administrator of the Courts.

(b) Pretrial conference calendar. A pretrial conference calendar is for actions awaiting conference in a pretrial conference part. Actions shall be taken in order from the top of the general calendar or preliminary conference calendar and placed at the end of the pretrial conference calendar.

Chief Administrative Judge of the Courts

Dated: October 6, 2005

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