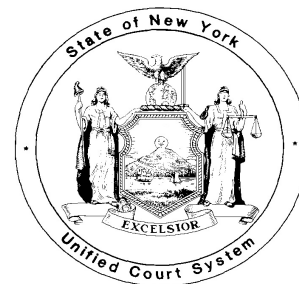


NEW YORK COUNTY SUPREME COURT, CIVIL BRANCH



HON. SHERRY KLEIN HEITLER, ADMINISTRATIVE JUDGE

Main Courthouse:

60 Centre Street
New York, New York 10007

Satellite Courthouses:

80, 100 and 111 Centre Street
71 Thomas Street
New York, New York 10013

RULES OF THE JUSTICES

**[REVISED FEBRUARY 28, 2006, EFFECTIVE APRIL 17, 2006;
RULES REGARDING PUBLIC ACCESS ON-LINE PROJECT ("SCROLL") ADDED SEPT. 8,
2006, EFFECTIVE SEPT. 15, 2006;
EMINENT DOMAIN RULES ADDED MAY 19, 2010, EFFECTIVE MAY 24, 2010;
BACKGROUND INFORMATION UPDATED: MARCH 22, 2013]**

The following constitute the rules of the Justices of the Supreme Court, Civil Branch, New York County (hereinafter "the Rules" or "the Local Rules") with the exception of the Justices of the Commercial Division. A separate set of uniform rules governs cases assigned to the Commercial Division.

STRUCTURE OF THESE RULES: The rules of the court are set forth immediately hereafter. These rules are applicable in the Parts of the court (excluding the Commercial Division) unless otherwise indicated in the Basic Information section that follows after the main body of the rules. The Basic Information section lists the Justices of the court in alphabetical order and a summary of the operational details of their Parts (e.g., motion days). Variations exist among the Parts in regard to such details. An attorney who wishes to know the requirements followed in a particular Part should consult the main body of the Rules together with the portion of the Basic Information section that pertains to that Part.

CASE INFORMATION: Information on the status of cases and activity therein and copies of decisions and other case documents are available in the Supreme Court Records On-Line Library ("*Scroll*"), which is accessible at no charge through the website of this court (at www.nycourts.gov/supctmanh).

RULES

In addition to the Rules that follow, procedures have been developed to simplify and expedite the submission of papers to the court in electronically-filed cases. Counsel are advised to consult the court's Protocol on Courthouse Procedures for Electronically Filed Cases (posted on the "E-Filing" page of this court's website at www.nycourts.gov/supctmanh). Parts II and IV of these Rules are inapplicable to condemnation and tax certiorari cases. Emergency medical hearings and proceedings under the Mental Hygiene Law have their own special rules. Part V is applicable to matrimonial cases only.

I

RULES REGARDING THE PUBLIC ACCESS ON-LINE PROJECT (“SCROLL”) ¹

Rule A-1. Information in Documents Filed with the County Clerk and the Court. Attorneys filing pleadings and other documents with the County Clerk or the Court that fall within a category of document that is, as explained in the Court’s Notice to the Bar on the Public Access Project, included in the *Scroll* Public Access Project system or that shall hereafter be so included shall not set out in such documents social security numbers (see GBL 399-dd (6)), bank account numbers, the names of minor children, dates of birth, health information concerning any individual and other similar sensitive information. Excluding social security numbers, if doing so is unavoidable, attorneys shall, to the extent practical, provide only a portion of the information (e.g., some but not all digits of an account number, initials only in place of the names of minor children). If circumstances make it unavoidable to include such information in full in a document that is or may be included in the system, the party preparing the document shall apply to the Court, in the manner set forth hereafter, for a directive restricting access to the document in the system. The following documents will not be included in the *Scroll* Public Access Project system: documents filed or issued by the Court in matters pursuant to the Mental Hygiene Law, matrimonial cases, and cases that are sealed by order of a Justice pursuant to Part 216 of the Uniform Rules for the Trial Courts, and other individual documents as to which the Justice assigned so directs.

Rule A-2. Application for Restriction of Access to Records. A party or person who claims that the availability of a document in the Public Access Project system may cause harm to that party or person or who seeks to limit access in compliance with Rule A-1 may apply to the Court for a directive restricting access. Any such application shall be made as follows. If the case has been assigned to a Justice, a request shall be made to the Justice by letter describing the document as to which a restriction on access is sought and explaining the reasons why such a restriction is appropriate. If the case has not been assigned to a Justice, the party shall direct such a request to the Administrative Judge. The Court on its own initiative may direct that access be restricted. An interested party or person may apply by letter to remove a document from the *Scroll* database if, notwithstanding these rules, a document is posted on the Public Access Project system that contains sensitive information access to which in this form causes harm to that party or person.

Rule A-3. Form of Restriction on Access to Records. Where the Court grants a request to limit access to a document in the *Scroll* Public Access Project system or issues a directive sua sponte, the directive shall take the form of an administrative direction to the staff of the Court that the document in question not be included in the *Scroll* system or, if already included therein, that it be deleted from the database. Any such directive as may be issued in a case in which documents are otherwise available in the *Scroll* system shall not affect the status of the County Clerk hard-copy case file, which is open to the public unless otherwise ordered by the Court pursuant to Part 216 of the Uniform Rules for the Trial Courts.

Rule A-4. Notices of Motion and Notices of Petition. Any party who files a notice of motion or notice of petition with the Court shall submit therewith to the relevant back office a photocopy of the notice (not including the supporting papers).

¹ The Rules set out in Part I were first promulgated by Notice to the Bar dated July 7, 2006, with an effective date of Sept. 15, 2006.

II GENERAL RULES

Rule 1. Appearances by Counsel; Knowledge and Authority. Counsel who appear at preliminary conferences must have sufficient familiarity with the case and authority to be able to discuss a discovery schedule in a meaningful way and to enter into agreements with regard thereto. Counsel who appear at other conferences and at the argument of motions must be familiar with the entire case in regard to which they appear and fully authorized to enter into agreements, both substantive and procedural, on behalf of their clients.

Rule 2. Settlements and Discontinuances; Change of Counsel.

(a) If an action is settled or discontinued, a stipulation shall be submitted promptly to the County Clerk with the appropriate fee (Cashier's Office, Room 160) and a copy shall be forwarded to the Part in question. If the case is otherwise disposed of, in whole or in part, counsel for the defendant affected shall immediately file a letter with the Clerk of the Part. If at the time of a settlement, discontinuance or other disposition a submitted motion is sub judice that is rendered moot, in whole or in part, by the disposition, or where a motion previously submitted is withdrawn, it is imperative that the Part be informed immediately.

(b) If counsel is changed on consent, a copy of the form shall be filed in the Trial Support Office (Room 158). Filing with the County Clerk does not suffice. Absent submission of a consent form, an attorney of record will continue as such unless a motion for leave to withdraw is granted. If such an order is issued, counsel must serve a copy on the Trial Support Office and all other counsel. A notice of appearance shall be filed by substitute counsel with the Trial Support Office and the Clerk of the Part.

Rule 3. Information on Cases. County Clerk data, case history information from the court's Civil Case Information System, and many documents from the case file of most cases in the court (e.g., pleadings, decisions, orders, notes of issue, judgments) are available on-line in the Supreme Court Records On-Line Library ("Scroll") of the County Clerk of New York County and the New York County Supreme Court, accessible on the court's website at www.nycourts.gov/supctmanh/. Decisions of the court with County Clerk entry stamp are posted in Scroll very promptly after their issuance. Information on scheduled court appearances and other case activity, including the issuance of decisions and orders, can also be obtained from Scroll, as well as from CaseTrac, the court system's case tracking and notification service, private services, courthouse terminals, or the New York Law Journal. The Clerk of the Part can also provide information about scheduling in the Part (trials, conferences, and arguments on motions in the Part). Counsel should not telephone Chambers.

Rule 4. Papers by Fax. Unless indicated otherwise by the court in a particular case or in the Basic Information section above, Justices do not accept papers by fax.

III CONFERENCES AND DISCOVERY

Rule 5. Preliminary Conferences; Requests.

(a) A preliminary conference will be held or, in Motor Vehicle cases and most tort cases against the City of New York, an automated Differentiated Case Management (“DCM”) scheduling order issued (i) within 45 days of assignment of a case to a Justice, unless impracticable for unusual reasons; or (ii) where a Request for Judicial Intervention is accompanied by a dispositive motion, within 45 days following disposition of such motion (if the case is not mooted by that disposition). Cases will be assigned to a DCM track (see Uniform Rule 202.19(b)) upon filing. The court will afford all parties an opportunity to raise objections to the track assignment or any DCM scheduling order issued without a conference. Requests for preliminary conferences in unassigned cases should be filed with an RJI in the Trial Support Office (Room 158). In assigned cases, if the court itself does not direct a conference in a decision nor issue an order scheduling pretrial proceedings, counsel should contact the Part Clerk.

(b) The court utilizes distinct forms of preliminary conference order in General, Medical, Dental and Podiatric Malpractice, City, Matrimonial, and Motor Vehicle cases. See the website (at www.nycourts.gov/supctmanh, under “Forms”) for these forms.

Rule 6. Adjournments of Conferences. Except as otherwise provided in the Basic Information section above or in Rule 26, adjournment of conferences will be allowed only as follows. The parties may adjourn any preliminary conference once for no more than 21 days, but only by submission of a written stipulation to the Part Clerk on or before the scheduled date thereof. Appearance by counsel is not required. Further adjournment of preliminary conferences and adjournments of compliance and pretrial conferences will be allowed only with permission of the court for good cause.

Rule 7. Consultation Prior to Preliminary and Compliance Conferences. Prior to a preliminary or compliance conference, counsel for all parties shall consult one another about, and shall make a good faith effort to reach agreement on, (i) resolution of the case, in whole or in part, and (ii) discovery and any other issues to be discussed at the conference.

Rule 8. Discovery Schedule. Strict compliance with all discovery orders is required. See *Kihl v. Pfeffer*, 94 N.Y.2d 118 (1999). Unexcused or unjustified failure to comply with deadlines fixed by the court, including those set out in Preliminary Conference Orders, may result in an award of costs, conditional or otherwise, or the imposition of another penalty authorized by CPLR 3126. Unless otherwise provided in the Basic Information section above or in the order, no extensions of deadlines set forth in a preliminary conference, compliance conference or other discovery order shall be allowed except with permission of the court for good cause shown.

Rule 9. Medical Authorizations. When a defendant in a personal injury action serves a demand for authorizations together with a demand for a bill of particulars, counsel for plaintiff shall serve the authorizations with the bill.

Rule 10. Disclosure Disputes. Prior to making a discovery motion, counsel shall consult one another

in a good faith effort to resolve any discovery disputes (see Uniform Rule 202.7). If a dispute is not thus resolved, the party seeking disclosure, unless otherwise directed in the Background Information section above, is advised to contact the Part Clerk promptly, and within any applicable deadline, for the purpose of arranging a conference, in court or by telephone.

Rule 11. Expert Disclosure. Unless otherwise directed by the court in a preliminary conference order or otherwise, a party having the burden of proof shall serve a response to an expert demand pursuant to CPLR 3101(d) no later than 30 days prior to the date set by the court for trial. Within 15 days after receipt of this response any adverse party shall serve its response.

Rule 12. Conferences Regarding Settlement of Actions by Infants and Others. Any proposed infant's compromise or other proposed settlement pursuant to CPLR 1207 shall be considered by the court at an appearance in court on the record. An attorney seeking approval of such a proposal shall serve on all parties, at least five days prior to the scheduled appearance, a Notice of Conference on Proposed Infant's [or other] Compromise. This Notice shall indicate the date, time and place of the conference. A copy of the proposed order of approval shall be annexed to the Notice unless previously served upon all parties. Said attorney shall submit to the court at the conference proof of service of such Notice.

IV MOTIONS

Rule 13. Motions on Notice; Orders to Show Cause.

(a) Motions brought by notice of motion shall be made returnable in the Motion Support Office Courtroom 130. Relevant procedures are explained on the court's website (see "Courthouse Procedures" at www.nycourts.gov/supctmanh). Depending upon the assigned Part, contested motions submitted in the Motion Support Office Courtroom are submitted without argument, or rescheduled for oral argument if so directed by the assigned Justice. For Justices who schedule argument on a case-by-case basis, notice of the argument date will be transmitted by the court. Counsel may ascertain how a motion submitted in Courtroom 130 was marked by consulting the court's website (under "Motion Support Calendars") or Scroll, or, on the two days immediately following the submission date, the New York Law Journal.

(b) Motions should be brought on by order to show cause only in a proper case (CPLR 2214 (d)). Unless otherwise directed in the Basic Information section above or in an order to show cause, original opposition papers on orders to show cause made returnable in the Part shall be delivered to the Part Clerk at least one business day prior to that date and reply papers should not be submitted.

Rule 14. Motion Papers.

(a) Counsel must attach to motion papers copies of all pleadings and other documents as required by the CPLR and as necessary for an informed decision on the motion. Documents in a foreign language shall be properly translated (CPLR 2101(b)). Whenever reliance is placed upon a decision or other authority not officially published or readily available to this court, a copy of the case or of pertinent portions of the authority shall be submitted with the motion papers. Courtesy copies shall not be submitted unless requested by the

court, but such copies are required in electronically filed cases (see the court's Protocol for e-filed cases on the website (www.nycourts.gov/supctmanh, under "E Filing")). Exhibits should be tabbed and be legible; a typed version of any exhibit that is difficult to read should be submitted with the original. Exhibits printed on both sides of the page should be bound and tabbed on the side.

(b) Unless advance permission otherwise is granted by the court for good cause, memoranda of law shall not exceed 30 pages each (exclusive of table of contents and table of authorities) and affidavits/affirmations shall not exceed 25 pages each.

(c) The CPLR does not provide for sur-reply papers, however denominated. Papers or letters regarding a motion should not be presented to the court after submission of the motion in the Motion Support Office Courtroom (Room 130), or after argument in the Part, if any, except with the advance permission of the court. Materials presented in violation of this Rule will not be read.

Rule 15. Oral Argument; Adjournments.

(a) Calendars of motions to be argued in the Parts are published on the morning of the argument date and on the day before in the New York Law Journal under each Part. Argument information is available on a case-by-case basis in Scroll, accessible on the court's website (at www.nycourts.gov/supctmanh/).

(b) Unless provided otherwise in the Basic Information section: argument may be adjourned for good cause; there shall be only one adjournment, for no more than 14 days, unless otherwise directed by the court. A request for an adjournment shall be made prior to the scheduled date.

Rule 16. Orders.

(a) A copy of any order affecting the caption of a case (e.g., amendment, substitution, correction of errors) shall be served by counsel upon the Trial Support Office (Room 158) and upon the County Clerk (Room 141B) so that the court's records and the County Clerk's records may be corrected. A copy of any order affecting the trial status of a case (e.g., striking a note of issue) shall be served on the Trial Support Office.

(b) Proposed counter-orders submitted to the court pursuant to Uniform Rule 202.48 (c) (2) shall be marked to identify all respects in which the proposal differs from the submission to which it responds.

Rule 17. Motions for Summary Judgment. Unless otherwise provided in a particular case in the preliminary conference order or other directive of the Justice assigned, a motion for summary judgment shall be made no later than 120 days after the filing of the note of issue, except with leave of court for good cause shown.

Rule 18. Neutral Evaluation Program. City cases and many other cases will be referred to the court's Neutral Evaluation Program (informally known as "Mediation") after filing of the note of issue. The procedures of this program are available on the court's website (www.nycourt.gov/supctmanh under "ADR Programs").

V TRIALS

This section sets forth trial procedures generally applicable to cases to be tried in pure IAS Parts (i.e., not including cases scheduled for trial through the Administrative Coordinating Part (Part 40) or the City Trial Part (Part 27 C)). However, since the nature of particular cases may make departure from these rules efficient and appropriate, counsel should in every instance confirm with the court at the pre-trial conference the Justice's directive regarding applicability of these procedures to the case.

Rule 19. Pretrial Conference. In cases to be tried in IAS Parts (i.e., not including cases scheduled for trial through the Administrative Coordinating Part (Part 40) or the City Trial Part (Part 27 C)), the court will conduct a pretrial conference at which settlement will be explored and a trial date will be confirmed or a firm date set. Prior to the pretrial conference, counsel shall confer in a good faith effort to identify issues not in contention, resolve all disputed questions without need for court intervention, and settle the case. Unless otherwise directed by the court, each party must be represented at the pretrial conference by counsel having full knowledge of the case and specific authority to settle or the ability immediately to contact by telephone a person with such authority. To permit the fixing of a trial date, counsel must, prior to the conference, consult their own schedules and those of their witnesses and be prepared to furnish a realistic estimate of the trial's length and discuss a suitable trial date unless previously fixed.

Rule 20. Trial Schedule in Pure IAS Parts.

(a) Insofar as possible, trials in pure IAS Parts will be scheduled at least one month in advance. As the schedules of counsel and witnesses will have been taken into account in determining the trial date, counsel will be expected to be ready to proceed at that time either to select a jury or to begin presentation of proof. Hence, once a firm trial date is set and counsel are so informed, counsel must immediately reconfirm the availability of witnesses and their own schedules. If for any reason, including trial commitments in other Parts or courts, counsel are not prepared to proceed on the scheduled date, counsel must inform the court of the difficulty within seven days of the date on which counsel were given the firm trial date. Absent extraordinary circumstances, failure of counsel to provide such notification will be deemed a waiver of any objection to the trial date.

(b) The court will endeavor, through contact with Justices in other Parts and courts, to resolve trial scheduling difficulties for counsel who notify the court in accordance with subdivision (a) of this Rule and in instances of extraordinary and unanticipated conflicts. The court will resolve such problems in accordance with Part 125 of the Rules of the Chief Administrator (Uniform Rules for the Engagement of Counsel), taking into account the need to conserve judicial trial time or the time of jurors, the demands upon trial counsel, and the importance of the clients' right to the attorney of his or her choice.

(c) The jury shall be selected in accordance with Uniform Rule 202.33.

Rule 21. Pretrial Identification of Exhibits and Deposition Testimony in Pure IAS Parts. Counsel for the parties shall consult prior to trial and attempt in good faith to agree upon the exhibits and portions of deposition testimony (with the deletion of irrelevant matter) that will be offered into evidence on the direct case without objection.

Rule 22. Marked Pleadings and Other Pre-Trial Submissions in Pure IAS Parts. In cases to be tried in IAS Parts, unless the court directs otherwise, at least ten days prior to trial or at such other time as the court may direct, counsel shall submit to the court marked pleadings, the bill of particulars, and a list of witnesses (direct case); and in a jury case, requests to charge, a proposed verdict sheet, and, as appropriate, a memorandum of law or copies of authorities addressed to any unusual jury charge requests; and, in all jury cases in which doing so will facilitate efficient presentation of proof and in all non-jury cases, pretrial memoranda. If counsel wishes the court to charge verbatim from the Pattern Jury Instructions, it is sufficient if the request cites the PJI charge by number only. All other requested charges should be written out in full.

Rule 23. Subpoenaed Records. Subpoenaed records should be directed to and may be reviewed at the Subpoenaed Records Office, 60 Centre Street, Room 145M.

VI MATRIMONIAL RULES

The following Rules shall apply to all matrimonial cases and shall take precedence over any inconsistent Rule set forth above. Otherwise, the foregoing rules are applicable in matrimonial cases.

Rule 24. Appearances at Conferences. Counsel and client must appear at the preliminary conference, all compliance conferences and the pre-trial conference. Failure to appear may result in costs or sanctions being imposed against the defaulting party.

Rule 25. Submissions at Preliminary Conference. Each party is required to submit at the preliminary conference a properly certified net worth statement and a copy of the retainer agreement in accordance with Section 202.16 of the Uniform Rules for the Trial Courts.

Rule 26. Adjournments. No stipulations of adjournment will be honored without prior approval of the court.

Rule 27. P.E.A.C.E. Program. Except for cases in which there has been a history of orders of protection, parties with unemancipated children should be aware that the Justice may assign the parties to the P.E.A.C.E. Program.

Rule 28. Pre-Trial Conference. Unless directed otherwise, all cases scheduled for trial must appear for a pre-trial conference on a date set by the court. All motions *in limine* must be presented at this time and counsel should be prepared to discuss all evidentiary issues.

Rule 29. Mandatory Pre-Trial Submissions. At the pre-trial conference, counsel shall provide his or her adversary and the court (a) marked pleadings (if grounds are in issue), (b) proposed statement of disposition, (c) child support worksheet (if applicable), (d) updated net worth statement, (e) list of all proposed exhibits, (f) witness list, (g) any expert report not previously provided, (h) pre-trial memoranda and (i) proof of filing of the note of issue.

VII EMINENT DOMAIN

These local rules supplement Uniform Rule § 202.61 with respect to the obtaining of Index Numbers for Claims and the Exchange and Filing of Appraisal Reports in Eminent Domain Proceedings.

Rule 30. Index Numbers for Fee Claims. Within sixty days from the expiration of the time set forth, pursuant to EDPL 503 (B), in an order of acquisition for the filing of written claims or notices of appearance, condemnor shall obtain an index number for each of the fee claims on file with the court pursuant to the said order so that the Clerk can separately maintain the claim and all further proceedings with respect thereto, and the condemnor shall notify the claimant or its attorney of record of the index number assigned to its claim. Thereafter, papers pertaining to each claim shall be separately prepared and filed under the index number assigned to the claim. A Request for Judicial Intervention is required to initiate proceedings before the court pertaining to a claim.

Rule 31. Index Numbers for Fixture Claims. Within six months after appraisals of fixtures have been exchanged pursuant to Uniform Rule § 202.61 (a)(1), condemnor shall obtain an index number for each individual claim for which an appraisal has been exchanged so that the Clerk can separately maintain the claim and all further proceedings with respect thereto, and the condemnor shall notify the claimant or its attorney of record of the index number assigned to its claim. Thereafter, papers pertaining to each claim shall be separately prepared and filed under the index number assigned to the claim. A Request for Judicial Intervention is required to initiate proceedings before the court pertaining to a claim.

Rule 32. Submission and Filing of Appraisal Reports. In all proceedings for the determination of the value of property taken pursuant to eminent domain, counsel may request that the court modify the procedure set forth in Uniform Rule § 202.61 for the exchange of appraisal reports. Within the nine-month period for filing of appraisals set forth in Rule § 202.61 (a), the parties may agree by stipulation, and present same to the court for approval, to a direct exchange of appraisals without filing copies of appraisals with the court. Thereafter, the parties may extend the date for exchange of appraisal reports set forth in the stipulation by further stipulation, without court approval, for no more than an additional nine months, provided such stipulation(s) are filed with the Clerk of the court. In such event, a copy of each exchanged appraisal shall be provided to the court upon the earlier of (i) its request or (ii) a pre-trial conference called upon the filing of a note of issue. Original appraisals shall be retained for presentation as an exhibit at trial.

Rule 33. Index Numbers for Other Matters. If the condemnor seeks relief against a person who has not filed a claim, the condemnor shall commence a special proceeding or action as may be appropriate.

BASIC INFORMATION

(Rooms are located at 60 Centre Street unless otherwise indicated.)²

HON. NANCY M. BANNON Part 42, Hybrid Part, Room 307, 80 Centre Street, Phone: 646-386-3237

¹ The motion days set forth set forth in this section consist of the days on which Justices normally hear motions that have been submitted in the Motion Support Office Courtroom (Room 130) and then rescheduled for argument in the relevant Part. However, Justices may of course schedule argument on orders to show cause at other times as need requires.

HON. LUCY BILLINGS Part 46, IAS General Assignment Part, Room 204, 71 Thomas Street, Phone: 646-386-3279

Motions: Thurs., 9:30 AM

Conferences: Thurs., 2:15 PM

HON. ARLENE BLUTH Part 22, Motor Vehicle Part, Room 136, 80 Centre Street, New York, New York 10013, Phone: 646-386-3271

Principal Court Attorney: Debra A. Lewis, Esq.

The Motor Vehicle Part includes the courtroom (motions, hearings, trials, etc.) and the Differentiated Case Management Part ("DCM"), which supervises discovery.

Oral Argument on Motions: Wednesdays at 9:30 a.m. in Room 136 (Courtroom)

Part 22 Courtroom Part Clerk: Mr. Letts, Phone: 646-386-3271

Note: Until further notice, working copies of all e-filed papers are required

DCM Conferences: Mon. & Fri. 9:30 a.m. in Room 103, Phone: 646-386-3682

DCM Office (Room 102): Phone: 646-386-3683 DCM Fax: 212-374-1842

DCM Coordinators: Ms. Harwood and Mr. Snipe

I. Communications with DCM Coordinators, Part Clerk and Chambers – Including Adjournments

A. At any point in the litigation, please notify Mr. Letts, the Part Clerk, as soon as a case settles. We like good news.

B. Requests for Adjournments/Scheduling:

(1) For all motions pending in the Submissions Part (Room 130 at 60 Centre Street), follow that Part's rules regarding adjournments and scheduling. The following rules only apply to matters pending in the Part 22 courtroom or in the DCM part. For a motion to be pending in the courtroom, it must have been fully submitted in room 130 and already rescheduled for oral argument on a Wednesday morning. We can only adjourn motions if we have the file and we only get the file after it is fully submitted in Room 130.

(2) For all scheduling matters and requests for adjournments, please call Mr. Letts (for matters in the courtroom) or the DCM Coordinator (for DCM conferences) for instructions. Do not call chambers. Neither the Justice nor her Court Attorney handles adjournments. Please be aware that Mr. Letts and the DCM Coordinators know when and how to consult with Justice Bluth and will do so when necessary.

(3) All requests for adjournments must be approved in advance. Without prior approval, a stipulation will not be accepted and any failure to appear will be considered a default. To make your request, please call at least two days prior to the scheduled appearance by conference call with all counsel on the line. If approved, you will receive a new date and further instructions (such as submitting a stipulation). For appearances scheduled in the COURTROOM contact Mr. Letts (646-386-3271). For DCM conferences, call the DCM Coordinator (646-386-3682).

C. No *ex parte* communications. Unless specifically instructed, please do not call or e-mail chambers. Do not copy the Court on letters exchanged between counsel.

D. All decisions and orders (including DCM orders) are scanned and available on the internet (E-LAW or SCROLL). Do not call to ask whether a decision has been issued.

II. Appearances before the Court/Motion Practice

A. If you want to withdraw the motion *after the motion leaves the submissions part*– either before or after argument – please advise Mr. Letts by telephone **immediately**. (If the motion is in the Submissions Part, then follow that Part's rules to withdraw).

B. Attorneys appearing before Justice Bluth must be thoroughly familiar with the case. Kindly prepare for a discussion about settlement and arrange to have your client or adjuster reachable by telephone.

C. Please read these rules carefully. **Your papers may be disregarded for failure to follow these rules.** The failure of the movant to follow these rules may result in the denial of the motion with leave to bring it again upon proper papers, but absent good cause no deadline will be extended.

D. General Motion Guidelines

1. **Motions with opposition**, after being fully submitted in room 130, will be scheduled for oral argument in the Part 22 courtroom for the next available Wednesday at 9:30 a.m. Do not deliver opposition to motions pending in the Submission Calendar to any Clerk at 80 Centre Street; submit them in room 130.

2. **Motion Sequence Number ("MSQ"):** Often several motions are submitted at the same time. To keep papers organized, the first page of EVERY motion paper (notice of motion, opposition, reply, exhibits, etc.) **must reflect the respective MSQ** in the upper right corner.

3. **Multiple Parties:** If the case has multiple plaintiffs or defendants, then you must state **which specific party(ies)** you represent in your motion papers **and** on the litigation back. Do not state that you represent "defendants" unless you represent every defendant.

4. **Exhibits:**

(I) **Tabs:** All exhibits must be identified by protruding tabs.

(ii) **Referring to exhibits:** Each page in any exhibit must be numbered. Reference to any exhibit must include pinpoint citations so the exact location within the exhibit can be found easily. For example, a citation to physical therapy notes contained within an exhibit of medical records should be identified as "physical therapy note dated xx/xx/xx, exhibit B, page 9"; it should not just refer to "exhibit B". Likewise, while the entire EBT transcript must be annexed, any reference thereto must cite to the exact page and line numbers relied upon rather than merely attaching the entire transcript or "relevant portions".

5. If there is a discrepancy between the relief sought in your notice of motion and the relief sought in your supporting papers, the notice of motion is controlling.

6. **E-Filed papers:** The Court requires courtesy/working copies of all e-filed papers; kindly submit these in Room 130 on the return date and they will be delivered to Chambers with the motion. Do not submit copies directly to chambers.

E. General Orders to Show Cause: Any party seeking immediate injunctive relief within an OSC must appear with the affected adversary (or with proof the adversary has been notified but declined to appear) when the application is presented for signature.

F. Orders to Show Cause to be relieved as counsel: Do not bring your adversary, but you must make sure you provide enough information for Justice Bluth to fashion a method of service likely to reach your client.

G. Motions to Renew/Reargue: Please provide a separate appendix, labeled "original motion and decision", containing all papers submitted on the original motion and a copy of the Court's decision. In the appendix, please provide protruding tabs as was originally provided to the Court.

H. Motions/special proceedings submitted on default in Room 130 are generally **not** scheduled for oral argument. However, **the movant must make certain that an affidavit of service is annexed**, even for e-filed motions; without a proper affidavit of service, relief will be denied.

I. Discovery motions are strongly discouraged.

1. We have two full time DCM Coordinators and a conference system to handle discovery. Please maximize use of these valuable resources.

2. All initial discovery motions will be converted into a case scheduling order. You should avoid the motion by simply filing an RJL with a request for a preliminary conference and you will receive a scheduling order without having to appear.

3. If you already have a scheduling order or already have had one or more compliance conferences and still have a discovery dispute, see rule IV(B) below.

4. If the dispute cannot be resolved at the conference, then the issue(s) will be narrowed and the DCM order will specifically allow a motion to be brought and must set forth a briefing schedule. A copy of that conference order, as well as every other conference order, must be annexed to every discovery motion.

J. Summary judgment motions

1. **All summary judgment motions must be made no later than 60 days after filing the note of issue** - there are no exceptions without leave of Court. In the notice of motion or early in the affirmation in support, please state the date the note of issue was filed and that the motion is timely. Absent good cause for late filing, a late motion will be denied even if your adversary does not object.

2. Cross-motions, especially cross-motions seeking relief unrelated to the main motion, DO NOT relate back to the date the original motion was made.

3. Discovery must continue during the pendency of a CPLR 3212 motion, unless good cause is shown for a stay. Consult the DCM Coordinator at the conference regarding "good cause"; the DCM Coordinator may consult with Justice Bluth if necessary. A stipulation will not suffice; any stay must be so-ordered.

III. Note of Issue

A. A note of issue may NOT be filed unless a stipulation is so-ordered certifying that discovery is complete. Improperly filed notes of issue may be stricken *sua sponte*.

B. Usually, the certification of completed discovery will be made at the final compliance conference. However, if all parties agree that discovery is complete *before* that date, then you can avoid the conference by mailing or faxing a stipulation to the DCM Coordinator at least two days before the scheduled conference. The stipulation must certify that all discovery is complete and provide for the filing of the note of issue. The DCM Coordinator will provide a date by which the note of issue must be filed and the so-ordered stipulation will be scanned and will appear on SCROLL.

IV. DCM/Compliance Conferences

A. A bill of particulars and authorizations are foundations upon which much discovery is based. Accordingly, the failure of the plaintiff to provide a bill of particulars and HIPAA compliant authorizations by the first compliance conference, without good cause shown, may result in the plaintiff being precluded from offering any evidence of damages.

B. Conferences are Important; be prepared.

1. We have invested significant resources in the DCM system because **we take discovery seriously**. The rules of this part require compliance with court-ordered deadlines; remember, these are court orders, not suggestions. The failure to adhere to deadlines and comply with orders may result in serious penalties. Counsel attending the conference are expected to be familiar with the case and have the authority to discuss and stipulate to resolve all discovery issues.

2. At each compliance conference, **counsel MUST bring a list** of all discovery previously ordered but not yet completed as well as new discovery requested which could not have been previously addressed (and be ready to explain why it could not have been addressed). Failure to address all outstanding discovery existing at the time of the compliance conference may be deemed a waiver of the right to obtain said discovery.

3. Please bring copies of all prior conference orders and stipulations to the conferences. If you have any motions pending in the Motion Submission Part, or which are *sub judice*, please bring this to the attention the Part 22 Clerk and consult with the DCM Coordinator.

4. Counsel are assumed to have consulted clients, examining doctors, etc. regarding their availability for EBTs, IMEs and the like.

5. Upon a party's second failure to appear for a conference, the case may be dismissed or the party's pleading may be stricken. Any motion to vacate such a default must be brought by Order to Show Cause and must fulfill the requirements of CPLR 5015.

6. **If a dispute arises about compliance** with any discovery order, or if deadlines are passing without discovery being provided, **DO NOT WAIT** until the next conference to report, in effect, that nothing has been done. As an officer of the Court, it is counsel's responsibility to comply with court orders and to report non-compliance. If your good faith effort to resolve the dispute fails, then immediately, before the deadline and without making a motion, call the assigned DCM Coordinator. Then, in the DCM Coordinator's discretion, the case will be scheduled for a resolution conference (in person or by telephone) or the date of the next scheduled conference will be advanced.

7. Absent good cause, failing to report discovery problems with DCM immediately, in advance of the deadlines, or failing to comply with any discovery order or DCM Discovery Reminder Notice, may result in the imposition of penalties upon the offending party and, where warranted, upon counsel. Penalties may include waiver of the discovery, preclusion, dismissal, striking the answer, costs, sanctions and attorneys' fees.

8. All discovery which is ordered is important, but counsel should be particularly aware that severe penalties are likely to be imposed for the following noncompliance. This is because the discovery is so routine, there is little excuse for counsel failing to provide it or scheduling it:

(i) Plaintiff's failure to timely provide a bill of particulars and HIPAA compliant authorizations.

(ii) The failure of defendant to timely give notice of, designate physicians for, schedule or conduct IMEs of plaintiff and serve the resulting reports therefrom.

(iii) The failure of plaintiff to attend the IMEs.

(iv) The failure of any party to schedule and attend a deposition.

C. Instructions Applicable to Compliance Conference Orders

1. Please write legibly with a black ball point pen. Press hard. Illegible orders will not be signed. You must indicate the names, addresses, and telephone numbers of all counsel appearing at the conference.

2. The DCM Case Coordinators have been instructed not to make copies. Although you are free to take a picture of the stipulation with your phone, keep in mind that all orders will be scanned and will appear on SCROLL.

3. Use complete dates, including the correct year. Please remember that some of the dates you are selecting may be in the next calendar year.

4. Use firm cut-off dates such as "on or before December 31, 2014." Do not use "within 45 days," etc. Because you are assumed to have consulted your clients and examining doctors regarding their availability for EBTs and IMEs, you will be held to the dates to which you commit. Pick a reserve date if you have any uncertainty.

5. If you have not complied with the "on or before" dates in the case scheduling order/preliminary order or first compliance order, then you must pick a specific date during the second compliance conference for the EBTs, IMEs, etc. That is, you get two chances to comply with "on or before" dates. The third order must set forth specific dates and include penalty language (preclusion, etc.) for noncompliance and may add "unless good cause is shown for the noncompliance". If you have not complied, then come prepared to the next compliance conference with affidavits, plane tickets, death certificates or proof of hospitalization to prove claimed "good cause".

6. Non-specific statements such as "all discovery not yet provided" or "unless otherwise provided" or "to the extent not yet provided"

will not preserve any rights; each attorney is expected to know what has been provided and what has not. See IV(B)(2) above about bringing a list of all outstanding and requested discovery to every conference and waiving discovery.

Trial Rules will be given to the attorneys when they are assigned to the part for trial.

HON. RICHARD F. BRAUN Part 23, IAS General Assignment Part, Room 418, 60 Centre Street, Phone: 646-386-3754

Conferences: Tues., 9:30 AM (compliance conferences); 10:30 AM (preliminary conferences). **Motions:** Thurs., 9:30 AM (motions that have been adjourned in the Part); 10:30 AM (motions newly calendared in the Part). All contested motions are scheduled for argument in the Part following final submission in Room 130. Opposing papers on orders to show cause will be accepted at oral argument thereof.

HON. MARGARET A. CHAN Part 52, City Part, Room 289, 80 Centre Street, Phone: 646-386-3742

HON. ELLEN M. COIN Part 63, IAS General Assignment Part, Room 311, 71 Thomas Street, Part Clerk's Phone : 646-386-3296, Chambers Phone : 646-386-3875

Principal Law Clerk: Mikhail Sheynker, Esq.

Part Clerk: Kimberly Riccobene

Preliminary Conferences: Wednesdays, commencing at 2:00 p.m., or as otherwise directed.

Compliance Conferences: Wednesdays, commencing at 2:00 p.m., or as otherwise directed.

Oral Argument on Motions: Wednesdays, staggered in ½ hour intervals commencing at 9:30 a.m. to 12:30 p.m., or as otherwise directed by order to show cause. Discovery motions will sometimes be scheduled with afternoon conferences.

I. Communications with the Part Clerk and Chambers

A. DO NOT CALL OR WRITE CHAMBERS REGARDING SCHEDULING MATTERS AND REQUESTS FOR ADJOURNMENTS. Any such calls will simply result in your being directed to the Part Clerk. The Law Clerk does not handle adjournments. Adjournment requests for conferences and oral arguments scheduled in Part 63 should be made by contacting

Ms. Riccobene, the Part 63 Clerk. Adjournment requests for mediation dates in Mediation I and/or jury selection dates in Trial Part 40 should be made by contacting the appropriate part clerks. Justice Coin and her Part Clerk do **not** administer those calendars. Adjournment requests for matters pending in the Motion Submission Part should follow the General Procedures for New York County found at http://www.nycourts.gov/supctmanh/motions_on_notice.htm

Do not call chambers or the Part 63 Clerk regarding adjournments in the Motion Submission Part.

B. DO NOT WRITE LETTERS TO THE COURT UNLESS YOU

- (i). seek to withdraw a motion in whole or in part;
- (ii). wish to advise the court that a case is settled; or
- (iii). were granted leave to write the court at oral argument.

II. Motion Practice

A. Oral Argument Scheduling

After motions are submitted in the Motion Submission Part, Room 130 at 60 Centre Street, they are forwarded to the part. Motions submitted on default or with no opposition are not generally scheduled for oral argument. Other motions will be scheduled for oral argument at the discretion of Justice Coin (see, 22 NYCRR 202.8[d]). If oral argument is requested, it should have been so indicated on the notice of motion.

DO NOT SEND LETTERS TO THE PART OR CHAMBERS REQUESTING ORAL ARGUMENT. If oral argument is scheduled, you will be so notified electronically.

B. DO NOT copy the court on letters exchanged **between** counsel. The court will not read them.

C. If a case has settled while a motion is *sub judice*, **please so advise the Part 63 Clerk IMMEDIATELY!** This is an exception to the "no letter" rule set forth above at I. B.

D. WORKING PAPERS are required to accompany all applications and motions filed electronically through NYS Courts Electronic Filing (NYSCEF). The working papers must be submitted in person in Room 130, 60 Centre Street, on the day the motion is returnable.

E. Do not call chambers or the Part 63 Clerk to determine whether a decision has issued. This information is easily available through the Supreme Court Records On-Line Library (SCROLL) and, if the action is e-filed, through NYSCEF.

III. Preliminary and Compliance Conferences

A. Please bring copies of all prior conference orders and stipulations to the conferences. If you have any motions pending in the Motion Submission Part, or which are *sub judice*, please bring this to the attention of the Part 63 Clerk and consult with the Justice's law clerk.

B. Instructions Applicable to Preliminary Conference and Compliance Conference Orders

- (i). Please write legibly with a black ball point pen. Press hard. Illegible orders will not be signed. You must indicate the names, addresses, and telephone numbers of all counsel appearing at the conference.
- (ii). Number the pages (e.g., 1 of 3, 2 of 3). At the top of page 1, please indicate whether this is the 1st, 2nd, or 3rd Compliance Order and whether the matter has already been converted to electronic filing.
- (iii). If it is a P.C. form, all items must be completed or marked "n/a" if not applicable.
- (iv). Use complete dates, including the correct year. Please remember that some of the dates you are selecting may be in the next calendar

year.

(v). Use firm cut-off dates such as "on or before December 31, 2012." Do not use "within 45 days," etc. **You are assumed to have consulted your clients, examining doctors, etc. regarding their availability for EBTs, IMEs, etc. before you pick the date. Pick a reserve date if you have any uncertainty.**

(vi). Do not leave the courtroom until either the Justice or her law clerk has reviewed your completed forms. Copies of preliminary conference and compliance conference orders will be available electronically in e-filed matters. Copies of such orders are not scanned in matters that have not been converted to electronic filing.

C. At each compliance conference, counsel should have a complete list of any discovery previously ordered but not yet completed. Failure to address such items at the subsequent conference will be deemed a waiver of the party's right to that discovery.

HON. MATTHEW F. COOPER Part 51, Matrimonial Part, Room 212, 60 Centre Street, Phone 646-386-3846

Chambers: 646-386-5859

Associate Law Clerk: Timothy Corbo, Esq. (646) 386-5856 tcorbo@courts.state.ny.us

Assistant Law Clerk: Lydia H. Devine, Esq. (646) 386-5853 ldevine@courts.state.ny.us

Part Clerk: Charlotte Williams (646) 386-3846 chwillia@courts.state.ny.us

GENERAL PART RULES

1. All parties and attorneys are required to be present on the return date and on every subsequent adjourn date unless otherwise directed by the court.
2. All adjournments require the prior approval of the court and must be requested no later than 1:00 P.M. of the business day immediately preceding the return date.
3. Any adjournment granted by the court must be reduced to a written stipulation prepared by counsel for the party requesting the adjournment and must be signed by the attorneys for all parties. The stipulation must include a briefing schedule for the submission of any outstanding responsive papers.
4. Motion papers, responsive papers, and any other correspondence shall **NOT** be faxed or e-mailed to the court without the court's express permission. If prior permission to fax or e-mail documents is obtained, **DO NOT** send hard copy duplicates by mail or hand delivery unless otherwise advised.
5. In the event that an answer is not interposed in an action and the parties have appeared before the court for a preliminary conference, the action may not be discontinued without prior court approval and after a motion for such relief is brought.

MOTIONS AND CONFERENCES

6. Wednesdays (at 9:15 A.M.) are the Part's designated motion and conference days.
7. All motions are required to be brought by Order to Show Cause, unless authorization to proceed by Notice of Motion is obtained from the court prior to filing.
8. Oral argument is required on all motions and orders to show cause unless otherwise directed by the court. If a hearing is requested or required, the parties shall be prepared to go forward on the return date of the application.
9. Opposition papers must be served and filed with the Part 51 clerk at least seven (7) days prior to the return date or, where an adjournment has been granted, at least seven (7) days prior to the adjourn date, unless otherwise directed by the court. The Reply, if any, must be served and filed with the Part 51 clerk at least one (1) day prior to the return date or, where an adjournment has been granted, at least one (2) day prior to the adjourn date, unless otherwise directed by the court. The court does not accept or require courtesy copies unless expressly requested.
10. Any cross-motion must be served and filed in the same time frame for responsive papers described above except that the original cross-motion must first be presented to the County Clerk for payment of the appropriate fee. After payment of the required fee, the original cross-motion with proof of payment must be filed with the Part 51 clerk.
11. All motion papers including orders to show cause, notice of motion/cross-motion, opposition, reply, memos of law, exhibits, affirmation, affidavits, and proposed/settle orders must indicate the respective motion sequence number on the first page in the upper right hand corner.
12. All attorneys and *pro se* litigants must provide their contact information (including your e-mail address and fax number) to Room 119 at 60 Centre Street, New York, NY 10007.
13. At the preliminary conference, the parties are required to provide to the court copies of Statements of Net Worth and the pleadings. A preliminary conference shall take place on the return date for all motions seeking *pendente lite* relief in a newly filed divorce action, unless otherwise directed by the court.
14. All discovery deadlines set by the court are final and may only be extended by court order for good cause shown. The court will consider granting an extension of a discovery deadline only if an application is made by order to show cause prior to its expiration.

15. At the pre-trial conference, the parties shall exchange and submit to the court Proposed Statements of Disposition, updated Statements of Net Worth, witness lists, and tax returns for the previous three years. Proposed Statements of Disposition shall be submitted in hard copy and emailed to the law clerks listed above as a Word Perfect compatible document. Absent extraordinary circumstances, all trial dates are final and will not be adjourned.

CHANGE OF ATTORNEY

16. Any attorney seeking to withdraw from a case must make a motion by order to show cause where the granting of such application would result in the litigant being self-represented. The court will not accept a stipulation where the litigant consents to proceeding pro se. A motion must be made by the outgoing attorney. Where the litigant is merely switching attorneys, a stipulation consenting to change attorneys is required and a motion need not be brought.

HON. LAURA DRAGER Part 31, Matrimonial IAS Part, Room 305, 71 Thomas Street, Phone: 646-386-3355

Motions & Conferences: Mon. all day and Tues. mornings

HON. CAROL EDMEAD Part 35, IAS General Assignment Part, Room 438, Phone: 646-386-3322

Motions: Tues. 9:30 A.M. and 11:30 A.M. on a staggered schedule

Discovery motions are strongly discouraged. (See also Rules of the Justices, New York County Supreme Court, Civil Branch (Non-Commercial Division), NYLJ, Rule 11).

Motions returnable in the Motion Submission Part Room 130 and assigned to the Part will be on submission unless the court advises the parties that oral argument is required.

Orders to show cause will be returnable in the Part. Responsive papers to orders to show cause must be delivered to the courtroom at least 4 days prior to the return date unless the court indicates otherwise. Absent an emergency, orders to show cause may not be adjourned. If the motion is adjourned, all papers are due in the Part on the Friday before the adjourned date.

In the event a motion has been resolved by withdrawal or settlement of the case, counsel are encouraged to advise the court prior to the Tuesday calendar by promptly faxing to the court a letter of withdrawal or a stipulation of settlement and discontinuance. There shall be no ex parte communications with chambers and there will be no telephone adjournments. (See also NYLJ, Rules 1 (a), 4, 13 (b), 14 (a) and 14 (c)).

Conferences:

(See NYLJ, Rule 1(a), 7(c), and 10 (b)).

All preliminary conferences are scheduled for Tuesdays at 2:15 P.M.

Preliminary conferences may not be adjourned. All stipulations of adjournment are subject to court approval and must be on consent, in writing. If there is no consent, the date must be honored and counsel must appear for an oral application for an adjournment. When an order to show cause is filed prior to the scheduling of a preliminary conference, the court will hold the preliminary conference on the return date of the Order to Show Cause, except where an Order involves (1) a reference; (2) a stay of the proceedings, i.e. bankruptcy or (3) the death of a party or other substitutions. (See also NYLJ, Rule 7 (a)).

At a compliance conference, a scheduled conference may be adjourned one time for no more than two weeks by stipulation of the parties faxed to the court by noon on the preceding Friday. Any further adjournments require the approval of the court, which will be granted only for good cause. The request for any such additional adjournment must be submitted to the court by fax no later than 4 P.M. on the preceding Friday. No adjournments will be given over the telephone. (See also NYLJ, Rule 1(b)).

At a pre-trial conference, counsel and their clients must appear unless the court expressly directs otherwise. (See also NYLJ, Rule 1(b)).

Trials:

Trials are scheduled for a date certain generally within 45 days after a conference is held following the filing of a note of issue. Trial dates scheduled by the court are firm and may only be adjourned upon application based upon an emergency. Trials are held every day of the week except Tuesdays, which is a calendar day. No adjournments will be granted if a witness is unavailable to testify unless the court concludes, in rare instances, that good cause exists. (See also NYLJ, Rules 20 and 21, and Pre-Trial Information Sheet available in the Part).

HON. ARTHUR F. ENGORON Part 37, IAS General Assignment Part, Room 328, 80 Centre, Phone: 646-386-3222; Chambers, Room 326, 80 Centre, Phone: 646-386-3181

HON. ELLEN GESMER, Part 24, Matrimonial Part, 60 Centre Street, Room 543, Courtroom phone: 646-386-3285, Chambers phone: 646-386-3730, Chambers fax: 212-884-8986

Principal Law Secretary: Kristin Bebelaar, Email: kbebelaa@courts.state.ny.us,

Associate Law Secretary: Paige Brinkley, Email: PBrinkle@courts.state.ny.us

Motions and conferences: Thursdays and Fridays, at staggered times. Minor children are not permitted in the courtroom, except by permission of the court. Any counsel appearing on a motion or conference is expected to be fully familiar with the case. Parties are expected to appear for all motions and conferences, unless excused in advance by the court.

Trials and hearings: Mondays, Tuesdays and Wednesdays. Parties and children's attorneys, if any, may only use on their direct case evidence that is listed on their respective pre-trial exhibit lists, and witnesses who are listed on their respective pre-trial witness lists. Counsel may use evidence and witnesses not appearing on the pre-trial exhibit and witness lists on cross and rebuttal. Counsel are encouraged to put all exhibits in electronic format, and to exchange and file them with the court in electronic format.

Pretrial Conferences: Parties shall exchange and file with the court the following pretrial documents at the pretrial conference, if any, or at least two weeks prior to the first day of trial if there is no pretrial conference: (1) Statement of Proposed Disposition pursuant to 22 NYCRR §202.16(h); (2) updated Net Worth Statement and most recently filed tax returns; (3) A pre-trial memorandum setting forth: (a) Witness List; (b) Exhibit List (and pre-marked exhibits); (c) List of All Previous Substantive Motions. With regard to exhibits, parties shall attempt to stipulate to the admissibility, or at least to their authenticity, at or before the pre-trial conference. In addition, counsel shall agree upon and execute a Stipulation of Undisputed Facts. Attorneys for children, if any, may file a proposed

parenting plan if they wish to do so, and shall also exchange and file lists of witnesses and exhibits they intend to present at trial.

Adjournments: Adjournments may be sought by telephone conference call with either the Law Secretary, Associate Law Secretary, or Part Clerk, to be followed by a written stipulation confirming the date.

Motions: All applications for relief, except cross-motions, must be made by Order to Show Cause unless otherwise directed by the court. All motion papers (including opposition and reply) must state the motion sequence number on the first page. The court does not accept surreplies without prior court permission. To reduce the need for motion practice, counsel are encouraged to contact the court by conference call prior to filing a motion.

Communication with court: Communication with the court between court dates is by telephone conference only. Counsel and parties may not communicate with the court by letter, email or fax, and may not send the court copies of correspondence between or among counsel and/or parties, without prior permission from the court. Unauthorized correspondence will not be considered and will not be maintained as part of the court file. If you are unable to obtain the cooperation of opposing counsel or opposing party, *pro se*, to place a conference call, you may call one of the Law Secretaries and request assistance in setting up a conference call.

Post-trial submissions: After trial, parties and the child's attorney, if any, shall submit post-trial proposed findings of fact and conclusions of law, with copies on computer disk or Word Perfect formatted email attachment.

Change of counsel: The court does not accept Consents to Change Attorney from counsel to a *pro se* litigant. Unless the client has retained new counsel who has executed and filed a valid Consent to Change Attorney, counsel seeking to withdraw from a case must make a motion to be relieved.

HON. SHLOMOS S. HAGLER Part 17, Room 581, 111 Centre, Phone: 646-386-3283; Chambers, Room 326, 111 Centre Street, 646-386-5691

HON. SHERRY KLEIN HEITLER Part 30, Center for Complex Litigation, Room 412, Phone: 646-386-3291

HON. CAROL E. HUFF Part 32, Trial Part, Room 331, Phone: 646-386-3281

HON. BARBARA JAFFE, Part 12, General IAS Part, Courtroom: 80 Centre Street, Room 279, Part Clerk: 646-386-3273, Fax Number: 212-374-3907 (please reference "Part 12, Attention: Hon. Barbara Jaffe") Chambers: 646-386-3727, Principal Court Atty: Catherine Paszkowska cpaszko@courts.state.ny.us, Asst. Law Clerk: Charity Wijetunga - cwijetun@courts.state.ny.us

I. COMMUNICATIONS WITH THE PART AND CHAMBERS:

- A. SCHEDULING MATTERS AND ADJOURNMENT REQUESTS - all such inquiries must be directed to the Part Clerk, Mike Kasper. PLEASE DO NOT CALL OR WRITE CHAMBERS.

Adjournment requests for matters pending in the Motion Submission Part and not yet scheduled for oral argument should be made in accordance with the general procedures for the New York County Supreme Court at

www.nycourts.gov/supctmanh/motions_on_notice.htm

Please do not call chambers or the Part 12 clerk to adjourn a motion pending in the Motion Submission Part.

- B. *EX PARTE COMMUNICATIONS ARE STRICTLY PROHIBITED* except for scheduling matters with the Part 12 clerk.
- C. DO NOT WRITE LETTERS OR EMAILS TO THE COURT UNLESS YOU:
1. seek to withdraw a motion in whole or part;
 2. wish to advise the court that a case is settled; or
 3. were granted leave to do so at oral argument or by the court.
- D. DO NOT COPY THE COURT ON LETTERS EXCHANGED BETWEEN COUNSEL. The court will not read them.
- E. SEND NOTHING TO CHAMBERS UNLESS SO DIRECTED BY THE COURT. Stipulations, papers, etc. should be e-filed or delivered to the appropriate clerk.

II. PRELIMINARY AND COMPLIANCE CONFERENCES:

Conference Courtroom: 80 Centre Street, Room 279

Conferences are held on Wednesdays at 2:15 pm in room 279, or as otherwise directed

A. Procedures:

Counsel appearing at a discovery conference are expected to be familiar with the case and to have the authority to discuss all discovery issues and to settle, and must bring to each conference a list of all outstanding discovery.

Upon a party's first failure to appear for a conference, the conference will be adjourned.
Upon a party's failure to appear for the adjourned conference, the case will be dismissed or the party's pleadings will be stricken.

B. Scheduling:

Preliminary conferences may be scheduled pursuant to an RJI or a motion. Alternatively, any party in an action in which an RJI has already been filed may contact the Part Clerk to schedule a preliminary conference.

Compliance conferences may be scheduled pursuant to a prior discovery order, decision on a motion, or by contacting the Part Clerk.

The next compliance conference, if any, shall be scheduled no later than three months from the prior conference date.

Notes of issue will be scheduled for the week after the next conference date or, if no further conference is scheduled, within 60 days after the last discovery deadline agreed to by the parties.

C. Adjournments:

Adjournments are strongly discouraged and requests for them must be directed to the Part Clerk by telephone conference call *only* and no later than 4 pm on the preceding Tuesday. *Adjournments by stipulation will not be accepted without prior court approval.* Adjournments will be granted for good cause shown.

If a case has settled, the parties must promptly fax the Part Clerk a stipulation of settlement and discontinuance containing all pertinent information regarding the settlement. Until the stipulation is received, the conference will not be adjourned and the parties will be expected to appear. (See II.A.).

III. MOTIONS:

A. General Procedures:

Motions will be scheduled for oral argument by the court and will be held on Wednesdays beginning at 9:30 am in room 279 at staggered intervals.

Sur-replies are not permitted; letters and papers are not accepted after the return date unless on the consent or order of the court.

All motion papers, including notices of motion, opposition, reply, memoranda of law, exhibits, affirmations, and affidavits, *must reflect the respective motion sequence number on the first page in the upper right hand corner.*

If a motion has been withdrawn or settled whether or not *sub judice*, the parties must promptly fax the Part Clerk a stipulation. This is an exception to the "no letter" rule.

All summary judgment motions must be filed within 60 days after the filing of the note of issue.

Information about decisions on motions should be obtained by checking with the appropriate clerk's office, the New York Law Journal or the court's website at

www.nycourts.gov/supctmanh

under "case information" or

www.nycourts.gov

under the E-courts link.

Please do not call the Part Clerk or chambers to check on the status of a decision.

B. Page Limits:

Per Rule 14(b) of Rules of the Justices, New York County Supreme Court Civil Branch, memoranda of law shall not exceed 30 pages each (exclusive of tables of content and authorities), and affidavits/affirmations shall not exceed 25 pages each, double-spaced.

C. E-Filing:

Part 12 is an e-filing part. However, working hardcopies of only the e-filed affirmations and memoranda of law must be submitted at oral argument on motions. All working hardcopies must have attached to them a confirmation notice that a copy of the documents has been e-filed.

Questions regarding e-filing should be addressed to the E-Filing Office at 646-386-3610 or at

efile@courts.state.ny.us

Answers to frequently asked questions may be found at

www.nycourts.gov/supctmanh/E-filing.htm

D. Oral argument:

After motions are fully submitted in the Motion Submission Part, they are forwarded to Part 12, and will then be scheduled for oral argument. The parties will be notified of the oral argument date via eTrack (<http://iapps.courts.state.ny.us/webcivil/etrackLogin>).

Motions submitted on default or without opposition are not scheduled for oral argument.

Motions may be adjourned by stipulation signed on consent of all parties if:

1. a reason for the adjournment is set forth in the stipulation, and
2. the stipulation is filed with the clerk no later than 4 pm the preceding Tuesday afternoon.

If the parties cannot agree to the adjournment, they may contact the Part Clerk by conference call. However, parties are reminded of the importance of cooperating with one another.

E. Discovery Motions:

DISCOVERY MOTIONS ARE STRONGLY DISCOURAGED. If a discovery dispute arises before the issuance of a preliminary or compliance conference order and a party has made a formal discovery motion, a conference will be scheduled for the return date of the motion.

If a discovery dispute arises *after* the issuance of a preliminary or compliance conference order, it must be directed to the Part Clerk who will promptly schedule a new conference or advance the date of a previously-scheduled conference.

F. Orders to Show Cause

Reply papers are not accepted on an order to show cause absent express permission.

IV. PRE-NOTE SETTLEMENT CONFERENCES:

The court will conduct pre-note settlement conferences upon the request of all parties.

The parties must fill out and sign a conference request form which is available from the Part Clerk. Once the request is submitted, the court will contact the parties to schedule the date and time of the conference. The conference will usually be held on a Wednesday afternoon.

Counsel must keep in mind the following rules:

1. attorneys who appear for the conference must be knowledgeable about the case and must bring any relevant documents;
2. only attorneys with authority to settle the case may appear;
3. if an insurance company is involved, an adjuster or someone from the company authorized to enter into a settlement must appear;
4. attorneys may, but are not required to, bring their clients to the conference;
5. if a settlement is reached, the parties, through their attorneys, will be expected to sign a stipulation of settlement at the conference; and
6. requests to adjourn the pre-note settlement conference must be in writing, signed by all parties, and sent to the court by 5 p.m. the day before the conference.

V. TRIALS:

A. Requirements:

Upon the first appearance before this court, the parties must furnish the court with the following:

1. a list of proposed witnesses including the need for any interpreters with the required language and dialect;

2. all marked pleadings and bills of particulars;
3. all prior decisions in the case;
4. any notices to admit; and
5. copies of those portions of EBTs intended for use at trial for any purpose.

B. Jury Trials:

Just prior to opening statements, the parties must furnish the court and opposing counsel with the following:

1. *Proposed jury instructions*, with the following provisos:
 - a. if the proposed instructions are taken verbatim from the Pattern Jury Instructions, PJI numbers will suffice; and
 - b. if a PJI instruction is not verbatim or requires a characterization or description of the evidence or the parties' contentions, the exact requested language must be submitted together with the authority for it.
2. *Proposed jury verdict sheet*, with the following provisos:

The proposed instructions and verdict sheet must be emailed as an attachment in WordPerfect or Word format to cpaszko@courts.state.ny.us and to opposing counsel *simultaneously*. Do not assume that the email has been received until a confirmation email is sent to you. If no confirmation is received within 24 hours of the email's transmission, please call the court attorney for further instructions.
3. Parties are strongly urged to have the court stenographer pre-mark all exhibits for identification and/or in evidence if without objection. Any *in limine* issues are best raised before trial commences or at the beginning of the day on which a party expects to offer the exhibit.

VI. OTHER:

A. Change of Counsel:

If counsel is changed on consent, a copy of the form shall be filed in the Trial Support Office (Room 158). Filing with the County Clerk will not suffice. Absent submission of a consent form, the attorney of record will remain on the case unless and until a motion for leave to withdraw is granted. If such an order is issued, outgoing counsel must serve a copy of the decision granting leave to withdraw on the Trial Support Office and on all other counsel. A notice of appearance shall be filed by substitute counsel with the Trial Support Office and the Part Clerk.

HON. DEBRA A. JAMES Part 59, General IAS Part (E-Filing), Room 103, 71 Thomas Street, Phone: 646-386-3351

Motions and Preliminary Conferences: Tuesdays, 9:30 AM and 11:00 AM

Compliance Conferences: Tuesdays, 11:00 AM

Status Conferences: Tuesdays, 2:30 PM

Pre-Trial Conferences: Tuesdays, 12 noon

Appearances by Counsel: Counsel who appear at conferences or for oral argument of a motion or other matter that is scheduled in the courtroom shall note their appearance on the calendar posted inside the courtroom. The Clerk of the Part will call each matter in the order in which all parties have so marked their appearances as present. Counsel who appear at conferences shall complete the appropriate form and submit such form to the Part Clerk prior to the matter being called. Counsel shall produce copies of all prior discovery stipulations and orders at each conference.

Motions: Contested motions, after submission to the Motion Support Office, shall be rescheduled by the Part Clerk for oral argument. Notice to the parties of such argument will be transmitted by the court.

Orders to Show Cause: Orders to Show Cause, unless directed otherwise, are returnable in the Part.

Adjournments If the parties consent to an adjournment of a Show Cause Order, the Part Clerk, Ms. Charlotte Williams (646-386-3351) must be notified two business days before the scheduled return date. Upon approval by the court, the stipulation of adjournment shall be faxed or delivered to the court by 4 PM on the business day preceding the return date.

Disputes and Motions Concerning Discovery: If counsel are unable to resolve a discovery dispute in the manner called for by Uniform Rule 202.7, the aggrieved party shall contact Charlotte Williams, the Part Clerk promptly, within any applicable deadline, and prior to bringing a formal motion. As appropriate in the circumstances, the court may direct submission of concise letters or telephonic or in-court conference. Where a formal motion concerning discovery is brought and no preliminary conference has been conducted, the court will schedule and hold a preliminary conference on the return date of such motion.

Trials At the pre-trial conference, the court will distribute to each party a Pre-Trial Information Sheet and Stipulation and Order that require, inter alia, a statement of undisputed facts and an estimate of required trial days, which each party must complete and submit to

the court within one week before the date set for trial.

Miscellaneous There shall be no ex parte communications with the court.

HON. DEBORAH A. KAPLAN Part 20, Matrimonial Part, Room 540, Courtroom Phone: 646-386-3300; Chambers Phone: 646-386-5567;
Fax: 212-401-9037
Principal Law Clerk: Joan G. Levenson, Esq.
Assistant Law Clerk: Michael A. Calogero, Esq.
Rules (effective March 25, 2009):

GENERAL PART RULES

All court appearances are on a staggered schedule.

All adjournments require the prior approval of the court.

All adjournments due to the actual engagement of counsel shall be granted in accordance with Part 125 of the Rules of the Chief Administrator of the Courts. Affirmations must be faxed to the Court at least one (1) day prior to the court appearance.

All parties **must** be present for all appearances and conferences unless excused by the Court.

Correspondence, whether by mail, e-mail or facsimile, between counsel is **not** to be copied to Chambers.

Pursuant to 22 N.Y.C.R.R. 202.16(d) a R.J.I. **must** be filed within the forty-five (45) days of the date of service of the summons **unless an affidavit of no necessity is filed**, in which event the R.J.I. must be filed within one hundred and twenty (120) days.

All papers submitted to Part 20 **must** include a fax number.

MOTIONS

Wednesday is designated as motion day.

Oral argument is required on all motions and orders to show cause, unless directed otherwise by the Court.

Counsel are required to file all responsive papers in Part 20. All exhibits are to be identified by tabs. Cross motions are to be filed with the Matrimonial Clerk's Office **two (2)** days prior to the return date.

Motions may not be adjourned on consent more than once without court approval. Counsel are directed to submit a written stipulation reflecting their consent which must include additional available dates.

Counsel are reminded that the CPLR does not provide for sur-reply papers or allow the presentation of papers or letters to the court after argument of a motion. Sur-replies, letters and the responses to such letters addressed to the substance of motions will not be considered.

Any allegations of fact submitted to the court, including allegations contained in an affidavit and/or the complaint, must be certified by counsel in the form prescribed by the Chief Administrative Judge.

ORDERS OF PROTECTION

Ex- parte requests for orders of protection must be accompanied by the Family Protection Registry Information Sheet and the litigant must be present. Motions to consolidate Family Court orders of protection actions must contain a complete copy of the Family Court file.

PRELIMINARY CONFERENCE

Preliminary Conferences will be held on Wednesdays and Thursdays, unless notified otherwise by the Court. The conference must be held within forty-five (45) days of the filing of an R.J.I. **The party seeking judicial intervention is required to notify the opposing party of the Preliminary Conference date. There will be no adjournments of Preliminary Conferences without express permission from the court.**

Counsel are reminded that pursuant to 22 N.Y.C.R.R. 202.16(f)(1) Net Worth affidavits are to be filed with the court ten (10) days prior to the conference date. They are to be accompanied by the attorneys' retainer statements and the parties' recent pay-stubs or W-2 statements.

COMPLIANCE CONFERENCE

Compliance Conferences will be held on Wednesdays and Thursdays or on a date selected by the court.

The date of the Compliance Conference shall be set at the time of the Preliminary Conference. Counsel should not wait until the date of the Compliance Conference to advise the Court of any failures to comply with Preliminary Conference directives and discovery orders. Such failure should be addressed **prior** to the Compliance Conference either by motion or conference call to Chambers. Failure to **timely** comply with the Court ordered discovery may result in the imposition of sanctions and counsel fees.

PRE-TRIAL CONFERENCE

Note of Issue shall be filed prior to the pre-trial conference and in accordance with the compliance order. **At the pre-trial conference, counsel will provide the court with statements of proposed disposition, updated net worth statements with the last three years of tax returns and a child support worksheet, if applicable.** Counsel shall present all motions in limine at this conference.

TRIAL

The Court is to be provided with the following pursuant to Court Order but no less than thirty (30) days prior to day of trial:

1. Marked pleadings.
2. Updated statement of net worth, statement of proposed disposition and child support worksheet, if applicable.
3. A witness list, expert reports not previously filed and any pre-trial memorandum.
4. A list of all proposed exhibits.
5. A list of documents which counsel may stipulate into evidence, such documents are to be pre-marked by counsel.
6. A written copy of any issues or facts to which the parties can stipulate in the advance of trial. Said stipulation to be read into the record at the commencement of the trial.
7. Statements of proposed disposition.

Counsel are reminded that pursuant to 22 N.Y.C.R.R. 202.16(9) all expert reports are to be exchanged and filed with the Court sixty (60) days before the date set for trial. Reply reports, if any, shall be exchanged and filed no later than thirty (30) days before said date.

Sanctions and/or costs may be imposed for failure to comply with any rules set forth herein.

Once a case has been assigned a trial date, **it is presumed ready for trial**. Trials will be day to day. No consent adjournments will be accepted. Failure to proceed will result in default relief being granted or the action being dismissed. In the event the action is resolved prior to the court date, counsel are expected to notify Chambers immediately.

The Court is to be provided with duplicates of all items marked into evidence.

The Court may direct one or both parties to order the transcript and allocate the costs.

All judgments of divorce must contain a form VS 140 containing the social security number of both parties. All judgments must be submitted within 60 days or the action will be deemed abandoned and dismissed. All QDROs must be submitted within 45 days of the signing of the Judgment and must be accompanied by written plan approval.

Copies of decisions and orders will be mailed to all counsel and any self-represented litigants.

Information on whether decisions have been issued or judgments or signed orders should be obtained by telephoning the Matrimonial Clerk's Office between 9-5 p.m. or by checking the New York Law Journal.

HON. TANYA R. KENNEDY, Part 25, Guardianship Part, Room 1254, 111 Centre, Phone: 646-386-5675

HON. JOAN M. KENNEY, Part 8, General IAS Part, Room 304, 71 Thomas St., Phone 646-386-3572

Preliminary Conferences: Thursdays, commencing at 9:30 a.m., or as otherwise directed.

Compliance Conferences: Thursdays, commencing at 10:00 a.m., or as otherwise directed.

1. *Communications with the Part Clerk and Chambers*

- A. Adjournment requests for conferences and oral arguments scheduled in Part 8 should be made by contacting the Part Clerk. If granted, a stipulation signed by all counsel shall be sent via facsimile (212-748-4294), to the Part Clerk. Counsel seeking an adjournment of any appearance, must make the request prior to the Monday immediately preceding the scheduled appearance date. Late requests for adjournments may not be entertained by the Court.
- B. Adjournment requests for motions returnable in the Motion Submission Part (Room 130 - [646-386-3030]), for mediation dates in Mediation I (646-386-3689) and for jury selection dates in Trial Part 40 (646-386-3265) should be made by contacting the appropriate part clerks.
- C. No *ex parte* communications except pursuant to CPLR 6313.

2. *Motion Practice*

- A. If oral argument is scheduled after the motion is submitted in Room 130 you will be contacted.
- B. Any party seeking injunctive relief must appear with an adversary when the application is presented for signature.

- C. **DO NOT** copy the court on letters exchanged **between** counsel. The court will not read them. They will be discarded and unread.
- D. If a case has settled while a motion is *sub judice*, **please so advise the Part 8 Clerk IMMEDIATELY!**
- E. Stipulations, papers, etc. should always be filed or delivered to the appropriate back office or Clerk and not to chambers unless previously directed to do so by the Court.
- F. All decisions are scanned and posted on the internet with the entry date. This information is easily available through the Supreme Court Records On-Line Library (SCROLL) (www.nycourts.gov/supctmanh).
- G. Do not call chambers or the Part 8 Clerk to determine whether a decision has been issued.
- H. Parties are advised that the court adheres to the following rules:
 - i. CPLR 3212 summary judgment motions are to be **filed** with the motion support office within **30** days of **filing** the Note of Issue. Absent good cause shown for the late filing, a late motion will be summarily denied, even if the adversary has failed to raise the issue. A cross-motion will be deemed filed on the day it is filed, and its timeliness does not relate back to the filing of the motion-in-chief.
 - ii. Discovery is to continue during the pendency of CPLR 3212 motions, unless good cause is shown why discovery should be stayed.
 - iii. CPLR 2215 motions seeking relief by a non-moving party, requires that a cross-motion shall be made on the moving party. If the cross-movant is seeking relief against a party other than the one who made the initial motion, the cross-motion **must** be filed as a separate motion. A party failing to comply with this rule will have their "cross-motion" denied without prejudice to re-file. Strict adherence to this rule avoids problems with "short service" of cross-motions and permits for a much more orderly and efficient administration of the part.
- I. No sur-replies will be considered as part of a motion deemed submitted for decision.

3. **Preliminary and Compliance Conferences**

A. Scheduling

Preliminary conferences are scheduled by the Trial Support Office pursuant to the filing of a RJJ or a motion.

Compliance conferences may be scheduled pursuant to the preliminary conference Order.

- B. **Please bring copies of all prior conference orders and stipulations to the conferences. If you have any motions pending in the Motion Submission Part, or are *sub judice*, please bring this to the attention of the Justice's law clerks at the next conference.**

C. **Instructions Applicable to Preliminary Conference and Compliance Conference Orders**

- i. Please write legibly with a black ball point pen. Press hard. Illegible orders will not be signed. You must indicate the names, addresses, and telephone numbers of all counsel appearing at the conference.
- ii. Number the pages (e.g., 1 of 3, 2 of 3). At the top of page 1, please indicate whether this is the 1st, 2nd, or 3rd Compliance Order.
- iii. If it is a preliminary conference form, all items must be completed or marked "n/a" if not applicable.
- iv. Use complete dates, including the correct year. Please remember some of the dates you are selecting may be in the next calendar year.
- v. Use firm cut-off dates such as "on or before December 31, 2009." **Do not use "within 45 days," etc. You are assumed to have consulted your clients, examining doctors, etc. regarding their availability for EBTs, IMEs, etc. before you pick the date. Pick a reserve date if you have any uncertainty.**
- vi. If this is the 2nd Compliance Conference addressing an issue, please add the following language:

"The parties have been advised that the dates contained herein will be strictly enforced and that failure to comply with this court's *orders* will result in the imposition of any appropriate sanction, including, but not limited to, monetary costs and sanctions, issue or defense preclusion, witness preclusion, and or the complete or partial striking of a pleading."
- vii. Do not leave the courtroom until either the Justice, or one of the law clerks, have reviewed the forms. Copies of such orders are not scanned.

- viii. Consult with the Justice's law clerks regarding any issues you cannot amicably resolve. *They serve as referees appointed by the Court to resolve disputes.*

D. Instructions Applicable to Preliminary Conference Order Forms only.

The time frames here are for initial Preliminary Conference Orders only; Compliance Conference Orders should generally have a **shorter** time frame.

- i. Caption: Part 8, Justice Joan M. Kenney.
ii. Appearances: Please provide, legibly, your phone number and address in addition to your name.

- Item 1: (Insurance Coverage): Select a date for insurance information to be provided not later than 21 days from today's date. As set forth above, for this, and all items requiring a cut-off date, use an actual date such as "on or before December 31, 2009." Do not use "within 45 days," etc.
- Item 2: (Bill of Particulars): Select an actual date for the demand to be served that is within 15 days of today's date and then the bill shall be served as per CPLR.
- Item 3: (Medical Records/Authorizations): Select an actual date by which authorizations shall be served and be sure that the date is within 20 days of today's date. Medical records shall be served within 75 days of today's date.
- Item 4: (Physical Examinations): Exams shall be held within 45 days of the deposition. A copy of the physician's report shall be furnished to plaintiff within 30 days of the exam.
- Item 5: (Depositions): The court will assume you have consulted a calendar and clients when scheduling depositions. Designate a time and place for depositions and be as specific as possible regarding whom you will produce. You must also select an actual end date after which the right to depositions may be deemed waived. This end date for depositions must be within 4 months of today's date and may not be adjourned without court approval.
- Item 6: Exchange of delineated items to occur within 21 days of today's date.
- Item 7: (End date for disclosure): Select a date not later than eight months from today's date. If a party is more than 70 years of age, select a date not later than four months from today's date.
- Item 8: (Impleader): Select a date not later than 45 days after your last scheduled deposition.
- Item 9: (Compliance Conference): Pick a Thursday date not later than six months from today's date. Please verify with the Clerk that this is an available Thursday.
- Item 10: (Dispositive motions): "Summary judgment motions **must** be within **30** days of the **filing** of the note of issue." The court uses filing, not service of the note of issue to measure the timeliness of dispositive motions, so be advised accordingly. The party filing the note of issue, shall notify all other parties to the action, in writing, of the filing date within 48 hours of the filing date.
- Item 11: (Note of Issue): Select a date not later than 60 days after the date selected for the end date of disclosure in item 7.

Additional Directives: Counsel should indicate that they have received a copy of the Part 8 Rules (Jan. 2010 version).

4. Trial Dates

Unless otherwise directed, after a note of issue has been filed, the case will be assigned to Mediation I Trial Part 40 by the Trial Support Office. Part 8 will no longer maintain a separate pre-trial conference calendar on the matter. However, the matter may be referred to Part 8 after jury selection

5. Settlement Authority:

Parties appearing in Part 8 must have settlement authority. A failure to appear with settlement authority, may be deemed in default or "unnecessary appearance" for the purpose of evaluating an application for fees, costs or sanctions.

Attorneys attending conferences **must** have authority to bind the party on all issues. Appearances by counsel without authority may be deemed a default.

HON. CYNTHIA S. KERN Part 55, IAS General Assignment and Tax Certiorari, Room 432, 60 Centre Street, Phone: 646-386-3289; Chambers Law Clerks: Yael Wilkofsky, Esq. and Jenna Gerry, Esq.

Oral Argument on Non-Discovery Motions: Tuesdays at 9:30 a.m.

Oral Argument on Discovery Motions: Tuesdays at 9:30 a.m.

Compliance Conferences: Tuesdays at 11:00 a.m.

Preliminary Conferences: Tuesdays at 9:30 a.m.

Tax Certs: Every Other Tuesday at 10:00 a.m.

1. *Communications with the Part Clerk and Chambers.*

A. **DO NOT CALL CHAMBERS REGARDING SCHEDULING MATTERS AND REQUESTS FOR ADJOURNMENTS.** Any such calls will

simply result in your being directed to the appropriate court clerk. Judge Kern's court attorneys do not handle adjournments. Adjournment requests for motions and other appearances scheduled in the Courtroom should be made by contacting the Courtroom part clerk, Mr. James Adamo.

B. No *ex parte* communications.

2. *Motion Practice*

A. Discovery motions with opposition will automatically be scheduled for oral argument in the Courtroom for Monday at 11:00 a.m. after the final appearance in the Submission Part in Room 130 at 60 Centre Street.

B. E-FILED CASES:

i. Motions Submitted through Motion Support: all parties must submit hard copies of all papers to Motion Support but parties DO NOT need to provide chambers with courtesy copies.

ii. Orders to Show Cause: all parties must submit hard copies of motion papers filed with an Order to Show Cause to the Park Clerk in the courtroom.

C. Please do not copy the court on letters exchanged between counsel.

D. If a case has settled while a motion is *sub judice*, **please so advise the Part Clerk IMMEDIATELY!**

E. **Send NOTHING to chambers unless previously directed to do so by the Court.** Stipulations, papers, etc. should be sent or delivered to the appropriate Clerk.

F. Please do not call Chambers or the Part Clerk to determine whether a decision has been issued. Inquiries as to the status of motions can be obtained from the court's "Supreme Court Records On-Line Library" ("Scroll"), access to which is available at no charge under "Case Information" on the website of the court (www.nycourts.gov/supctmanh).

G. You must file your motion for summary judgment within sixty (60) days of the filing of the Note of Issue.

3. *General Instructions for Completing Compliance Conference Stipulation and Order Forms*

A. Please write legibly with a black ball point pen. You must indicate the names, addresses, and telephone numbers of all counsel appearing at the conference.

B. Number the pages (e.g., 1 of 3, 2 of 3). At the top of page 1, please indicate whether this is the 1st, 2nd, or 3rd Compliance Order.

C. Use firm cut-off dates such as "on or before December 31, 2009." Do not use "within 45 days," etc.

D. Do not leave the courtroom until either the Justice or one of the court attorneys has reviewed your completed forms.

TRIAL REQUIREMENTS

1. Prior to the start of trial, please supply the court with the following:

1. All marked **pleadings** and **bills of particulars**.

2. All **prior decisions** in the case.

3. Any Notices to Admit.

4. Copies of transcripts of **depositions** intended for use at trial.

5. Proposed **jury verdict sheet**.

6. A list of **all** requested **PJI sections** from the most current volume to be included in the final charge to the jury. You may list the section by number only, if it does not call for any characterization of the evidence or the contentions of the parties. **If the section does call for a characterization or description of the evidence or contentions of the parties, you must supply such description of evidence or contention in writing. If you are requesting other language, not based on the PJI, you must provide the proposed language in writing, along with the appropriate citations. Please provide copies of any cases upon which you rely for charge language.**

7. Copies of **cases** and **authorities** upon which you will be relying for *in limine* or other applications. Provide a list of citations for the court reporter.

8. Copies of any **statutes** or **sections from the Administrative Code** or other **rules and regulations** which are pertinent to the case.

9. A list of **proposed witnesses**. If a witness needs an **interpreter**, please indicate the language and any dialect.

2. Please stipulate to all facts and documents not in dispute prior to trial. Have agreed-upon documents, photographs and other exhibits pre-marked into evidence by the court reporter while the jury is not present.

3. It is the duty of counsel, not court personnel, to make sure all subpoenaed documents have arrived in the subpoenaed records room at 60 Centre Street. Court personnel may only retrieve records from subpoenaed records when not needed in the courtroom.

4. The court will not engage in *ex parte* communications. Any phone calls to chambers must be made with all parties present. Avoid letters and e-mails, but if sent they must be copied to the other parties, or they will be returned unread.

HON. JUDY HARRIS KLUGER Part 38, City Medical Malpractice Part, Room 300, 646-386-3752

HON. SHIRLEY W. KORNREICH Part 54, General IAS Part and Complex Litigation Part (E-Filing)[also Commercial Division Part (see Commercial Division website)]], Room 228, Phone: 646-386-3362

Motions: Motions are heard on Thursdays at 9:30 AM. Discovery motions are strongly discouraged. If a discovery dispute arises after a preliminary or compliance conference order is issued, counsel should, prior to making a motion, telephone the Part Clerk, Ms. Celia Rodríguez, at 646-386-3362 to advance the date of the next conference scheduled in the order. Waiting for the next scheduled conference is not automatic "good cause" for failing to proceed with discovery orders. Similarly, counsel are cautioned that one party's non-compliance with directives of the court will not automatically excuse other parties' non-compliance.

Orders to show cause will be returnable in the Part. When an Order to Show Cause is filed prior to the scheduling of a preliminary conference, the court will hold the preliminary conference on the return date of the Order to Show Cause.

No motions may be adjourned without consent of the court. Absent emergency, requests for adjournments must be submitted to the Part at least two business days before the return date. If the motion is adjourned, all papers are due in the Part on the Monday before the adjourned date.

Counsel are reminded that the CPLR does not provide for any sur-reply papers, however denominated. Nor does the court accept reply papers on Orders to Show Cause. The submission of papers or letters after the return date is not permitted. Sur-replies and other papers or letters addressed to the substance of motions will not be read or considered. Except in cases electronically filed through the New York State Courts Electronic Filing System ("NYSCEF"), courtesy copies should not be submitted unless specifically requested by the court. Information on whether decisions have been rendered should be obtained by checking with the appropriate clerk's office.

The court will no longer send courtesy copies of decisions to represented parties unless their case is "e-filed" through the NYSCEF System. However, the court will continue to send courtesy copies to unrepresented parties. Please do not contact the Part Clerk for a courtesy copy; the Part will only provide courtesy copies in the instances outlined above.

Calls to chambers inquiring about the status of a particular motion or special proceeding should not be made. However, if a motion is withdrawn or a special proceeding is settled, the parties should promptly contact the Part Clerk, Ms. Celia Rodriguez, by faxing to the Part (212-374-6360) a letter of withdrawal or a stipulation of settlement and discontinuance. If the parties are then unable to reach Ms. Rodriguez, then they may contact chambers to provide such information.

Conferences: All preliminary conferences in newly assigned cases are scheduled for Thursdays at 9:30 A.M. Preliminary conferences may not be adjourned and must be held within 30 days of the Request for Judicial Intervention. All stipulations of adjournment are subject to court approval and must be on consent, in writing. If there is no consent, the date must be honored and counsel must appear for an oral application for the adjournment.

Counsel appearing at a preliminary, compliance or status conference are expected to be familiar with the case and to have the authority to discuss all discovery issues and possible settlement. Counsel must bring copies of all prior discovery orders to conferences. If there is a dispute as to whether discovery requests are proper or responses are sufficient, counsel should bring relevant documents and transcripts to the conference. At a compliance conference, counsel who will actually be trying the case or an attorney fully familiar with trial counsel's schedule must appear. Further, where a compliance or status conference concerns the scheduling of depositions, counsel must have with them dates on which they and/or their clients are available to appear.

Trials: Trial dates scheduled by the court are firm and may only be adjourned upon application based upon emergency. At least three days prior to any scheduled trial, counsel and pro se parties are required to serve and submit the following:

- a. A witness list, any expert reports not previously provided, and any pretrial memoranda and in limine motions;
- b. Proof of filing the Note of Issue; for a jury trial, at least five days before trial, counsel shall obtain from the Part Clerk a Jury Request Form.
- c. Marked pleadings and the bill of particulars;
- d. In a jury trial, requests to charge, contentions and a proposed verdict sheet.

If a case is settled, the parties must promptly fax to the Court a stipulation of settlement and discontinuance outlining the terms of the settlement.

HON. KELLY O'NEILL LEVY Room 308, Harlem Courthouse, Phone: 212-360-4125

HON. DORIS LING-COHAN Part 36, General IAS Part, Room 428, Phone: 646-386-3733

PART 36 General Procedural Information:

Only admitted attorneys familiar with the case may appear on matters before the Court.

Motions: All motions (except orders to show cause) shall be made returnable to: Motion Support Office, Room 130, 60 Centre Street. Oral argument will be scheduled at the Court's discretion, and will generally be held on Tuesday and Wednesday mornings at 9:30 a.m., Room 428 at 60 Centre Street, unless otherwise directed, by the Court. Parties will be notified, should oral argument be required.

Adjournments: shall be by stipulation, with Court approval, not to exceed one month, and must be requested by the parties at least two (2) days prior to the return/argument date; stipulation to be submitted to the Part Clerk, at 60 Centre Street, Room 428.

Once a motion is fully submitted in the Motion Support Office, the Court will not accept additional papers, unless by stipulation of the parties.

Motion Guidelines:

1. Any references to EBT testimony shall cite to the exact page and line numbers relied upon rather than merely attaching the entire transcript or "relevant portions"; full transcripts shall be supplied.
2. Protruding exhibit tabs shall be used to reference all exhibits.
3. On motions to renew and reargue, a separate appendix containing the original motion, and all papers submitted, with a copy of the Court's decision shall be provided. The appendix shall contain protruding exhibit tabs, as was originally provided to the Court. Such appendix shall be labeled "Appendix Containing Decision, Original Motion Papers".
4. Plastic covers shall not be provided to the Court.
5. Courtesy copies shall not be provided, unless directed by the Court.

6. Counsel is requested to ensure that any staples are not protruding.

Discovery Issues: Prior to filing a discovery related motion, if still unable to resolve discovery issues after efforts have been made as required by 22 NYCRR §202.7(a), parties are encouraged to write a letter to the Court, with a copy to opposing counsel, requesting a conference, if a regularly scheduled conference is not imminent. In addition, all discovery issues shall be brought to the Court's attention at regularly scheduled discovery compliance conferences, or shall be considered waived.

Discovery Conferences: Discovery Compliance Conferences are generally held on Thursdays (unless notified otherwise), in Room 428 at 60 Centre Street, on a staggered schedule, beginning at 9:30 a.m. Counsel appearing shall be prepared to discuss all outstanding discovery issues, as well as the facts of the case and settlement options. Parties shall advise the Court of any pending motions, and if any party is self-represented. There shall be no adjournments, unless by written stipulation, with Court approval; such stipulation shall be received at least two (2) days prior to the scheduled conference, to be delivered/mailed to: Part 36 Clerk, Room 428, 60 Centre Street, N.Y., N.Y. 10007. When a note of issue is filed, counsel shall send a courtesy copy to the Part 36 Clerk.

Dispositive Motions: Dispositive motions shall be filed within 60 days of filing a note of issue. The filing of a motion for summary judgment will not stay the discovery process, nor mediation.

Facsimiles: The Court does not accept faxes, unless prior permission has been received from the Court. Any fax received without prior Court permission will not be considered.

Letters: Do not send letters to the Court in triplicate (i.e. via regular mail, fax and hand delivery); please choose one delivery method when sending a letter to the Court.

Conference Calls: To the extent possible, please arrange conference calls between 3 and 3:30 p.m., unless otherwise directed by the Court.

HON. JOAN B. LOBIS Part 6, Medical Malpractice IAS Part, Courtroom - Room 345, Phone: 646-386-3312
Chambers - Room 690: (646) 386-3247; Chambers Fax: (212) 374-1220 (faxes may not be sent without prior authorization from the court.)

Conferences:

Conferences and oral arguments are held on Tuesdays. Generally arguments and preliminary conferences are scheduled beginning at 2:15 p.m.; compliance, status, and pre-trial conferences are scheduled on a staggered calendar from 9:30 a.m. to 11:00 a.m.

Counsel who are appearing should be prepared to discuss all aspects of the matter, including settlement. Failure to appear may result in costs or sanctions.

Preliminary Conferences:

In completing the preliminary conference form, counsel should comply with the following time frames:

Authorizations should be supplied within 30 days from the date of the preliminary conference.

Plaintiff's deposition should be scheduled within 45 days after the due date for receipt of authorizations. Defendants' depositions are generally conducted in the order in which the defendants are listed in the caption, but, where a defendant's deposition cannot proceed as scheduled, the remaining defendants' depositions should proceed as scheduled.

The date for filing the note of issue shall be no more than 15 months from the date for filing the Request for Judicial Intervention.

Pre-Trial Conferences:

Counsel on all cases scheduled for trial must appear for a pre-trial conference and comply with the provisions of 22 N.Y.C.R.R. § 202.26. Counsel must be prepared to discuss settlement and all issues related to the action. The Court may require parties or their representatives, representatives of insurance carriers, or other persons having an interest in any settlement to also attend or be available by telephone.

At least three weeks before the pre-trial/settlement conference, plaintiff should communicate a written demand to defendant. If defendant needs more advance notice for the demand to enable defendant to receive any approval to make an offer and engage in settlement negotiations, defendant should advise plaintiff at the compliance conference.

Parties must have a conference call with the Court two weeks prior to a scheduled trial date to ensure trial judge availability.

Discovery:

If during a deposition a dispute arises, the parties should consult the Uniform Rules for the Conduct of Depositions (22 N.Y.C.R.R. § 221.1, et seq.). If they cannot resolve the issue, counsel for all parties should call the Court for guidance.

Parties having discovery disputes are encouraged to address these by telephone conference with the Court before filing any written motion.

Plaintiff should file the note of issue only after completion of discovery, including non-party depositions.

Adjournments:

Any adjournment must be approved by the Court. Requests should be made orally. Counsel for one party may make the request on behalf of all of the parties if that counsel has obtained the other parties' prior consent, otherwise, counsel for all parties must participate in the request. The Court may require counsel to submit a stipulation of adjournment, signed by all parties. The Court does not, however, accept stipulations signed by one attorney on behalf of another. Requests for adjournments of Tuesday conferences or oral argument of motions should be made by 3:00 p.m. on the immediate prior Monday.

Motions and Orders:

Counsel are encouraged to seek a conference with the Court to resolve any ongoing non-dispositive or ancillary disputes prior to filing motions over those disputes.

Summary judgment motions must be made by order to show cause no later than 60 days after the filing of the Note of Issue. The Court prefers that motions that are more than one inch in thickness also include a CD-ROM version (in searchable form, if possible) of the motion.

All motions should include pinpoint citations to documents contained within exhibits, where appropriate. For example, in a medical malpractice case, a citation to an operative report that is included in an exhibit containing medical records should not simply cite the exhibit as a whole but rather should identify the document within the exhibit and any location within that document to which you direct the Court's attention. E.g., See Exh. C at operative report dated xx/xx/xx at page 1.

Motion bindings should not exceed two inches in thickness. Where a motion exceeds that thickness, divide it into multiple bound volumes and label the volumes by order: e.g., Vol. 1 of 3, Vol. 2 of 3, etc. Non-metal fastener bindings are preferred but not mandatory.

All papers must be filed with this Part by the Friday before the Tuesday return date.

Correspondence:

The Court does not accept ex parte communications, which includes unsolicited letters to the Court or correspondence among the parties.

HON. JOAN A. MADDEN Part 11, IAS General Assignment Part, Room 351, Phone: 646-386-3314

Motions: Thurs., 9:30 AM **Conferences:** Thurs., 9:30 AM

HON. ANDREA MASLEY Part 43, Hybrid Part, Room 307, 80 Centre Street, Phone: 646-386-3238

HON. MANUEL J. MENDEZ Part 13, IAS General Assignment Part, Room 210, 71 Thomas Street, New York, NY 10013, Phone 646-386-3736, Fax #: (212) 884-8975; Chambers Room 209, 71 Thomas Street, New York, NY 10013, Phone 646-386-5705

Law Clerk: Martha Cappelluti-Tessler, Esq.

Part 13 Clerk: Karen Christopher

Calendar Call: 9:30 a.m. calendar call, attorneys to check in on arrival.

Preliminary Conferences: Wednesdays, commencing at 9:30 a.m., or as otherwise directed.

Compliance Conferences: Wednesdays, commencing at 9:30 a.m., or as otherwise directed

Oral Arguments on Motions: Wednesdays, commencing at 9:30 a.m., or as otherwise directed

FAILURE TO APPEAR BY 11:00 AM AT ANY SCHEDULED CONFERENCE WILL BE CONSIDERED A DEFAULT, YOUR PLEADINGS MAY BE STRICKEN.

FAILURE TO APPEAR FOR ORAL ARGUMENT BY 11:00 AM MAY RESULT IN A DEFAULT.

1. COMMUNICATIONS WITH THE PART CLERK AND CHAMBERS:

DO NOT CALL CHAMBERS REGARDING SCHEDULING MATTERS AND REQUESTS FOR CONFERENCE ADJOURNMENTS. Any such calls will simply result in your being directed to the part clerk.

Adjournment requests for oral arguments scheduled in the Trial and Motion Courtrooms should be made by contacting Karen Christopher, the Courtroom/Part Clerk.

Adjournment requests for mediation dates in Mediation I and/or jury selection dates in Trial Part 40 should be made by contacting the appropriate part clerks. Justice Mendez and his Part Clerk do **not** administer those calendars.

Cases that have been settled require the filing of a Stipulation of Settlement and Discontinuance with the County Clerk's Office and a copy to Karen Christopher, the Courtroom/Part Clerk.

NO EX PARTE COMMUNICATIONS.

2. MOTION PRACTICE:

A. **Motion Papers:** Motion papers should be no more than 20 pages in length.

B. **Oral Argument**

i. **Scheduling:** After motions are submitted in the Motion Support Submission Part, Room 130 at 60 Centre Street, they are forwarded to the part. Motions submitted on default or with no opposition are not generally scheduled for oral argument. Other motions will be scheduled for oral argument at the discretion of Justice Mendez. If oral argument is requested, it should have been so indicated on the notice of motion. **DO NOT SEND LETTERS TO THE PART OR CHAMBERS REQUESTING ORAL ARGUMENT.** If oral argument is scheduled you will be so notified electronically.

ii. **Adjournments:** To adjourn oral argument on a motion, file a stipulation of adjournment no later than 5:00p.m. of the Monday before the oral argument date. If the parties do not agree on an adjournment, they should arrange a conference call with Karen Christopher, the Part 13 clerk. The parties are reminded of the importance of courtesy and cooperation with each other and the Part 13 clerk.

iii. **Settlement Authority**: Parties appearing on dispositive motions should have settlement authority. A failure to appear with settlement authority may be deemed a default.

C. **DO NOT COPY THE COURT ON LETTERS OR DOCUMENTS EXCHANGED BETWEEN COUNSEL**. The court will not read them. They will be discarded unread by the Part 13 Clerk without being shown to the Court.

D. If a case has settled while a motion is sub judice, **PLEASE ADVISE THE PART 13 CLERK IMMEDIATELY!**

E. **SEND NOTHING TO CHAMBERS, UNLESS PREVIOUSLY DIRECTED TO DO SO BY THE COURT**. Stipulations, papers, etc. should be filed or delivered to the appropriate Clerk. The appropriate Clerk accepts documents for filing, not chambers.

F. Courtesy copies of decisions will be mailed, decisions are also scanned and posted on the internet.

G. **DO NOT CALL CHAMBERS OR THE PART 13 CLERK TO DETERMINE WHETHER A DECISION HAS BEEN RENDERED**. This information is easily available through the Supreme Court Records On-Line Library (SCROLL), and copies will be mailed.

H. Parties are advised that the Court adheres to the following rule(s):

i. CPLR §3212 Summary Judgment motions are to be filed within 120 days of the filing of the Note of Issue. Absent good cause for the late filing, a late motion will be summarily denied, even if the adversary has failed to raise the issue. A cross-motion will be deemed filed on the day it is filed, and its timeliness does not relate back to the filing of the main motion.

I. **NO SUR-REPLIES.**

3. **PRELIMINARY AND COMPLIANCE CONFERENCES:**

A. **Scheduling:**

i. **Preliminary Conferences** - may be scheduled pursuant to a RJl or a motion. Alternatively, any party in a case which has an RJl that was already filed, may simply contact the trial support office which will schedule one for the first available date.

ii. **Compliance Conferences** - May be scheduled pursuant to a prior discovery order, a decision on a motion, or by the parties contacting IAS Part 13 via stipulation or conference call. A date will be scheduled as soon as practicable. **DO NOT CONTACT CHAMBERS EX PARTE.**

B. **Prior Orders or Stipulations**: Please bring copies of all prior conference orders and stipulations to conferences, this includes transcripts of those Orders placed on the record. If you have any motions pending in the Motions Submission Part, or which are sub judice, please bring this to the attention of the Part 13 Clerk and consult with the Justice's Law Clerk.

C. **Authority**: Attorneys attending conferences must have authority to bind the party on all issues. Appearances by counsel without authority may be deemed a default.

D. **Instructions Applicable to Preliminary Conference Orders.**

E. **PRELIMINARY CONFERENCE ORDERS:**

i. Please write legibly with black or blue ball point ink. Press hard. Illegible orders will not be signed. You must indicate the names, addresses and telephone numbers of all counsel appearing at the conference.

ii. Please number the pages (e.g. 1 of 3, 2 of 3, etc.). All items on a Preliminary Conference form must be completed or marked "n/a" if not applicable.

iii. Use complete dates, including the correct year. Please remember that some of the dates you are selecting may be in the next calendar year.

iv. Use firm cut-off dates such as "on or before December 31, 2010." **Do not use**, "within 45 days, etc." You are assumed to have consulted with your clients, examining doctors, etc. regarding their availability for EBT's, IME's, etc. before you pick the date. Pick a reserve date if you have uncertainty.

v. Consult with the Justice's Law Clerk if you have any issues that cannot be resolved amicably. The Law Clerk will serve as a referee to resolve disputes.

vi. Caption: IAS Part 13, Justice Manuel J. Mendez.

vii. DCM Track: Any dispute concerning the track assigned to the case (Expedited, Standard, Complex) should be brought to the attention of the Law Clerk.

viii. Appearances: Please provide legibly, your phone number and address in addition to your name.

PRELIMINARY CONFERENCE FORM:

Item 1 - (Insurance Coverage): Select a date for insurance information to be provided, not later than 21 days from today's date. As set forth above, for this, and all items requiring a cut off date, use an actual date such as, "on or before December 31, 2010." Do not use, "within 45 days," etc.

Item 2 - (Bill of Particulars): Select an actual date for the demand to be served that is within 30 days of today's date and then the bill of particulars shall be served as per the CPLR.

- Item 3 - (Medical Records/Authorizations): Select an actual date by which authorizations shall be served make sure that the date is within 30 days of today's date. Medical records shall be served within 45 days of today's date.
- Item 4 - (Physical Examination): Exams shall be held within 45 days of the deposition. A copy of the physician's report shall be furnished to the plaintiff within 45 days of the physical examination.
- Item 5 - (Depositions): The court will assume you have consulted a calendar and clients when scheduling depositions. Designate a time and place for depositions and be as specific as possible regarding whom you will produce. You must also select an actual end date after which the right to depositions may be deemed waived. This end date for depositions must be within four (4) months of today's date.
- Item 6: Exchange of delineated items to occur within 21 days of today's date.
- Item 7 - (End date for Disclosure): Select a date not later than six (6) months from today's date. If a party is more than 70 years of age, select a date not later than four (4) months from today's date.
- Item 8 - (Impleader): Select a date not later than 60 days after your last scheduled deposition.
- Item 9 - (Compliance Conference): Pick a Wednesday date not later than three (3) months from today's date. Please verify with the Clerk that this is an available Wednesday.
- Item 10 - (Dispositive Motions): "Summary judgment motions must be filed within 120 days of the filing of the note of issue." The court uses filing to measure the timeliness of dispositive motions, so be advised that this may give you slightly less than 120 days to file.
- Item 11 - (Note of Issue): Select a date not later than sixty (60) days after the date selected for the end date of disclosure in Item 7.
- Additional Directives: counsel should indicate that they have received a copy of the Part 13 rules.

F. COMPLIANCE CONFERENCE and STATUS CONFERENCE ORDERS:

- i. Compliance Conference and Status Conference Orders will be prepared by Justice Mendez or his Law Clerk. Please bring copies of all prior conference orders and stipulations to conferences, this includes transcripts of those Orders placed on the record.
- ii. Attorneys attending conferences must have authority to bind the party on all issues. Appearances by counsel without authority or knowledge concerning the status of discovery may be deemed a default.
- iii. The Court reserves the right to include the following relevant language:

"The parties have been advised that the dates contained herein will be strictly enforced and that failure to comply with this Court's Order(s) will result in the imposition of any appropriate sanction, including, but not limited to, monetary costs and sanctions, issue or defense preclusion, witness preclusion, and /or the complete or partial striking of a pleading."

G. TRIAL DATES:

Unless otherwise directed, after the note of issue has been filed, the case will be assigned to Mediation I or Trial Part 40 by the Trial Support Office. Part 13 does not maintain a separate pre-trial conference calendar.

H. TRIAL RULES:

- 1.) Counsel shall furnish the Court with copies of :
 - A.) Marked Pleadings as required by CPLR §4012;
 - B.) A copy of any statutory provisions in effect at the time the cause of action arose upon which either the plaintiff or defendant relies;
 - C.) The Bill(s) of Particulars;
 - D.) If any part of a deposition is to be read into evidence (as distinguished from mere use on cross-examination), you must, well in advance, provide the Court and your adversary with the page and line number of all such testimony so that all objections can be addressed prior to use before the jury.
- 2.) No Communication with Jurors: In order to maintain the appearance of total impartiality, once the jury has been selected no one is to communicate in any form at any time with any juror. This includes both verbal and non-verbal communication, including, without limitations, nods, shrugs and shaking the head. Do not even say "hello" or "good morning."
- 3.) Trial Objections and Arguments: If a lawyer wishes to make an objection, it can be accomplished by standing and saying the word, "objection", and by adding thereto up to three or more words so as to state the generic grounds for the objections, such as "hearsay," "bolstering," "leading," or "asked and answered." If you believe further argument is required, ask permission to approach the bench. This request will almost always be granted. Keep in mind that you will always be given the opportunity to make a full record.
- 4.) Courtroom Comments and Demeanor: All remarks should be directed to the Court. Comments should not be made to opposing counsel. Personal

remarks, including name-calling and insults, to or about opposing counsel will not be tolerated. Remember do not try to "talk over" each other; only one person speaks at a time or the record of the proceeding will be incomprehensible. Simple requests (e.g. a request for a document or an exhibit), should be accomplished in a manner which does not disrupt the proceedings or your adversary, such as a possible stipulation, ask for permission to approach the bench. I will grant that request, and you will have a chance to talk to each other outside the presence of the jury. In addition, no grandstanding in the presence of the jury i.e., making demands, offers or statements that should properly be made outside the presence of the jury.

- 5.) Examination of Witnesses: Do not approach a witness without permission of the Court. Please allow the witness to complete his/her answer to your question before asking another question. Do not interrupt the witness in the middle of an answer, unless it's totally unresponsive in which event you should seek a ruling from the Court. Direct examination, cross, redirect and re-cross are permitted. However, the Court does not ordinarily permit re-redirect examination of a witness.
- 6.) Jury Charge and Verdict Sheet: At the commencement of the trial all counsel shall submit suggested jury charges and a suggested verdict questionnaire. Amendments thereto shall be permitted at the final charging conference. If counsel relies on a Pattern Jury Instruction [PJI] without any charge thereto, it should be referred to by PJI number and topic only. If any changes to the PJI are suggested, then the entire proposed charge should be set forth and the changes should be highlighted or otherwise called to the Court's attention. Citations to appropriate statutory or common law authority shall be given in support of suggested non-PJI jury charges or suggested PJI modifications. In addition, unless a marshaling of the evidence is waived, Counsel should at the final charging conference, provide the Court with the proposed facts which counsel believes should be marshaled by the Court; and the respective contentions of the parties.

HON. DOUGLAS MCKEON, Part MMSP, Special Medical Malpractice Part, Room 300, Phone: 646-386-3752

HON. DONNA MILLS Part 58, IAS General Assignment Part, Room 574, 111 Centre Street, Phone: 646-386-3347

HON. PETER MOULTON Part 40 B, Room 1127, 111 Centre Street, Phone: 646-386-3054
Part MFP, Room 300, Phone: 646-386-3752

HON. JEFFREY K. OING Part 48, General IAS Part [also Commercial Division Part (see Commercial Division website)], Room 242, Phone: 646-386-3265

Principal Law Clerk:	Tracey A. Dunn, Esq.	646-386-5723	tdunn@courts.state.ny.us
Assistant Law Clerk:	Lauren B. Jacobson, Esq.	646-386-5723	ljacobs@courts.state.ny.us

Facsimile Telephone Number: 212-419-8462

Counsel are advised that there shall be no ex parte communications with Chambers.

GENERAL PART RULES

1. All adjournments (motions, conferences, trials) require prior court approval.
2. A court approved adjournment shall be reduced to a written stipulation prepared by the requesting counsel and must be signed by all counsel. If applicable, the stipulation shall set forth a briefing schedule.
3. Any paper and/or correspondence shall not be faxed or e-mailed to the court unless expressly permitted by the court.

MOTIONS: Friday, 9:30 a.m.

1. Motions returnable in the Motion Submission Part, Room 130, and assigned to the Part are on submission unless the court advises counsel that oral argument is required. Notice of such argument will be transmitted to counsel by the court. Courtesy copies are not to be submitted to the court.
2. Orders to Show Cause are returnable in the Part. Opposition papers to an OSC will be accepted on the return date unless otherwise directed by the court. Reply papers are not permitted, absent court approval. An OSC providing for temporary injunctive relief pending hearing of the OSC shall not be adjourned absent good cause.
3. Discovery motions are strongly discouraged. If a discovery dispute arises after the issuance of a preliminary or compliance conference order, counsel shall telephone Chambers to seek a conference telephone call with all counsel to resolve the discovery dispute. If the issue cannot be resolved, counsel may move for appropriate relief.
4. If a motion is withdrawn or resolved, counsel shall promptly notify Chambers by facsimile.
4. A copy of a decision can be obtained from www.nycourts.gov/supctmanh under "Case Information", www.nycourts.gov under E-courts, or from the County Clerk. Please do not call the Part Clerk or Chambers.

CONFERENCES (Preliminary, Compliance, Status, Pre-Trial): Friday, 10:30 a.m.

1. All cases are heard in the order in which they are ready. All counsel must be present for the case to be deemed ready. Do not check in with the Part Clerk until all sides are present.

2. Default applications will be entertained by the court at 11:30 a.m.
3. Counsel appearing shall be familiar with the case and have the authority to discuss all discovery issues and to participate in a settlement conference.
4. Pending an appearance with the court, counsel are advised to confer with each other and draft a preliminary or compliance conference order or stipulation providing for all remaining discovery. Discovery disputes will be resolved at the conference. Discovery orders/stipulations must set forth specific dates for all deadlines, including IMEs and impleaders.

TRIALS

1. Trials are scheduled for a date certain, and are held every day of the week except Fridays.
2. For jury trials, counsel shall submit to the court at least seven (7) days prior to trial a witness list, proposed jury instructions, and a proposed verdict sheet. If the proposed jury instructions are verbatim from the Pattern Jury Instructions, providing the PJI numbers will be sufficient. If a PJI instruction is modified, exact language shall be submitted supported by appropriate authority.
3. For bench trials, counsel shall submit a witness list, proposed findings of fact, and a memorandum of law.
4. For all trials, counsel shall submit marked pleadings and a copy of the bill of particulars. If a witness needs an interpreter, counsel shall notify the court in writing seven (7) days prior to trial. Please indicate the language and dialect.
5. No adjournments will be granted if a witness is unavailable to testify unless good cause is shown.

HON. EILEEN A. RAKOWER Part 15, General IAS Part, Room 327, 80 Centre Street, 646-386-3316

Court Attorneys:

Jamie A. Yonks, Esq.

Dana M. Swidler, Esq.

Courtroom Part Clerk: Mr. Tom Hawkins (646) 386-3316

COMPLIANCE CONFERENCES

Procedures:

- Conferences are held on Tuesdays at 9:30 a.m. in Room 308.
- Counsel appearing at compliance conferences are expected to be familiar with the case, and to have the authority to discuss all discovery issues and to settle matters.
- Counsel must bring a list of all outstanding discovery.
- If the case has settled, the parties must promptly call or fax the Court.

Adjournments:

- Adjournments will **NOT** be granted, on consent or otherwise, without an affirmation attesting to the reason an adjournment is being requested. Further, no adjournment is to exceed two weeks.
- Parties seeking permission for an adjournment because of a pending dispositive motion must still appear at their scheduled compliance conference and can request such permission at that time. Adjournments will only be granted if a motion has already been filed; adjournments will not be granted merely because a party anticipates filing a motion.
- Discovery will not be stayed pending appeals. Please do not request an adjournment for this purpose.

MOTIONS

- All motions are on submission unless the Court schedules Oral Arguments.
- The time to move for summary judgment is the statutory 120 days. No extension will be permitted.
- Sur-replies will not be accepted, without Court permission.

ORAL ARGUMENT

Procedures:

- Oral Argument is heard on Tuesdays at 11:00 a.m., unless otherwise instructed.

Adjournments:

- Oral Arguments **WILL NOT** be adjourned.

ORDERS TO SHOW CAUSE

Procedures:

- All Orders to Show Cause are by appearance on the return date.
- Opposing papers must be submitted before Oral Argument, on the date directed, and delivered to the Court Part by 3:00 p.m.
- Absent express permission, reply papers are not accepted.

Adjournments:

*See Oral Arguments.

COMMUNICATIONS WITH THE COURT

- The Court will **NOT** do business by phone. The Court will **NOT** engage in *Ex Parte* conversations. The only questions that are properly addressed to the Court are those concerning scheduling.
- All letters, or other correspondence concerning substantive issues will be disregarded.
- The Court will not make a ruling by phone. If an issue arises during a deposition, the parties are directed to follow the rules for depositions and to make a record of their objections.

TRIALS

- At the commencement of trial, the Court is to be provided with a proposed verdict sheet and requests to charge, with the understanding that they will be subject to revision.
- The Court is also to be provided with a copy of any deposition transcripts that are intended for use during trial, a list of proposed witnesses, all prior decisions in the case, and any notices to admit.

HON. LORI S. SATTLER Part 9, Matrimonial Part (Post-Judgment), Room 308, 80 Centre Street, 646-386-3848; Chambers: Room 308, 80 Centre Street

HON. SALIANN SCARPULLA Part 19, IAS General Assignment Part, Room 335, 60 Centre Street, Phone: 646-386-3277, Chambers Room 659, 60 Centre Street, 646-386-3690

Oral Argument on Motions: Wednesdays at **9:30 a.m.**

Pre-Trial Conferences: Wednesdays at **11:30 a.m.**

Preliminary, Compliance and Status Conferences: Wednesdays at **2:15 p.m.**

1. Communications with the Part Clerk and Chambers.

- A. **DO NOT CALL CHAMBERS REGARDING SCHEDULING MATTERS AND REQUESTS FOR ADJOURNMENTS.** Any such calls will simply result in your being directed to the appropriate court clerk. Judge Scarpulla's court attorneys do not handle adjournments.
- B. No *ex parte* communications.

2. Motion Practice.

- A. Motions submitted on default in Room 130 are generally not scheduled for oral argument.
- B. Non-discovery motions with opposition will automatically be scheduled for oral argument in the Trial and Motion Courtroom for a Wednesday morning after the final appearance in the Submission Part in Room 130 at 60 Centre Street.
- C. **PLEASE DO NOT SEND COURTESY COPIES** of motions.
- D. Please do not copy the court on letters exchanged between counsel.
- E. If a case has settled while a motion is *sub judice*, **please so advise the Trial, Motion and Courtroom Clerks IMMEDIATELY!**
- F. **Send NOTHING to chambers, unless previously directed to do so by the Court.** Stipulations, papers, etc. should be sent or delivered to the appropriate Clerk.
- G. Please do not call Chambers or the Part Clerk to determine whether a decision has issued. Inquiries as to the status of motions can be obtained from the court's "Supreme Court Records On-Line Library" ("Scroll"), access to which is available at no charge under "Case Information" on the website of the court (www.nycourts.gov/supctmanh).
- H. Summary judgment motions must be filed **within sixty (60) days** of filing of note of issue.

3. General Instructions for Preliminary, Compliance and Status Conferences.

- A. Only attorneys thoroughly familiar with the case may appear. Bring signed copies of all prior decisions and orders (which can be obtained from the County Clerk file) to the conference.
- B. Prior to checking in, counsel must confer and fill in the appropriate forms for a preliminary or compliance conference order/stipulation. Disputes will be resolved at the conference.
- C. Counsel for both sides shall then check-in with the Part Clerk and the completed forms.
- D. Please write legibly with a black or blue ball point pen. You must indicate the names, addresses, and telephone numbers of all counsel appearing at the conference. Number the pages (e.g., 1 of 3, 2 of 3). At the top of page 1, please indicate whether this is the 1st, 2nd, or 3rd Compliance Conference Order. Use firm cut-off dates such as "on or before December 31, 2009." Do not use "within 45 days," etc.

4. Adjournments.

- A. The preliminary conference may not be adjourned without prior court approval.

- B. Compliance conferences may be adjourned by stipulation one time for no more than two (2) weeks provided that deadlines fixed in any order of the court are unaffected.
- C. Motions and orders to show cause may be adjourned by stipulation.
- D. All stipulations of adjournment authorized by this rule shall be delivered to the court by fax, email or otherwise, no later than 4:00 p.m. the business day proceeding the appearance or return date.
- E. All opposed requests for adjournment shall be directed to the Part Clerk, Sharon Hill, at (646) 386-3277.

HON. ALICE SCHLESINGER Part 16, Medical Malpractice IAS Part, Room 222, Phone: 646-386-3318
Motions: Wed., 9:30 AM (Discovery), 2 PM (Substantive) **Conferences:** Wed., 9:30 AM

HON. MARTIN SCHOENFELD Part 28, Trial Part, Room 300, Phone: 646-386-3752

HON. MARTIN SHULMAN, Part 1, General IAS Part and Complex Litigation Part, Room 325, 60 Centre Street, Phone: 646-386-5758; also Tax Certiorari and Condemnation Part (E-filing).
Motions and Conferences: Tues., on a staggered schedule. Any requests for adjournments must be made to the Part Clerk by conference call with all parties represented.

HON. GEORGE J. SILVER, Part 40, Administrative Coordinating Part, Room 422, 60 Centre Street, N.Y., N.Y 10007 Phone: 646-386-3722

HON. GEORGE J. SILVER, Part 10, IAS General Assignment Part, Room 422, 60 Centre Street, N.Y., N.Y 10007 Phone: 646-386-3722

Principal Court Attorney: Denis M. Reo, Esq.
 Asst. Court Attorney: Allison L. Saperstein, Esq.
 Courtroom Part 22 Clerk: 646-386-3722

Preliminary Conferences

Preliminary conferences are held each Tuesday at 9:30 a.m. Cases are called when all sides have checked in and are present. Default applications will be heard after 11:00 a.m.

Motions

Orders to Show Cause are returnable directly in the Part, usually on a Tuesday. Motions on notice are returnable any day in Room 130 and those motions can only be adjourned through (and in accordance with the rules of) Part 130. Once a motion is marked submitted in Part 130, oral argument, if directed by the court, will be scheduled in Part 10. Unusually large motions should be accompanied by a CD version of the hard copy. No advance permission is required to bring a motion, even discovery motions.

Decisions and Orders

The foregoing court documents are scanned and all available online at:

<http://iapps.courts.state.ny.us/webcivil/FCASMain>

Compliance, Status and Trial Readiness Conferences

Counsel must be prepared and have authority to discuss all aspects of a matter, including settlement, at each conference.

Adjournments

Stipulations on consent can be sent via fax to the clerk in the part (**no emails accepted**) at (212) 401-9288 or delivered by another means so they arrive in advance of the scheduled court appearance. All adjournments are subject to court approval; they must include: 1) the reason for the adjournment, 2) the date the case was last on, and 3) the Thursday you would like the case/motion adjourned to. If there is no consent, you must submit an affirmation of actual engagement (if applicable), or honor the scheduled date and make the application for an adjournment orally. To follow up on an adjournment, please call the clerk in the part. Stipulations in E-Filed cases must be uploaded into the system first. The stipulation can then be faxed to the number above with a confirmation notice attached.

Note of Issue

When the plaintiff is ready to file the note of issue, plaintiff must obtain a signed stipulation signed by all sides indicating that all discovery is complete. Plaintiff may not file the note of issue unless all discovery is complete. Once that stipulation is received by the Clerk in Part 10, the court will dispense with the next scheduled compliance conference and transfer the case to Mediation. The stip may be sent by fax or mailed.

Summary Judgment

The part adheres to the time limitations set forth in CPLR 3212, that is a timely motion for summary judgment must be made no later than 120 days after note of issue has been filed.

Trials

Trials proceed day by day until completed. Marked pleadings, proposed jury instructions and verdict sheets and a one paragraph summary of the contentions must be provided to the court electronically: ekaspar@courts.state.ny.us. Counsel should also provide the court with cell phone numbers where they can be reached in the case of an emergency.

HON. ANIL C. SINGH Part 61, IAS General Assignment Part, 80 Centre Street, Room 320, New York NY 10013
 Telephone Number: 646-386-3218

Part Clerk: Martin Walsh	646-386-3218
Principal Law Clerk: John Hunka, Esq.	646-386-5693
Part Facsimile Telephone Number:	212-374-3907 Attn: Judge Singh
Chambers E-Facsimile Telephone Number:	212-401-9278
Courtroom Facsimile Telephone Number:	212-374-3907

Counsel are advised that there shall be no ex parte communications with Chambers.

ADJOURNMENTS

1. All adjournments (motions, conferences, trials) require prior court approval. Adjournment requests shall be directed to the Part Clerk, Martin Walsh, at 646-386-3218.
2. A court-approved adjournment shall be reduced to a written stipulation prepared by the requesting counsel and must be signed by all counsel. If applicable, the stipulation shall set forth a briefing schedule.

CONFERENCES

1. Preliminary, Compliance, and Status Conferences are held on Wednesdays at 9:30. Counsel shall bring copies of the preliminary conference order and all prior discovery orders.
2. All cases are heard in the order in which they are ready. All counsel must be present for the case to be deemed ready. Do not check in with the Part Clerk until all sides are present.
2. Default applications will be entertained by the court at 11:30 a.m.
3. Counsel appearing shall be familiar with the case and have the authority to discuss all discovery issues and to participate in a settlement conference.
4. Pending an appearance with the court, counsel are advised to confer with each other and draft a preliminary or compliance conference order or stipulation providing for all remaining discovery. Discovery disputes will be resolved at the conference. Discovery orders/stipulations must set forth specific dates for all deadlines, including IMEs and impleaders.

MOTIONS

1. Motions are returnable in the Motion Support Part, Room 130. Oral argument shall be held upon request or at the court's discretion. All discovery motions will be placed on the court's conference calendar.
2. Counsel shall confer in a good faith effort to resolve disputes regarding disclosure without intervention. If such efforts fail, counsel may request a conference by letter addressed to the Part Clerk, Martin Walsh, on notice to all parties.
3. Orders to Show Cause are returnable in the Part. Opposition papers shall be delivered to the courtroom at least three (3) business days prior to the return date, unless the court indicates otherwise. Reply papers are not permitted without court approval.
4. Motions for Summary Judgment shall be made within sixty (60) days of the date of note of issue or will be denied absent a showing of good cause.
5. If a motion is withdrawn or resolved, counsel shall notify Chambers promptly by facsimile.
6. A copy of a decision can be obtained from www.nycourts.gov/supctmanh under "Case Information", www.nycourts.gov under E-courts, or from the County Clerk.

TRIALS

1. Trials proceed day-to-day except on Wednesdays.
2. Marked pleadings shall be filed with the Part as soon as the case is assigned to Part 61. Proposed jury instructions shall be filed no later than at the end of plaintiff's case unless the court directs otherwise.

SPECIAL REFEREES' PART (PART SRP)

RULES OF THE SPECIAL REFEREES' PART (PART SRP) AND LIST OF JUDICIAL HEARING OFFICERS AND SPECIAL REFEREES

RULES GOVERNING REFERENCES

The Special Referee Assignment Calendar will be called promptly at 9:30 AM in Room 106 at 80 Centre Street, unless otherwise posted. There is no second call of the calendar.

Order of Reference; Information Sheet: Issues referred to a JHO/Special Referee are limited to those specifically set forth in the Order of Reference. Unless otherwise provided in the Order, counsel must consult and, within 15 days from the date of the Order, the counsel for plaintiff/petitioner must submit a fully completed Information Sheet to the Special Referee Clerk, Motion Support Office, Room 119M, at 60 Centre Street, by fax (212-401-9186) or e-mail (spref@courts.state.ny.us). The Information Sheet is accessible on the court's website (the address of which is: www.nycourts.gov/supctmanh) at the "References" link under "Courthouse Procedures". **It is vital that counsel set forth in the Information Sheet as accurately as possible the estimated length of the hearing and the number of witnesses to be called by each side; this information is required in order efficiently to assign the matter to a JHO/Special Referee.** Upon receipt of the completed Information Sheet, the Special Referee Clerk will place the matter on the calendar of Part SRP for the earliest available date. Cases are assigned to a JHO/Special Referee upon their first appearance in Part SRP and the hearing will commence on the original hearing date. Therefore, **all attorneys must have their witnesses and exhibits present and be ready to proceed to the hearing on the first appearance in Part SRP, subject only to the following procedures regarding adjournments.**

Adjournments: One adjournment (maximum four weeks) may be obtained on consent. A copy of a stipulation of all parties must be submitted to the Special Referee Clerk in advance of the original Part SRP appearance date. Prior to execution of the stipulation, counsel must

consult with the Special Referee Clerk and obtain an adjourned date that is an available hearing date in the Part. That date must be inserted in the stipulation. No other adjournments will be allowed except upon a showing of extraordinary circumstances (e.g., sudden illness of counsel or a witness) on application in Part SRP. If such an application is to be made, the applying attorney must notify all other attorneys *in advance of the appearance date*.

Hearings: The hearing will be conducted in the same manner as a trial before a Justice without a jury (CPLR 4318, 4320 (a))(the proceeding will be recorded by a court reporter, the rules of evidence apply, etc.) Unless otherwise directed by the JHO/Special Referee for good cause shown, **hearings shall proceed from day to day until completion**. To comply with this requirement, counsel must arrange their own schedules and those of their witnesses accordingly and, if needed, adjourn the commencement date of the hearing on consent as above provided.

Restoration to Calendar: A reference may be marked off, but only where a compelling reason is shown (e.g., bankruptcy stay (general scheduling preferences of counsel do not constitute such a reason)), or in the event of no appearance by either side. If the reference is marked off due to non-appearance, a new order from the assigned Justice will be required to restore the reference to the calendar. Counsel must serve upon the Special Referee Clerk a copy of any stay order or order lifting a stay previously directed.

Mechanics of Obtaining Adjournments and Restorations: Copies of stipulations for an initial adjournment in compliance herewith may be transmitted to the Special Referee Clerk by fax (212-401-9186) or e-mail (spref@courts.state.ny.us)(counsel for a party shall retain the original stipulation); if the said adjournment is requested in compliance with these Rules, no appearance will be required in these instances. As to restorations that do not require an order of the assigned Justice, contact the Special Referee Clerk.

Communications Regarding References: Please direct all inquiries to the Special Referee Clerk, Motion Support Office, Room 119M. E-mail is preferred (spref@courts.state.ny.us). Phone: 646-386-3028.

Judicial Hearing Officers / Special Referees:

Hon. Ira Gammerman	Part 27 M	60 Centre St., Room 528	646-386-3245
Hon. Phyllis Gangel-Jacob, JHO	Part 91R	60 Centre St., Room 665	646-386-3205
Hon. Stanley L. Sklar, JHO	Part 93R	60 Centre St., Room 564	646-386-3165
Louis Crespo, Jr.	Part 85R	71 Thomas St., Room 300	646-386-3794
Jeffrey A. Helewitz	Part 82R	60 Centre St., Room 562	646-386-3667
Lancelot B. Hewitt	Part 81R	80 Centre St., Room 321	646-386-3680
Sue Ann Hoahng	Part 89R	80 Centre St., Room 476	646-386-3676
Steven E. Liebman	Part 86R	60 Centre St., Room 641	646-386-3662
Phyllis Sambuco	Part 83R	60 Centre St., Room 240	646-386-3821
Marilyn T. Sugarman	Part 88R	60 Centre St., Room 651	212-256-7839

2/25/13

HON. MICHAEL D. STALLMAN Part 21, Transit/City Transit Part, Room 278, 80 Centre Street, Phone: 646-386-3738

Motions & Conferences: Thursdays.

Papers: Counsel are encouraged to submit papers with a readable typeface in large print (e.g., Arial - 14 point).

HON. MILTON A. TINGLING Part 44, General IAS Part, Room 321, Courtroom Clerk: 646-386-3370

HON. ROBERT E. TORRES Part 29, Room 527, 718-618-1773

HON. LAURA VISITACION-LEWIS Part 26, Guardianship Part, Room 355, Phone: 646-386-3308

Motions: Thurs., 9:30 AM **Conferences:** Thurs., 2:15 PM

HON. LOTTIE E. WILKINS Part 18, Trial & Art. 81 Part, Room 104, 71 Thomas St., Phone: 646-386-3850

HON. PAUL WOOTEN, Part 7, IAS General Assignment Part, Room 341, 60 Centre Street, Courtroom Phone: 646-386-3746, Facsimile: 212-374-3282

Law Clerk: Nicholas W. Moyne, Esq. 646-386-3746
Asst. Law Clerk: Rachel L. Hurvitz, Esq. 646-386-3746

Part 7 General Information:

Only admitted attorneys familiar with the case who have the authority to discuss all discovery issues and participate in a settlement conference may appear on matters before the Court.

Adjournment Requests:

- **Court Appearances:** Adjournment requests for any appearance scheduled in the Courtroom MUST be made by contacting the Part Clerk by telephone AT LEAST **two days prior** to the scheduled appearance. Part 7 **does not** accept adjournment requests for scheduled appearances by stipulation without prior court approval.
- **Motions in Submissions Part, Room 130:** Adjournment requests to extend the time to submit papers for motions in Motion Submission Part, Room 130, 60 Centre Street, must be made in writing **three business days prior** to the scheduled date, and must include an Affirmation stating the following:
 1. The nature of the action,
 2. The original return date in Room 130,
 3. The number of any previous requests to adjourn the motion in Room 130 and whether these requests or granted or denied,
 4. The reason(s) for the adjournment request, and
 5. Whether the adversary consents, and if not, the reasons given by the adversary for refusing to consent

Motions: Oral argument on motions are at the Court's discretion and are generally scheduled on Wednesdays at 9:30 A.M. and 2:30 P.M.

Motion Guidelines:

- All motions must be accompanied by a Memorandum of Law and Protruding exhibit tabs **MUST** be used to reference all exhibits
- Motions (except Orders to Show Cause) shall be made returnable to: Motion Submission Part, Room 130, 60 Centre Street, unless directed by the Court.
- There is **no check in** for motions.
- The calendar will be called once, there is no second calendar call. If all parties are not present when the calendar is called, notify the part clerk when all parties are present. Oral argument will only be heard once all parties are present.
- In the event that a motion has been resolved by withdrawal or settlement of the case, counsel must notify the court **prior to** the Wednesday calendar by promptly calling the Part Clerk and faxing to the Court a letter of withdrawal or a stipulation of settlement and discontinuance.
- In the event that the Note of Issue has been filed prior to a scheduled status conference, no appearance is necessary if all sides agree that discovery is complete and counsels have notified the part clerk **prior to** the conference.
- If there is a discrepancy between the relief sought in your Notice of Motion and the relief sought in your supporting motion papers, **the notice of motion is controlling.**
- Courtesy copies shall not be provided, unless directed by the Court.
- A copy of a decision can be obtained from www.nycourts.gov/supctmanh under "Case Information," www.nycourts.gov under E-courts, or from the County Clerk. Please do not call the Part Clerk or Chambers.

Discovery Conferences: Conferences in pre-note cases are generally scheduled Wednesdays at 11:00 A.M and 2:30 P.M., or at such other day and time as the court may direct. Conferences on special proceedings may be directed by the Court.

Conference Guidelines:

- There is **no check in** for conferences.
- If appearing for a preliminary conference, use the dates provided in the Justice Wooten's Directives which are located on the same table as the blank order forms.
- Once all sides are present, counsel shall confer with each other and draft a preliminary or compliance conference order or stipulation providing for all remaining discovery, to the fullest extent possible. Place the drafted order or stipulation in the basket near the Part Clerk's desk, sit down and wait for your case to be called. Discovery disputes will be resolved at the conference.
- Do not fill in the Note of Issue date or the end date for disclosure, as these dates will be determined by the Court.
- Discovery orders/stipulations must set forth deadlines for each item.

Dispositive Motions: Dispositive motions shall be filed **within 60 days** of filing the note of issue. The filing of a motion for summary judgment will not stay the discovery process, nor mediation.

Discovery Issues: Prior to filing a discovery related motion, if still unable to resolve discovery issues after efforts have been made as required by 22 NYCRR §202.7(a), parties should call the Part Clerk to schedule a conference, if a regularly scheduled conference is not imminent (ie within 30 days).

Orders to Show Cause: Orders to Show Cause are returnable to the Court Room, Part 7, Room 341. Opposition papers to an OSC will be accepted no later than five (5) days before the scheduled argument date, unless otherwise directed by the Court. Reply papers are not permitted, absent Court approval. An OSC providing for temporary injunctive relief pending hearing of the OSC shall not be adjourned absent good cause.

Letters: All communications by letter shall be simultaneously delivered to all parties, failure to do so shall result in the letter being rejected as *ex parte*.

- Motions made in the form of a letter **will not be accepted**, unless specifically directed by the Court. If directed by the Court, an affidavit of service of the letter must be attached.

Facsimile: The Court does not accept faxes, unless prior permission has been received from the Court. Any fax received without prior Court permission will not be considered.

HON. GEOFFREY D. WRIGHT Part 62, City Part, Room 122, 80 Centre Street, Phone: 646-386-3728

HON. LOUIS B. YORK Part 2, IAS General Assignment Part, Room 205, 71 Thomas St., Phone: 646-386-3852

Argued Motions: Wed., 9:30 AM. Conferences and Discovery Motions: Wed., 2 PM

Courtroom Operations: The court will consider applications for adjournments only by telephone conference including all parties, or by stipulation with permission of the court, or by application on the return date of the motion or conference.

Listing of Parts in Order and Justices Assigned (excluding Commercial)

<u>Part</u>	<u>Justice</u>	<u>Part</u>	<u>Justice</u>	<u>Part</u>	<u>Justice</u>
1	Shulman	22	Bluth	42	Bannon (Hybrid)
2	York	23	Braun	43	Masley (Hybrid)
5	Freed	24	Gesmer	44	Tingling
6	Lobis	25	Kennedy	46	Billings
7	Wooten	26	Visitation-Lewis	48	Oing
8	Kenney	28	Schoenfeld	51	Cooper
9	Sattler	29	Torres	52	Chan
10	Silver	30	Heitler	54	Kornreich
11	Madden	31	Drager	55	Kern
12	Jaffe	32	Huff	56	Lowe
13	Mendez	33	Hunter	58	Mills
15	Rakower	35	Edmead	59	James
16	Schlesinger	36	Ling-Cohan	60	Friedman
17	Hagler	37	Engoron	61	Singh
18	Wilkins	38	Kluger	62	Wright
19	Scarpulla	40	Silver	63	Coin
20	Kaplan	40 B	Moulton		
21	Stallman				
Harlem Courthouse Levy		MMSP McKeon		MFP Moulton	

Effective Date: April 17, 2006

**THE JUSTICES OF THE
SUPREME COURT,
CIVIL BRANCH, NEW YORK COUNTY**