

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK  
HONORABLE ARTHUR G. PITTS  
PART 43 - RULES AND PROCEDURES

Amended as of 7/21/09

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MOTION PRACTICE

1. All motions assigned to Justice Pitts shall be made returnable on Thursdays only and shall be marked submitted on said return date unless an adjournment has been granted in accordance with the procedure outlined below. Timely interposition of all papers in accordance with the CPLR is required, as the court will not consider the merits of any papers, including cross motions or replies, which are untimely served.
2. Motion papers shall comply with the form prescribed in 22 NYCRR §202.8(c). All affidavits and exhibits shall be identified by separately and consecutively numbered or lettered tabs. Legal memoranda must not exceed 15 pages in length, reply memoranda, five pages. Both official and unofficial citations to cases are required. Copies of orders or decisions will not be furnished unless a self-addressed, stamped envelope is supplied with the motion papers.
3. a. Consistent with 22 NYCRR §202.8(f), no motion related to disclosure or bills of particulars may be made unless and until a conference has been conducted by this court, notwithstanding that a preliminary or other conference may have been conducted by Justice Pitts or another justice previously assigned the action. The purpose of the conference will be to resolve the dispute between the parties, whether by stipulation or by order of the court. Counsel should be prepared to argue his or her position with regard to the disputed disclosure on the date of the conference. In the event the dispute cannot be resolved, the court may grant permission to make an appropriate motion addressed to the disputed disclosure.  
  
b. Prior to any request for a conference related to disclosure or bills of particulars, however, counsel shall advise the court, in writing and on notice to all adversaries, of the specific items of disclosure or particulars in dispute. This written communication shall contain an affirmation by counsel that there has been a good faith attempt to resolve the dispute without judicial intervention. Opposing counsel shall advise the court, in writing and on notice to all other parties, of their positions with respect to such items or particulars. The court will thereupon address the issues presented either in writing or by telephone conference.

4. a. Requests for adjournments of motions may be obtained, on consent of all parties, by contacting Susan Butler in chambers or the Calendar Clerk for Part 43, at 631-852-3193. Consent to adjourn must be obtained as to any and all motions in chief and cross motions riding therewith. Requests for adjournments on consent will be granted only after verbal approval and upon receipt by chambers and/or the Calendar Clerk of written confirmation of such request (by fax at 631-852-2769 or regular mail received before the date being adjourned) and indicating the consent of all parties thereto.

b. Adjournments are limited to three in number and may not extend the original return date more than 60 days. Application for further adjournments must be made in person before the court on the last submit date given, and in accordance with the procedure prescribed in subdivision (c) below. Such adjournments will be granted by the court only upon good cause shown.

c. Where the consent of all parties cannot be obtained, an application for an adjournment must be made personally before the court on the return date of the motion. Counsel must, upon appearance, affirm that all non-consenting parties received notice that such application would be made to the court. In the event that a non-consenting party fails to appear to oppose the application for an adjournment, the court may entertain a further application for costs against such non-consenting, non-appearing party.

5. An appearance and oral argument shall be required on all motions which seek a preliminary injunction or an "extension" of a stay or restraining order, unless all parties agree otherwise. An appearance and oral argument shall also be required where a party is seeking emergency relief and/or the immediate intervention of the court, unless all parties agree otherwise. All other motions, including those for summary judgment or dismissal made in the general procedural course of an action or proceeding, are on submission only. Chambers may be contacted in the event counsel has a question concerning the applicability of this rule in a given case.

## CONFERENCES

1. In all actions requiring same, there shall be a preliminary conference at which the parties shall enter into a Preliminary Conference Order, which will thereafter be "so-ordered" by the Court, which schedules the disclosure necessary in a given case. The progress of the parties in completing disclosure shall be reported to the court at any and all compliance conferences which are scheduled thereafter. When all disclosure is complete, the parties shall execute a Compliance Conference Order

which certifies that all discovery is complete, provides for the filing of the Note of Issue within 30 days of the date thereof, and schedules the pre-trial conference. A copy of the Compliance Conference Order must be filed with the Note of Issue. The subject of such pre-trial conferences shall include settlement of the matter.

2. Adjournments of conferences may be obtained in advance in the same manner as the adjournment of motions, and are subject to the same rules.

3. Counsel appearing for a compliance conference in which disclosure remains incomplete may not obtain an adjournment from the Part Clerk. Counsel must conference the case before the court or the law clerk.

4. No party may file a Note of Issue and Certificate of Readiness without first having entered into a Compliance Conference Order certifying that disclosure has been completed and that the case is ready for trial. No order shall be entered certifying a case as ready "subject to" the completion of disclosure at a future date without express permission of the Court.

### MISCELLANEOUS

1. Non-jury trials.

For all non-jury trials, Justice Pitts requires the entry of a pre-trial order limiting the issues to be determined, to be submitted by the parties for signature. Pre-trial memoranda of law must also be submitted in which both official and unofficial caselaw citations are provided. All trial exhibits must be pre-marked.

2. Inquests.

All inquests will be scheduled on Thursdays.

3. Infant's Compromises.

Infant's compromise orders should be submitted to the court through the Clerk's Office. Counsel will then be notified of the date for the infant's appearance before the court. All such appearances will be conducted on Thursdays. No infant's compromise order will be signed unless accompanied by an appropriate medical report dated no earlier than six months prior to the date the order is submitted to the court. The medical report must state that the infant has made a full recovery, or if further medical treatment is required, a detailed statement as to nature and extent of that treatment must be included.

**4. Appearances.**

a. Except in the case of unrepresented litigants, all appearances before the court shall be by an attorney admitted to practice in the State of New York, who must be fully authorized to act on behalf of his/her client.

b. Courtroom personnel and staff are to be treated with courtesy and respect. Disrespectful, uncivil and unprofessional conduct in the courthouse will not be countenanced.

**5. Inquiries.**

All inquiries as to case or calendar status should in the first instance be addressed to the Calendar Clerk for Part 43, at 631-852-3193. The only inquiries which may be made directly to the chambers are those involving the immediate exercise of judicial discretion, or as otherwise permitted by these rules.