

PART 5 COURT RULES FOR JUSTICE ALISON Y. TUITT

PART 5

ROOM 533

PHONE (718) 618-1476

Motion Procedure

1. Moving and responding papers including stipulations and requests for adjournments are to be filed in the clerk's office in Room 103, except that any case that has been marked final in the part itself must seek approval to file an additional adjournment beyond a final marking. (All motions seeking discovery must be directed to the Compliance Conference Part, as no issues of discovery will be entertained by this IAS part).
2. There are NO SUBMITTED MOTIONS IN THIS PART, AND ALL MOTIONS WITHOUT EXCEPTION MUST BE ORALLY ARGUED.
3. Movant's on Motions and Orders to Show Cause that fail to appear for oral argument will be summarily denied for failure to appear. No exceptions.
4. **All motions for Summary Judgment must be filed within 120 days of the filing of the Note of Issue. NO EXCEPTIONS.**
5. All parties seeking or filing a request for adjournment must insure that such request has been granted prior to the scheduled date in order to avoid a default determination being entered. All request for adjournment must be made in writing, oral applications will not be entertained. No exceptions.
6. If opposition papers have been duly filed in the Clerk's office, courtesy copies need not be provided to the Court.
7. All parties appearing on a motion should have familiarity with the case and the moving papers sufficient to engage in substantive oral argument on the issues raised in the motion papers.
7. As with all matters, Orders to Show cause must comply with Uniform Rule 202.7(d) and be brought to the clerk's office (Room 103) prior to judicial review, signature and fixing a return date. Appearance is thus required, no exceptions.
8. A moving parties failure to appear may result in an inquest or dismissal pursuant to Section 202.27 of the Uniform Civil Rules for the Supreme Court and County Court.

Inquiries:

All inquires as to case or calendar status should, in the first instance, be made to the appropriate clerk's office: IAS Motion Support Office: Room103.

The only inquiries that should be made directly to Chambers or the Part should be those involving the immediate and substantive exercise of judicial discretion.

Trial:

All parties assigned to this part must provide the following:

1. Plaintiff must provide a copy of the pleadings, bills of particular, demands for discovery and corresponding responses, copies of their clients EBT transcript and copies of all their expert 3101(d) exchanges.
2. Defendants must provide copies of their responses to demands for discovery from plaintiff, copies of their clients or witnesses EBT transcripts and copies of their expert 3101(d) exchanges.
3. All parties must raise **all** pre-trial issues prior to jury selection or openings whichever opportunity is first available to the parties in order that such issue be preserved for appellate purposes.
4. Any pre-trial issues not raised before openings will be deemed WAIVED.
5. All parties must reveal and identify all potential witnesses that may be called during the trial, failure to so reveal or identify will be deemed a voluntary waiver by the party.