

Justice Tuitt
MANDATORY APPEARANCES

Part 11
Room 707
Phone (718) 618-1226

All Preliminary Conferences, Compliance Conferences and discovery applications for Non-City and Non-Matrimonial cases will be conducted in Part 11, Courtroom 707, before Hon. A. Y. Tuitt.

All Conferences begin promptly at 9:30am. Only counsel fully familiar with and authorized to stipulate or dispose of the action may appear at the conference. Cases are called in the order in which All attorneys are actually present in the courtroom. When the case is called and there is no appearance, the court will take appropriate action against the non-appearing attorney or non-appearing party, applying such penalties or sanctions as are authorized by the CPLR and the Rules of the Chief Administrative Judge. There will be no adjournments of conferences.

At the preliminary conference, a complete discovery schedule will be set. In instances where the Bill of Particulars has not been served, a complete discovery schedule will be set based on the service date of the Bill of Particulars. Parties must adhere to all dates contained herein relating to the completion of items in the P.C. Order. Counsel will be required to justify, at a hearing before the presiding judge, its failure to adhere to the discovery schedule set forth at the P.C. In the event of non-compliance with any Order, counsel shall contact the Court within five (5) days of the non-compliance for a hearing to determine compliance, or impose cost, sanction and other relief. Counsel may not enter into any adjournments or stipulations without further Order of this Court.

The date for the Compliance Conference will be reflected in the PC order and Counsel will not receive further notification. Counsel may confirm the date of the Compliance Conference on the internet at either "*E-Courts*" or the "*Future Court Appearance System*" which are both located on the Unified Court System Web Page at www.courts.state.ny.us.

In accordance with 22 NYCRR 202.19(b)(3), the purpose of the compliance conference is : (a) to monitor the progress of discovery; (b) to explore potential settlement; and (c) to set a deadline for the filing of the Note of Issue. Consequently, Counsel attending the Conference must be fully familiar with the case, the status of disclosure proceedings, and any settlement negotiations. Counsel MUST bring a copy of the Bill of Particulars, medical reports, the Preliminary Conference order and all previous orders in the case and MUST be prepared and authorized to enter into binding stipulations regarding disclosure and disposition of the case.

In lieu of making a motion for discovery, counsel may request a conference for purposes of resolving discovery issues by submitting a written request in room 217, addressed to the Differentiated Case Management Department (DCM). All written requests for an additional conference must fully detail the difficulty encountered in pursuing discovery. If a motion is filed, a discovery conference and the motion will be scheduled for an appearance in this discovery part. An appearance will be required on all motions regardless of any withdrawal or stipulated resolution of the application.

No ex-parte telephone application concerning motions, Preliminary Conferences or Compliance Conferences may be made to Chambers or the courtroom. All normal inquiries are made in the courtroom or in Room 217.

No applications, whether made by letter or by stipulation, submitted by a lawyer's clerical service will be permitted.

CPLR 3211,3212 and 3213 applications will not stay discovery.

Plaintiff(s) shall file the Note of Issue on the date set forth in the Compliance Conference Order. In cases where there is outstanding discovery, an appropriate Order will be issued by this Court outlining the outstanding discovery and the time frame for compliance by the non-compliant party.

It is anticipated that disclosure will not be complete by the time the Note of Issue is to be filed, counsel for plaintiff(s) is directed to request a Stauts Conference four weeks before the date of filing a Note of issue.

Counsel are further advised that the failulre to file the Note of Issue on the date fixed in the compliance Conference Order may result in the service, by the Court upon Plaintiff's(s') Counsel, of a Notice pursuant to CPLR §3216.