

## **PART 2 – COURT RULES**

**Courtroom 623, tel. no. : (718) 618-1205**

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**Unless otherwise indicated, references to Counsel shall apply to both plaintiff’s counsel and defendant’s counsel.**

### **MOTION PROCEDURE**

#### **—Non-Disclosure Motions:**

Motions for summary judgment shall be supported by Affidavit(s) made by person(s) having knowledge of the material facts. CPLR 3212(b). Exhibit Tabs shall be used to separate documents annexed as Exhibits. If a document annexed to an affidavit or affirmation is voluminous, all relevant portions shall be highlighted. Papers should be bound in such a way that all printed material is legible, including the page numbers on depositions. Print shall be on only the front side of the page.

Counsel shall include citations to the legal authority (statutes and case law) that is on point. The moving party shall clearly specify the relief requested.

All motion papers, including stipulations, and requests for adjournments, shall be filed in the Clerk’s office (Room 217), on, or prior to, the return date, in accordance with the deadlines for acceptance of papers set by the Clerk’s office. Non-disclosure Motions filed, and accepted, will be deemed submitted on the return date.

If a request for an adjournment is made after the return date, then Court approval is required. If the party requesting an adjournment after the return date is unable to obtain a Stipulation signed by all parties, then Counsel may make a brief written request for an adjournment, including a showing that he made a *good faith* effort to obtain a Stipulation signed by all parties, which Counsel shall serve upon all parties.

Courtesy copies of motions filed should not be submitted, unless requested by the Court.

--Orders to Show Cause:

Orders to Show Cause must be filed in the Clerk's office (Room 217); and must comply with Uniform Rule 202.7(d). Appearances are required in the Courtroom, at 9:30 A.M., on the return date, and any adjourned date. Calendars will normally be called on Mondays, except for Holidays. *Proof of service of the Order to Show Cause must be filed with the Part 2 Clerk, in the Courtroom, on, or before, the return date.* If Movant fails to timely appear, or if proof of service is not filed by the return date: the Order to Show Cause will be denied; and, if the Movant is the Petitioner, the case may be dismissed.

Counsel fully familiar with their file, and authorized to make binding concessions, settle, or try the action, shall appear at the call of the Calendar. Counsel shall bring their complete file, including the bills of particulars and marked pleadings.

--Disclosure Motions:

Motions relating to Disclosure will be heard by the Justice presiding in Part 1A-11, (not in Part IA-2).

**INQUIRIES**

All Inquiries shall, in the first instance, be made to the Motion Support Office, Room 217, at (718)590-3722; and then, if necessary, to the Clerk for Part 2, in the Courtroom at (718)590-3936. No ex-parte communications shall be made to Chambers on any substantive matter.

However, all parties (including moving and nonmoving Counsel) are required to immediately inform Chambers if a pending motion is withdrawn, resolved, or otherwise becomes moot, for example, if the case has settled or has been removed to federal court. A violation of this rule, without good cause shown, will subject Counsel to sanctions.

**TRIALS**

1. Counsel shall not commence jury selection without first conferring with the Court. Prior to jury selection, Counsel shall inform the Court of scheduling problems regarding witnesses.

2. At the trial conference, Counsel shall alert the Court regarding the disposition of prior motion(s), and, upon request, provide the Court with a copy of the order(s) deciding prior motion(s).

3. Counsel shall immediately notify the Court Clerk if an interpreter is needed; or if Counsel needs any special devices, such as an easel, blackboard, shadow box, or video equipment.

4. It is Counsel's obligation to ascertain whether subpoenaed documents are in the courtroom.

5. Plaintiff's Counsel shall provide the Court with Marked pleadings (CPLR 4012); and the bill(s) of particulars.

In addition, all Counsel shall provide the Court with:

- a. Expert reports, including CPLR 3101(d) responses.
- b. Deposition transcript and/or written statements which may be used to either refresh a witness' recollection or impeach a witness' recollection.
- c. The applicable legal authority (statutory and case citations, and a copy of the statutes and cases), which Counsel will reply upon in connection with motions made prior to, or during, trial.

6. Counsel shall stipulate to undisputed facts and admissibility of undisputed documents.

7. Counsel shall promptly alert the Court when attendance at trial, by Counsel or an essential witness, will be delayed.

8. The Court shall be informed of Motions in limine before the trial commences; and Counsel shall provide the Court with supporting legal authority.

9. Counsel shall provide the Court with a proposed Verdict Sheet, and jury

charge requests, at the commencement of the trial. Amendments shall be provided at least one day prior to the charge conference. In addition, Pattern Jury Instructions shall be referred to by number and topic, and charge requests which modify a PJI charge shall be highlighted. Applicable legal authority (statutory and common law) shall be provided to the Court in support of any non-PJI jury charge or PJI modifications.

At the charge conference, Counsel shall be prepared, and bring a (current) PJI book or a copy of every jury charge that Counsel requests the Court to charge. Counsel shall also provide the Court with a copy of any statute that Counsel requests be charged.

10. Courtroom Demeanor:

a. Derogatory remarks by Counsel will not be tolerated.

b. Counsel shall not interrupt a witness in the middle of an answer, unless the answer is totally unresponsive, in which event Counsel shall seek a ruling from the Court. Counsel must allow the witness to complete his/her answer prior to asking another question.

c. No party or Counsel shall speak to a Juror, or exchange pleasantries such as “Good Morning”. This admonition includes both verbal and non-verbal communications.

**The failure of Counsel to comply with these rules will subject Counsel, and his/her firm, to sanctions.**