

**THIRTEENTH JUDICIAL DISTRICT**  
**SUPREME COURT RICHMOND COUNTY**  
**UNIFORM CIVIL TERM RULES**

The following uniform rules have been adopted by all Richmond County Supreme Court Justices in order to decrease the complexity of litigation regulations, promote efficiency and expedite the administration of cases. Matrimonial cases shall be governed by the rules for New York State Trial Courts (NYCRR 202.16 *et seq.*).

**Preliminary Conference**

1. A preliminary conference is mandatory in all cases, whether requested or not, unless a dispositive motion is granted immediately after the case has been assigned to an individual Judge's Part.
2. Upon the filing of a Request for Judicial Intervention (RJI) a case will be assigned to a Justice and a preliminary conference shall be held within forty-five (45) days.
3. During the preliminary conference, a compliance conference date shall be fixed and included within the Preliminary Conference Order.
4. The attorneys who attend the preliminary conference and subsequently the compliance conference, shall have complete knowledge of all the facts and circumstances of the case and have authority to set dates for all discovery proceedings, e.g. scheduled dates for Examinations Before Trial, Independent Medical Examinations and the exchange of all other discovery documents and

proceedings.

5. At the time the plaintiff files an RJI requesting a preliminary conference, the bill of particulars must be annexed to that request. If the defendant requests the preliminary conference by the filing of an RJI, the plaintiff shall serve a bill of particulars ten (10) days prior to the preliminary conference.
6. The Preliminary Conference form adopted by the Supreme Court Richmond County shall be utilized in all Parts, except the City Part. The Preliminary Conference Order shall be completed by all parties to the lawsuit.
7. The Preliminary Conference Order shall fix a date wherein all parties are to attend a compliance conference.
8. Matters may not be adjourned, unless specifically authorized by the Court.
9. The Preliminary Conference Order, shall indicate that all impleader actions shall be instituted within a forty-five (45) day period after the completion of examinations before trial. In the event this is not accomplished, any third party action may be severed.

#### Compliance Conferences

1. All parties must attend the compliance conference unless otherwise directed by the court. A party failing to attend may have their pleadings stricken and/or other sanctions imposed. An order certifying that all discovery has been completed shall be issued when the court is satisfied the parties have fully complied with the Preliminary Conference Order and all subsequent

## **Compliance Orders.**

### **Note of Issue**

- 1. A Note of Issue may not be filed until a Certification Order has been issued by the court indicating all discovery has been completed. A copy of the Certification Order must be filed with the Note of Issue.**
- 2. A pre-trial conference shall be held within sixty (60) days of the filing of the Note of Issue.**
- 3. If the case cannot be resolved during the pre-trial conference and if a jury demand has been filed, the case will then be adjourned to a specific date in the Jury Coordinating Part (JCP), within three (3) months of the date it has been sent.**

### **Motion Requirements**

- 1. All parties must appear when a motion is made.**
- 2. Oral argument is required on all motions unless directed otherwise by the court.**
- 3. Discovery motions shall not be made without leave of court. If such a motion is authorized by the court, the Attorney's Affirmation must state that the court has granted permission for the motion to be made.**
- 4. A motion for summary judgment must be made within sixty (60) days of the filing of the Note of Issue. This date may not be extended by the parties without the approval of the court.**

5. **The return date of a motion shall not be adjourned without leave of court.**

**Jury Coordinating Part**

**When a case appears in the Jury Coordinating Part, the following rules apply:**

1. **Attorneys who are fully familiar with the case must appear and be prepared to select a date for trial.**
2. **When a case is given a trial date, the attorneys must be prepared to select a jury and try the case on that date.**
3. **All trial authorizations must be demanded in writing at the time the case first appears on the Jury Coordinating Part calendar. The authorization must be served within thirty (30) days of the demand.**
4. **All expert disclosures, pursuant to CPLR §3101(d) must be served by plaintiff forty-five (45) days prior to trial, and by defendants thirty (30) days prior to trial.**