

PART RULES FOR HON. LESTER B. ADLER

All counsel appearing on this part are expected to be familiar with the following part rules:

Scheduling:

All questions about scheduling appearances or adjournments should be addressed to the Part Clerk, Tim Neggie, at (914) 824-5371. Do not contact Chambers regarding such issues. Requests for adjournment of matters appearing on a Wednesday calendar should be made by not later than 4:00 p.m. on Monday. Requests made after that will likely not be granted. All requests for adjournments must be made with the request of all opposing counsel and, if approved by the Court, confirmed by a signed Stipulation of all counsel. If consent cannot be obtained, then the requesting counsel must either arrange for a conference call with the Court and, if one cannot be timely arranged, then the application must be made at the call of the calendar.

Filing of Papers:

All motions and proposed orders to show cause must be filed with the Calendar Office on the 9th Floor. Counsel are advised, however, that because there may be a time lag between filing on the 9th Floor and receipt of the papers by the Part, papers should be filed as promptly as possible. (Courtesy copies are only required when papers are being filed close to the return date and must be hand delivered to Chambers.) While the courtesy copies will be read by chambers staff for the purpose of expediency, the Court will make no final determination on the papers until the originals are received from the Calendar Office.

Communications With the Court:

Written correspondence: No written correspondence may be sent to the Court without prior permission. Written correspondence sent by letter, fax or any other means, without permission will not be read.

Telephone calls:

1. Counsel may call the Part Clerk with respect to the scheduling of appearances and with respect to adjournment applications.
2. Counsel may call Chambers and/or the Part Clerk to arrange for a telephone conference with the Court or with the Law Clerk.
3. Counsel may not contact Chambers without all opposing counsel on the phone, except for the purpose of facilitating a conference call.

Motions:

No motion shall be made, without a prior conference with the Court, which conference may be obtained either by conference call or, upon obtaining permission from Chambers, the submittal of a brief letter application, not exceeding one page in length. At the conference, the Court will set a schedule for making the motion, opposing it, and, if applicable, for reply.

Motions are to be returnable on Monday at 9:30 a.m. Motions made returnable at any other time, absent prior permission of the Court, will be adjourned by the Part Clerk to the next available Monday.

Adjournments are governed by Part Rules.

Motions are submitted without oral argument, unless otherwise directed by the Court.

Reply papers are not permitted, unless: (a) the right of reply is obtained by service of a notice of motion in accordance with CPLR 2214[b]; or (b) expressly permitted by the Court. Sur-reply papers, including reply papers in support of a cross-motion, are not permitted absent prior permission of the Court. Any unauthorized papers will not be read.

All papers must comply with the applicable provisions of the CPLR and with the Parts Rules. In addition, the font size of text and footnotes must be no smaller than 12 point. Papers which do not comply may be rejected.

All exhibits shall be separately tabbed. In the event that multiple affidavits or affirmations are submitted in support of a motion under the same legal back, each such exhibit shall be accompanied by a clearly discernible side or bottom tab containing the last name of the affiant.

Discovery Disputes:

With respect to cases already assigned to this Court at the time that a discovery dispute arises, no motion with respect to the dispute shall be made without a prior conference with the Court, which may be obtained by submission of a letter application, not exceeding one page in length. Counsel must obtain permission from Chambers prior to the submission of such letter application.

The Court endeavors to resolve discovery disputes promptly, usually by conference, which may be held telephonically or in person. In the event that the dispute is not resolved, the Court will set an expedited briefing schedule. Counsel shall, prior to requesting a conference, meet in person to discuss the issues and endeavor to resolve or limit them, prior to seeking judicial intervention.