

**INDIVIDUAL ASSIGNMENT PART RULES OF**  
**JUSTICE RICHARD B. LIEBOWITZ**

The following Part Rules are effective as of February 3, 2010  
in all IAS proceedings assigned to Justice Liebowitz:

I. GENERAL RULES

- A. Appearances by Counsel with Knowledge and Authority: All counsel who appear before the Court must be familiar with the case and be fully authorized to enter into agreements on behalf of their clients as to both substantive and procedural matters. Attorneys appearing of counsel to the attorneys of record and parties appearing pro se shall be held to the same requirements.
- B. Settlements and Discontinuances: If an action is settled, discontinued or disposed of in any other manner by the parties, counsel shall immediately inform the Court by letter and by filing a Stipulation of Discontinuance or Stipulation of Settlement with the Part Clerk. The Court shall not mark any matter as settled unless it has received a copy of a Stipulation of Discontinuance or Stipulation of Settlement, the original of which has been filed with the County Clerk.
- C. So-Ordered Transcripts: The Court shall be provided with an original and two copies of transcripts to be so-ordered. One copy will be retained for the Court's file and one copy will be returned to counsel.
- D. Papers by Fax: The Court does not accept papers of any kind by fax transmission unless otherwise indicated by the Court in advance in a particular case. Copies of letters confirming an adjournment of a motion or a conference may be sent to the Court by fax at its chambers. However, the original of all correspondence must be mailed to the Part Clerk. Any authorized fax transmission **shall not exceed five pages in length**. A violation of this Rule may result in a sanction being imposed by the Court *sua sponte*.
- E. Conduct of Parties and Counsel: It is expected that all parties and counsel shall conduct themselves in an appropriate manner in all in-court and out-of-court proceedings and in their communications with each other and the Court.  
PERSONAL ATTACKS UPON PARTIES OR COUNSEL SHALL NOT BE TOLERATED AND SHALL RESULT IN THE IMPOSITION OF SANCTIONS AS DETERMINED BY THE COURT TO BE WARRANTED UNDER THE PARTICULAR CIRCUMSTANCES.

- F. Ex Parte Communications: Ex parte communications are strictly prohibited except upon consent of all counsel, or with respect to scheduling matters or the presentation of Orders to Show Cause for signature
- G. Communications with Represented Parties: Counsel are directed to inform their clients that under no circumstances will any member of the Court's staff engage in any conversation or exchange any communication with a represented party.

## II. CONFERENCES

- A. Attendance of Parties and Counsel: All counsel and any party appearing *pro se* **must attend** all conferences and oral arguments unless such appearances are waived by the Court in advance. Any questions concerning the waiver of appearances shall be directed to the Part Clerk. Only in the absence of the Part Clerk shall the inquiry be directed to the Court's Secretary or Law Clerk.
- B. Non-Appearance at a Conference: The failure to appear for a conference by counsel or a party appearing in the action pro se, may without notice, be considered a default, and as permitted by 22 NYCRR 202.27, may result in an order directing dismissal of the complaint, striking of the answer, entry of a default judgment, an inquest, an award of costs or counsel fees, or other appropriate sanction.
- C. Adjournments: Absent exigent circumstances, no request to adjourn a conference shall be considered unless it is made at least 48 hours before the scheduled conference date.

1) Before requesting an adjournment, the requesting counsel or party appearing pro se shall communicate with all other counsel and any party appearing *pro se*, in an attempt to obtain consent for the adjournment. If the adjournment is on consent, the request shall be directed to the Court's Part Clerk. Only in the absence of the Part Clerk shall the request for an adjournment be directed to the Court's Secretary or Law Clerk. If the adjournment is not on consent, the requesting counsel shall arrange for a conference call with all other counsel and the Court's Law Clerk. Whether the request is on consent or not, if an adjournment is granted, the Court shall schedule a new conference date, and the requesting counsel shall send a fax transmission to the Court and all other counsel and any party appearing *pro se*, confirming the new conference date. Unless the Part Clerk, the Court's Secretary or the Court's Law Clerk has conveyed the Court's approval of an adjournment, no conference or other appearance shall be considered to have been adjourned.

2) Under no circumstances will the Court recognize an adjournment of a conference or other appearance agreed to between counsel for the parties and any party appearing *pro se*, unless approval of the adjournment has been obtained as set forth in these rules.

- D. Interpreters and Special Services: No later than one week prior to the date for any scheduled court appearance, counsel shall advise the Part Clerk if the services of a foreign language interpreter are required for any party or witness, or if any special services are required for any party or witness who is hearing-impaired or who suffers from any other disability. Failure to comply with this provision shall result in a sanction to be imposed upon the offending party at the Court's sole discretion.

### III. MOTION PRACTICE

- A. Noticed Motions: Motions on notice shall be made returnable at 9:30 A.M. on any Thursday that the Court is in session. Any motion made returnable on any other day shall be adjourned by the Court to the next available motion day. No appearances shall be required and no oral argument shall be heard on a motion unless ordered by the Court.
- B. Orders to Show Cause: Orders to Show Cause submitted for signature shall be presented to the office of the calendar clerk, after the payment of any required fee at the County Clerk's Office. Counsel and any party appearing *pro se* are directed to comply with the Order to Show Cause requirements specified in §202.7 of the Uniform Civil Rules for the Supreme and County Courts, including, but not limited to, the recently promulgated §202.7(f). If the Order to Show Cause is signed by the Court, a copy of it shall be sent by fax to counsel for the moving party. If appearances are required on the return date of the motion, the Court shall so indicate in the Order to Show Cause.
- C. **DO NOT SEND -Courtesy Copies of Motion Papers to Chambers.**
- D. Communications Regarding Motions: All communications regarding motions, including requests for adjournments, shall be directed to the Court's Part Clerk. Only in the absence of the Court's Part Clerk shall any communication regarding a motion be directed to the Court's Secretary or the Law Clerk.
- E. Adjournments: Before requesting an adjournment of a motion, the requesting counsel or party appearing *pro se* shall communicate with all other counsel and any party appearing *pro se*, in an attempt to obtain consent for the adjournment. If the adjournment request is not on consent, the requesting counsel shall arrange for a conference call with all other counsel and the Court's Law Clerk. Whether the request is on consent or not, if an adjournment is granted, the Court shall schedule a new return date, and the requesting counsel shall send a fax transmission to the Court and all other counsel confirming the new return date. Unless the Part Clerk, the Court's Secretary or the Court's Law Clerk has conveyed the Court's approval of an adjournment, no motion shall be considered to have been adjourned. Under

no circumstances will the Court recognize an adjournment of a motion, if any, unless approval of the adjournment has been obtained as set forth in this rule.

- F. Motions for Leave to Renew or Reargue: On any motion seeking leave to renew or reargue a prior motion, the moving party shall submit copies of **all** papers submitted on the prior motion. The failure to comply with this requirement shall result in the denial of the motion unless the papers on the prior motion are submitted to the Court by another party.
- G. Motions for Leave to Amend, Supplement or Correct Pleadings: On any motion for leave to amend, supplement or correct a pleading, in addition to the proposed amended, supplemental or corrected pleading, the moving party shall submit copies of all pleadings filed as of the date of the motion. The failure to comply with this requirement shall result in the denial of the motion unless copies of the prior pleadings are submitted to the Court by another party.
- H. Summary Judgment Motions: All motions for summary judgment **must** be made accompanied by a Trial Readiness Order and filed Note of Issue.
- I. Reply Papers: Counsel shall not set forth factual claims or legal arguments in reply papers which were not set forth in the papers initiating the motion or cross-motion. New factual claims or legal arguments offered in opposition to the motion or cross-motion shall not be considered by the Court in its determination of the motion or cross-motion.
- J. Sur-Reply and Post-Submission Papers: Counsel and the parties are reminded that the Civil Practice Law and Rules does not provide for the submission of Sur-Reply papers, however, denominated, or the presentation of papers or letters to the Court after the return date of a motion. Nor is motion practice by correspondence permitted. Absent express permission obtained in advance from the Court, such materials shall be filed with the County Clerk unread. Opposing counsel who receives a copy of such material submitted in violation of this rule shall not respond in kind.

**Secretary:**                    **Donatella Coppa Runfola** (914) 824-5451

Chambers Fax:                (914) 995-4182

**Part Clerk:**                    **Frances Doyle** (914) 824-5351

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