

Commercial Court Rules - As of 11/28/11

Rule 4(a)

The Court is not presently set up for e-filing, though e-filing is expected to be implemented in the near future. Under present circumstances, all notices of motion and proposed orders to show cause must be filed with the Assignment Office. All other motion papers should be filed with the Assignment office as well. Counsel are advised, however, that because there may be a time lag between filing with the Assignment Office and receipt of the papers by the Part, papers should be filed as promptly as possible. While courtesy copies are not required, courtesy copies may be delivered to Chambers, a practice that is especially helpful with respect to papers being filed close to the return date. Courtesy copies may either be hand delivered to Chambers or sent via overnight delivery, provided that, if overnight delivery is used, the papers must be sent so as to be received by 10:00 a.m. on the day prior to the return date. 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 Assignment Office.

Rule 6

The notice of motion or order to show cause shall include a statement of the precise relief sought. All dispositive motions must include a copy of the pleadings. Exhibit tabs are required. If a document to be annexed to an affidavit or affirmation is voluminous and only discrete portions are relevant to the motion, counsel shall attach only the pertinent excerpts and submit the full exhibit separately. Memoranda of law shall not exceed fifteen (15) pages in length. Sur-replies and post-argument submissions are not allowed without advance express permission of the Court.

Rule 11 (c)

Interrogatories are limited to 25.

Rule 13 (a)

Discovery disputes are to be resolved through a court conference - not through motion practice - unless otherwise directed.

When discovery deadlines are ordered by the Court, service of discovery requests, responses or motions shall be made so as to be received no later than 5 p.m. on the date specified.

Rule 14

Discovery disputes are to be resolved through a court conference - not through motion practice - unless otherwise directed.

Rule 15

Motion papers must be received no later than one week in advance of the return date, together with a special term note of issue. Answering papers and/or cross-motions must be received no later than two days before the return date. Reply papers must be received by no later than 10 a.m. on the day before the return date.

Rule 16 (a)

On motions to dismiss for summary judgment pursuant to CPLR 3211, 3212 and 3213 and motions for preliminary injunction, all memoranda of law shall be bound separately from other papers submitted.

Motions papers, including cross-motions, must bear the County Clerk's "paid" stamp pursuant to CPLR §8020(a). Motion papers must be received no later than one (1) week in advance of the return date, together with a special term note of issue. Answering papers and/or cross-motions must be received no later than two (2) days before the return date. Reply papers must be received by no later than 10 a.m. on the day before the return date.

Rule 16 (b)

Orders are to be approved by all attorneys/parties prior to submission to the Court for signature, with notice to the court of such approval. Otherwise, they are to be settled pursuant to 22 NYCRR § 202.48.

Rule 22

Oral argument is anticipated but counsel may stipulate to submit on papers. Appearance on motions by telephone will not be permitted.

Rule 25

Trial dates are provided at pre-trial conferences conducted after the Note of Issue and Statement of Readiness has been filed. Court adheres strictly to its trial schedule and adjournments are discouraged. Marked pleadings, requests to charge, proposed verdict sheets and papers for motions in limine required ten (10) days prior to beginning of jury selection or trial.

Rule 30 (b)

Preliminary conferences are scheduled upon receipt of the filed RJI from the County Clerk. At the conference, a scheduling order will be issued. At the preliminary conference, the Court will indicate whether or not a stay of disclosure will be employed pursuant to CPLR § 3214(b). Pre-trial conferences will be set forth in the scheduling order or scheduled upon receipt of a calendar note of issue. Counsel must bring their calendars, including trial availability, to all conferences.

Rule 31 (c)

Ten (10) days prior to trial, if the trial is by jury, counsel will be required to submit a proposed verdict sheet and proposed charges. All submissions must be made in hard copy and on disk in WordPerfect format. The Court will set a date for the submissions at a time to be determined during the course of the trial.

Rule 32

Parties shall provide witness lists, a glossary of names, and any unusual acronyms they anticipate to be using during the trial to the court reporter the morning that the trial is set to begin.