

## Practices in Part 60

### Commercial Division Rules

All parties should familiarize themselves with the Commercial Division Rules, available at [http://www.nycourts.gov/courts/comdiv/newyork\\_rules.shtml](http://www.nycourts.gov/courts/comdiv/newyork_rules.shtml).

Note re: Rule 11: The number of interrogatories, including subparts, shall be limited to 25. See Statement of the Administrative Judge Regarding Implementation of Certain Rules of the Commercial Division (June 8, 2007) [http://www.nycourts.gov/courts/comdiv/newyork\\_rules.shtml](http://www.nycourts.gov/courts/comdiv/newyork_rules.shtml).

Note re: Rule 14: If, after meeting and conferring in good faith, counsel are unable to resolve a dispute about disclosure, the aggrieved party shall outline the issue in a letter to the Court, on notice to opposing counsel, who will be expected to submit a letter in response. Once letters from all parties have been received, the Court will either schedule a status conference or issue an order directing the parties to take further action. **Letters that exceed 3 pages in length (excluding exhibits) will not be accepted.**

Note re: Rule 19-a: Any party submitting a motion for summary judgment, other than a CPLR § 3213 motion, shall annex to the notice of motion a separate, short and concise statement, in numbered paragraphs, of the material facts as to which the moving party contends there is no genuine issue to be tried.

### Electronic Filing

All cases in Part 60 must be electronically filed through the New York State Courts E-Filing (NYSCEF) system, except cases involving pro se litigants. All submissions to the Court (including briefs, proposed Orders and Judgments, and letters) must be electronically filed.

Attorneys are expected to familiarize themselves with NYSCEF procedures, which are available at the NYSCEF website, <https://iapps.courts.state.ny.us/fbem/mainframe.html>

### Motion Papers and Courtesy Copies

**E-filed submissions are NOT printed out by Part 60. It is the litigants' responsibility to ensure that working copies of ALL e-filed documents are received by Part 60 in advance of the relevant appearance date.**

To that end, in addition to electronically filing motion papers, litigants must submit a hard copy ("working copies") set of all papers related to any motion to the Motion Support Office in Room 130. All working copies of e-filed documents intended for judicial review must include exhibit tabs and backs. If it appears to the Court that any motion papers have not been timely filed in both electronic and hard copy forms, when the parties appear for their oral argument, that argument may be adjourned. Courtesy copies are not to be submitted to Part 60 unless there is a request to do so.

Working copies of ALL OTHER e-filed submissions should be delivered, by mail or hand-delivery, directly to Part 60, 60 Centre Street, Room 248. Please note that mailed submissions can take up to five business days to reach Part 60. Time-sensitive materials should be hand-delivered. Working copies may be faxed, but only with the permission of the Court.

## **Scheduling**

Parties should address questions about scheduling appearances or adjournments to the Part Clerk, Vernon Hutchinson, at (646) 386-3310.

**Please be advised that litigants must obtain Court permission to adjourn a status conference. Excepting emergencies, such permission must be obtained no later than 2 business days in advance of the scheduled appearance.**

## **Communicating with the Court**

Litigants may communicate with the Court by mail or by telephone as follows:

### **(1) Written correspondence.**

Letters to Judge Fried must be e-filed, and courtesy copies of same must be mailed or hand-delivered to Part 60, at 60 Centre Street, Room 248. They may be faxed with prior permission from the Part Clerk. **Letters may not exceed three pages in length.**

As previously noted, mailed submissions may take up to five business days to reach Part 60. Time-sensitive submissions should be hand-delivered or faxed.

### **(2) Telephone calls.**

**No attorney in Judge Fried's chambers will communicate with a litigant *ex parte* or assist a litigant in the practice of law, such as by advising how to interpret a particular rule or law.**

All telephone calls, including scheduled conference calls, shall be directed to the Part, at (646) 386-3310.

Litigants wishing to schedule a conference with Judge Fried or one of his law clerks may do so by calling the Part Clerk, Vernon Hutchinson, at (646) 386-3310.

If the parties would like to speak by telephone with Judge Fried or one of his law clerks, at a scheduled conference call or otherwise, they must get all parties on the phone before placing the call to the Court.

Questions pertaining to motion practice should be addressed to the Commercial Division Support Office, at (646) 386-3020.

## **Transcripts**

If the Court directs the parties to order a transcript from any proceeding in Court, the parties are responsible for both e-filing the transcript and submitting a hard copy of it to Part 60.

## **Mediation**

If, at any point, the parties decide that they could benefit from Commercial Division ADR or other mediation, they may write a joint letter to the Court asking to be referred to ADR or such other mediation. In that letter, they should state whether they prefer that discovery continue or be stayed during the mediation process.

### **Confidentiality Order**

Any order regarding the confidential exchange of information will be based on the Proposed Stipulation and Order for the Production and Exchange of Confidential Information, prepared by a committee of the New York City Bar Association for use in the Commercial Division, available on the Bar Association's website at: <http://www.nycbar.org/pdf/report/ModelConfidentiality.pdf> (the "Model Form").

If the parties believe there is good cause to depart from the Model Form, they should submit their proposed order, along with a brief letter explaining the necessity of their suggested changes.

### **Exhibits and Other Submissions at Court Proceedings**

At any evidentiary hearing or trial, the parties shall provide the Court with **two copies** of the exhibit books and any other documents offered into evidence. **These two copies shall be in addition to any copies provided to a witness.**

At any court proceeding, including oral argument on motions, the parties shall be prepared to hand to the Court two copies of **every** document that they provide to the Court.