

Practices in Part 54
Revised September 2010

1. **Commercial Division Rules.** All parties should familiarize themselves with the Commercial Division Rules, available at:

http://www.nycourts.gov/courts/comdiv/newyork_rules.shtml.

2. **Electronic Filing.** All cases in Part 54 should be electronically filed through the New York State Courts E-Filing (NYSCEF) system, except those cases involving pro se litigants. All submissions to the Court (including briefs, proposed Orders and Judgments, and letters) should be electronically filed and a courtesy copy of the e-filed document, together with a NYSCEF confirmation, shall be delivered to the court. For NYSCEF instructions, contact the E-filing Support Center at (646) 386-3033 or www.courts.state.ny.us/efile, or see the Commercial Division's website for New York County at:

<http://www.nycourts.gov/courts/comdiv/newyork.shtml>.

3. **Scheduling.** All questions about scheduling appearances or adjournments should be addressed to the Part Clerk, Celia Rodriguez, at (646) 386-3362.

Please be advised that litigants must obtain Court permission to adjourn a preliminary or status conference. Excepting emergencies, such permission must be obtained no later than 2 business days in advance of the scheduled appearance. In other words, court permission to adjourn a Thursday conference must be secured no later than the close of business on the preceding Monday.

4. **Preparation for Preliminary and Compliance Conferences.** The parties shall comply with Commercial Division Rule 8 regarding electronic disclosure and shall come to the preliminary conference with proposed search terms and the names of key personnel whose files they wish to search.

5. **Communicating with the Court.**

a) **Telephone Calls.** Litigants may call the Part Clerk at (646) 386-3362 to schedule a conference with Justice Kornreich and may call Chambers at (646) 386-3363 to schedule a telephone conference with one of her law clerks. Part 54 holds unscheduled telephone conferences every day, but not before 4 pm. If the parties would like to speak by telephone with Justice Kornreich or one of her law clerks, at a scheduled conference call or otherwise, they should first get **ALL** parties on the phone before placing the call to the court. **Please note: no attorney in Justice Kornreich's chambers will communicate with a litigant *ex parte*, nor will they assist parties in the practice of law, such as by advising how to interpret a rule, law or decision.**

b) **Letters.** No party shall send a letter to chambers.

6. **Motion Papers: Filing, Courtesy Copies, Form.**

a) In addition to electronically filing motion papers, hard copies of all E-filed papers and exhibits for motions returnable in the Motion Support Office, Room 130, must be delivered to Room 130. Extra courtesy copies of papers will not be accepted.

b) Motion sequence numbers shall appear on ALL motion papers: the notice of motion, memos of law, exhibits, affirmations, etc. and settled orders.

c) All exhibits must be separated by exhibit tabs.

c) Unless the papers are bound on the left side, two-sided copies of exhibits are not permitted.

7. **Transcripts.**

a) **Transcripts of oral arguments on motions.** At the conclusion of oral argument the movant is to order the transcript and have a copy delivered to the Part 54 Clerk, Room 228, 60 Centre Street, New York, N.Y. 10007.

b) **Transcripts to be “So Ordered.”** In the event that a party requests that a transcript be “So Ordered” by the Court, the following procedure must be adhered to: Transcripts shall be submitted together with an errata sheet correcting all errors in the record, including presumed court errors. If all parties consent to the proposed corrections or agree that no corrections are required, a stipulation to that effect shall accompany the errata sheet or transcript. In the absence of consent, the requesting party shall notice the record for settlement pursuant to CPLR 5525 [c].

8. **Summary Judgment Motions.**

a) In lieu of filing Commercial Rule 19-a statements with summary judgment motions, the parties shall confer prior to moving for summary judgment and submit with the motion(s) one joint statement of material facts that the parties agree are not in dispute.

b) Summary judgment motions must be served within 60 days of filing the note of issue.

9. **Discovery: Service of Papers, Limit on Interrogatories, Stays, Conferences, & Privilege Logs.**

a) 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 5pm on the date specified in the order.

b) Interrogatories are limited to 25, including subparts, unless another limit is specified in the PC order. This limit applies to consolidated actions as well.

c) Discovery is not stayed by a dispositive motion unless otherwise directed by the court.

d) Parties are to bring copies of **ALL** prior discovery orders to each and every court appearance.

e) If a party objects to a disclosure demand on the ground of privilege, with its response to the demand, the party asserting the privilege shall serve on all other parties a privilege log of the responsive documents that are not being disclosed and a copy of the redacted documents, bates-stamped. The privilege log shall identify all redacted and completely withheld documents by bates-stamp numbers, dates, authors and recipients, and shall state the privileges being asserted. Failure to serve a privilege log and redacted documents with the party's response to a disclosure demand will, absent good cause, be deemed a waiver of the party's objection on the ground of privilege. Following service of a privilege log, the parties shall confer in an attempt to reach agreement on whether the asserted privileges apply. If agreement cannot be reached, the parties shall call the court Clerk to schedule a conference.

10. Contact Information. All attorneys and pro se litigants must provide their contact information to the Trial Support Office, Room 158M, at 60 Centre Street, New York, N.Y. 10007, by filing a notice of appearance.

11. Confidentiality Agreements. Parties shall use the confidentiality agreement and order available at:

http://www.nycourts.gov/courts/comdiv/PDFs/Part54_Confidentiality_Agreement.PDF.

12. Consolidation or Amendment of Captions. All orders on motions or stipulations to consolidate or amend captions shall be served with notice of entry on the Trial Support Office, Room 158M, and the Clerk of the Court.

13. Trials and Evidentiary Hearings. At any evidentiary hearing or trial, prior to the trial date, the parties shall provide the court with a statement of disputed contentions and agreed upon facts.

14. Requests for admission pro hac vice. A request for *pro hac vice* admission, whether made by motion or stipulation, shall be accompanied by a proposed order and an affidavit in support from a member of the Bar of the State of New York and an affidavit of the applicant and a recent certificate of good standing from the applicant.