

**Hon. Dawn Jimenez
Supreme Court, Nassau County
100 Supreme Court Drive
Mineola, New York 11501**

IAS Part 27 – Rules & Procedures
(Effective July 2022)

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ALL PART 27 CONFERENCES WILL BE CONDUCTED IN PERSON ON WEDNESDAYS AT 9:30 A.M. UNLESS OTHERWISE INDICATED. ANY SPECIFIC TIMES PREVIOUSLY GIVEN FOR VIRTUAL/MS TEAMS CONFERENCES SHOULD BE DISREGARDED.

I. INQUIRIES/CORRESPONDENCE

Ex parte communications are strictly prohibited. Opposing counsel must be copied on all emails and correspondence to the Court. Fax messages are not permitted.

All emails from the Court will be sent to the email service address of record for each party in the action/proceeding. It is the responsibility of counsel to ensure that the email address is accurate and up to date. This address can be modified by request made to the NYSCEF E-Filing Resource Center. It is also counsel's responsibility to remove consent/representation on NYSCEF if you are no longer the attorney of record.

If you e-file a document on NYSCEF that requires the attention of the Court, please notify chambers by email at judgejimenezremote@nycourts.gov.

II. CONFERENCES

- **Preliminary Conferences** – Preliminary conferences will be conducted electronically through NYSCEF. All inquiries regarding scheduling and adjournments should be directed to the Intake/Preliminary Conference Part at 516-493-3120.
- **Compliance and Certification Conferences** – Compliance and certification conferences will be conducted in person on Wednesdays at 9:30 a.m. in the courtroom. The parties must check in with the part clerk upon arrival and should be prepared to proceed with the scheduled conference promptly thereafter. Please review the following additional instructions prior to the conference:
 - If there is agreement on a discovery schedule, the parties may e-file a stipulation on NYSCEF setting forth dates for all outstanding items of discovery (including paper discovery, authorizations, depositions, IME designation date, IME date, etc.). If acceptable, the

stipulation will be so-ordered by the Court and no appearance will be required on the date of the conference. The fully executed stipulation must be e-filed at least two (2) business days prior to the conference. Please use the Part 27 stipulation/order form and notify chambers when the stipulation is e-filed.¹

- If the parties agree that all discovery is complete and notify chambers prior to the conference, the Court will issue a certification order and no appearance will be required.
- If the parties cannot agree on outstanding discovery issues despite good faith efforts, the parties must appear in person for a conference as indicated above.
- Requests for adjournments shall be made by email to chambers at least two (2) business days prior to the date of the conference. Adjournments shall be granted only upon a showing of good cause (22 NYCRR 202.10). An adjournment of the conference will not change any discovery date set forth in prior orders unless otherwise directed by the Court.
- **Settlement Conferences** – Unless otherwise indicated, the Settlement/ADR conference will be conducted in person on the same date as the compliance conference. Counsel should also be prepared to discuss settlement at the final certification conference.
- **Pretrial Conferences for Non-Jury Trials** – Pretrial conferences for non-jury trials will be conducted in person in the courtroom. Inquiries regarding pretrial conferences for jury trials in the DCM Pretrial Part should be made to DCM/CCP at 516-493-3113.

Pursuant to 22 NYCRR 202.27, the Court has discretion in addressing a calendar default or failure to appear at a scheduled conference. When appropriate, among other possible sanctions, the complaint may be dismissed or default judgment entered against the nonappearing party.

Appearances must be made by attorneys with knowledge of the facts, history and status of the case and authority to resolve the issues which are to be the subject of the appearance. Counsel should be prepared to discuss any pending or submitted motions.

III. DISCOVERY DEADLINES

There shall be no adjournments of discovery, certification and note of issue deadlines without the prior approval of the Court. Deposition dates are court-ordered pursuant to the preliminary conference order. Applications for adjournments of depositions shall be made by email to chambers and must be received before 3:00 p.m. of the prior business day. Counsel requesting the adjournment must provide a reasonable basis for the request and proposed new deposition dates.

Motions brought pursuant to CPLR 3211, 3212 or 3213 shall not automatically stay discovery.

IV. MOTION CALENDARS

a. Submission of Motions

All motions, petitions and orders to show cause shall be made returnable on a Wednesday and be taken on submission. **There will be no appearance on the return date unless expressly directed by the Court.** All papers, including reply papers, must be submitted at least two (2) business days prior to the

¹ The form stipulation/order is included as the last page of this document. A fillable PDF is also available on the court website at https://ww2.nycourts.gov/COURTS/10JD/nassau/supreme_directory.shtml.

return date of the motion. If opposing counsel declines to submit opposition or if the movant declines to submit reply papers, counsel must e-file an affirmation stating such.

The Court will entertain oral argument in its discretion when it is deemed necessary. If the Court requests oral argument, counsel will be advised of the time and date via email.

Motions on the calendar may be withdrawn by submission of a stipulation signed by all parties. If a matter is settled, discontinued or otherwise disposed of, the movant shall immediately inform the Court in writing prior to the return date of the motion. A stipulation of discontinuance shall follow as soon as practicable.

b. Filing Procedure

For cases subject to e-filing via NYSCEF, all motion papers and submissions must be e-filed. Unrepresented litigants must also electronically file their papers after creating an account in accordance with the instructions on the NYSCEF website.

For non-NYSCEF cases, all motions must be filed with the County Clerk. A copy of the motion papers with proof of filing must be emailed in PDF format to chambers prior to the return date of the motion. Opposing counsel must be copied on the email.

Until further notice, chambers is not accepting working copies for e-filed motions.

c. Summary Judgment Motions

Pursuant to CPLR 3212(a), motions for summary judgment shall be made no later than sixty (60) days after filing of the note of issue, except with leave of court upon a showing of good cause.

d. Adjournments

Applications for adjournments must be made at least two (2) business days prior to the return date. Adjournments may be made by written stipulation signed by all parties. The fully executed stipulation must be e-filed. For non-NYSCEF cases, the fully executed stipulation must be emailed to chambers.

If there is opposition to the application, counsel must contact chambers prior to the return date of the motion for a ruling. No more than three adjournments for a total of no more than sixty (60) days are allowed except with the permission of the Court.

V. EX PARTE APPLICATIONS/ORDERS TO SHOW CAUSE

Orders to show cause must comply with 22 NYCRR 202.7(d) and 202.8-d. Proof of service must be filed at least two (2) business days prior to the return date of the order to show cause.

Any application for temporary injunctive relief shall contain an affirmation demonstrating there will be significant prejudice to the party seeking the restraining order by giving notice. In the absence of a showing of significant prejudice, the affirmation must demonstrate that a good faith effort has been made to notify the party against whom the restraining order is sought.

VI. TRIALS

Prior to the commencement of trial, counsel shall submit to the Court by email marked pleadings, a copy of the bill of particulars, a witness list, an exhibit list and any deposition transcripts that will be

used at trial. All trial exhibits should be pre-marked for identification and, where possible, counsel shall stipulate to the admissibility of documents and records.

Counsel must submit proposed jury charges and verdict sheets to the Court in typed form prior to the commencement of trial. The proposed jury charges and verdict sheet must be emailed to chambers at jlorenzo@nycourts.gov in editable text format such as .doc or .wpd. Opposing counsel must be copied on the email.

Motions in limine shall be made as early as possible and at least three (3) days prior to the commencement of trial. Counsel shall submit a brief written affirmation and/or memorandum of law setting forth the nature of the application and any supporting statutory authority or case law. Motions in limine should be e-filed as “Pre-Trial Memorandum” or “Trial Memorandum” document type on NYSCEF and emailed in PDF format to jlorenzo@nycourts.gov.

Counsel must notify the Court if a witness requires a language interpreter as soon as the case is assigned so that timely arrangements can be made.

Except as otherwise permitted by the CPLR, subpoenaed records for trial must be sent to the Subpoenaed Records Room. Trial authorizations should be filled out accordingly. It is the responsibility of counsel to ensure that the subpoenaed records have arrived in the records room before trial.

Please provide business cards for the Court and court reporter.

VII. SUBPOENAS

Attorneys are reminded of their authority to issue subpoenas under applicable law. Subpoenas seeking documents from a state agency or municipality must comply with CPLR 2307.

VIII. COMPROMISE ORDERS

Infant compromise petitions must comply with CPLR 1207, 1208 and 22 NYCRR 202.67. Counsel shall be notified of any deficiencies in the papers and, when appropriate, be given an opportunity to cure the deficiency or submit supplemental papers.

The proposed infant compromise order must include the full name of the infant-plaintiff and incorporate the following language: “Pursuant to 22 NYCRR 202.5(e)(2), the Court finds good cause to permit the inclusion of the infant’s full name and date of birth in the compromise order and papers submitted.” Counsel may e-file a redacted version of the proposed order on NYSCEF and email an unredacted version to jlorenzo@nycourts.gov. Questions or concerns on this matter may be addressed to chambers.

All submissions must include either a letter of tender stating the proposed settlement amount or a stipulation of the parties reflecting same. If the infant is fourteen years or older, an affidavit of consent from the infant must be included in the submitted papers.

