

HON. GARY F. KNOBEL, J.S.C.

IAS Part 18 – Part Rules & Procedures

Civil Non-Guardianship Cases

Effective January 2, 2024

Principal Law Clerk: Alexander E. Mangano, Esq.

Secretary: Kathleen Nolan

Part Clerk: Kaitlin Cusick

Chambers: (516) 493-3223

Chambers Fax: (516) 493-3057

Courtroom: (516) 493-3226

Chambers email: JudgeKnobelRemote@nycourts.gov

Prior to the preliminary conference, attorneys or parties appearing pro se must obtain the rules of this Part, thoroughly review them and comply with them through the course of any matter assigned to this Part. All of the rules applicable to attorneys are equally applicable to pro se parties. **Do not assume communications and papers submitted only through NYSCEF will be seen by chambers. You must follow the rules of this Part as stated below. These Part Rules are subject to change without notice and should be reviewed frequently by all who appear before this Part.**

I. Preliminary Conferences

- a. Adjournments: Requests for adjournments of Preliminary conferences are to be addressed to the DCM Part and not to chambers.
- b. Deadlines: Discovery, Certification and Note of Issue deadlines set forth in the Preliminary Conference Order shall be enforced. Deadlines may not be extended without prior Court approval. Dates stipulated by the parties are subject to change by the Court.
- c. Adjournments of Depositions: Any adjournments of depositions must be to a date which precedes the Compliance Conference date.

II. Other Conferences

- a. Virtual/In Person: Unless otherwise instructed by the Court, all conferences will occur via Microsoft Teams. In person conferences can be requested by the parties but are subject to the approval of the Court. All attorneys and *pro se* litigants are to

be appropriately dressed.

- b. Knowledgeable and Authorized Representation: All attorneys appearing for conferences shall be knowledgeable and familiar with the case and shall have the authority to enter into stipulations and/or dispositions which bind their respective clients (see 22 NYCRR 202.1(f) and (g)).
- c. Conflicting Schedules: When scheduled for an in person or virtual conference, and a party's appearance is required in another part, the attorneys and unrepresented litigants must alert the courtroom clerk and/or chambers of the conflict and provide valid contact information. All parties are required for each and every conference unless otherwise instructed.
- d. Adjournments: **Requests for adjournments of conferences must be made through chambers no later than 2:45pm on the date prior to the scheduled conference.** The Court will consider granting requests upon good cause shown and the consent of all parties. The parties are required to provide proposed adjournment dates, no more than six weeks from the scheduled conference, consented to by all parties. **The requesting party must complete the adjournment request form provided.** All adjournment requests and/or opposition to the adjournment should be sent to the chambers email: JudgeKnobelRemote@nycourts.gov and the Principal Law Clerk's email: amangano@nycourts.gov.

III. Motions

- a. Pre-Motion Discovery Conferences: Prior to making or filing any discovery motions, counsel for the moving party must make a good faith effort to resolve the present issues, pursuant to 22 NYCRR 202.7(c) and section 202.20-f. This Part will not accept letters as good faith efforts, unless a series of letters indicates an interaction among the parties and not one-sided requests. If after a true good faith effort to resolve the discovery issues there is no resolution, counsel for the moving party must arrange for a conference to be held among all parties and the Court to discuss the issues and possible resolution. **Counsel must submit the attached pre-discovery conference form attached** and email it to chamber and the Principal Law Clerk. Regardless of an agreed resolution the Court may issue a *sua sponte* Order on its own motion on consent of the parties or over their objections.
- b. All Motions:
 - i. Service: motions are to be served and filed in conformity with CPLR 214 and uploaded to NYSCEF where appropriate. A courtesy copy should be emailed to the chambers email.

- ii. Appearances: Counsel are not required to appear on the return date of motions unless otherwise directed or there is a contested application for adjournment.
- iii. Oral Arguments: The Court will generally not entertain oral arguments on motions, however, a party may request oral arguments by letter accompanying the motion papers in accordance with 22 NYCRR 202.8-F. Should the Court determine that oral arguments are warranted, the parties will be notified and advised of the date.
- iv. Adjournments: Motion adjournment requests must be sent to the courtroom clerk, chambers email, and the Principal Law Clerk. The requesting party is to complete the adjournment request form. Opposition should be emailed as stated above. The Court will allow each side a brief one-time adjournment over objection upon good cause if it is the first request for the same. Adjournment requests should also include a date certain, consented to by all parties, even if there is opposition to the adjournment.
- v. Orders to Show Cause: Motions may be brought by Order to Show Cause only when there is a genuine urgency, a stay is required, or a statute mandates such proceeding (22 NYCRR 202.8-d).

Any Order to Show Cause seeking injunctive relief, including a stay or TRO, must be made in accordance with 22 NYCRR 202.7(f). Accordingly, any application for temporary injunctive relief shall contain an affirmation demonstrating that there will be significant prejudice to the party seeking the restraining order by giving notice. In 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. Where there has been no significant prejudice shown, the Court requires that the party seeking temporary injunctive relief give the opposing side 24 hours notice in advance of presentment of the Order to Show Cause to the Court. Notice shall be given by telephone, and/or email and an affirmation/affidavit stating that such notice has been provided must be filed and uploaded to NYSCEF. Upon such notice, any party seeking to be heard in opposition to the request for injunctive relief must email the Court, on notice to all parties, requesting a time to appear for the same.

- vi. Parties are reminded to review Section 202.8-b of the Uniform Rules for the Supreme Court and County Court, effective February 1, 2021, regarding the length of papers.

- vii. Interim Partial or Full Settlement: If all or part of a submitted motion is settled, a letter or stipulation shall be sent to the Court, on notice to all parties, and same shall be uploaded to NYSCEF. Such notice shall set forth: (1) the date that the motion was submitted; (2) what aspects of the motion have been settled; and (3) what issues, if any, remain to be decided. If any motion is resolved, in whole or part, on the record, counsel shall obtain a transcript that can be “so ordered” unless otherwise directed by the Court.
- viii. Withdrawn Motions: If motions are withdrawn, a letter from the movant requesting withdrawal must be sent to chambers by email and uploaded to NYSCEF.
- ix. Summary Judgment: Motions for summary judgment shall be returnable no later than 30 days after the filing of a Note of Issue.
- x. Motions brought pursuant to CPLR 3211, 3212 or 3213 shall not stay discovery unless specifically ordered by the Court.

IV. Communications With Chambers:

- a. All communications with chambers shall be made via email to JudgeKnobelRemote@nycourts.gov. All emails must contain in the subject line: (1) the index number; (2) title of the action; (3) quick reference to subject of the email (e.g. Discovery Issue, Adjournment Request etc.). All parties must be included in the email as a direct recipient. **Do not assume that communications through NYSCEF will be seen by chambers.**
- b. Copies of correspondence between counsel shall not be sent to the Court and will not be read or placed in the Court’s files, except with the limited circumstances provided within these Part Rules and as 22 NYCRR 202.7 directs.
- c. Faxes are not permitted for any purposes.
- d. No out of court settlement will be recognized or accepted unless counsel submits a letter, on notice to the opposing parties submitting the executed settlement agreement/stipulation or certifying that such agreement/stipulation has, in fact, been executed.
- e. The Court will never accept *ex parte* communications on any substantive issue nor will the Judge or any staff member read such communications.
- f. DO NOT EMAIL JUDGE KNOBEL DIRECTLY.

- g. Except as provided herein, telephone calls to chambers are not permitted absent emergency situations requiring immediate attention.
- h. Adjournment requests that are left on Chamber's voicemail shall be disregarded. All requests must be made in accordance with the Part rules stated above.
- i. The Court should not be included on emails or communications between the parties. The only communications sent to Chambers shall be for making requests outlined in the rules of this Part.

V. Miscellaneous Rules:

- a. Attorney of Record: Attorneys who have appeared in the matter are to make all appearances until they are relieved by the Court or until a Consent to Change Attorney has been filed in NYSCEF and with this Part by email.
- b. In the absence of an emergency, no Order to Show Cause will be heard after 2:00pm. Said Orders to Show Cause will be heard at the earliest convenience of this Court.
- c. Paper Submission to NYSCEF: Counsel must seek permission of the Court for the submission of "evidentiary" materials to NYSCEF, unless such materials are exhibits to a formally submitted motion or an approved filing. The abuse of the NYSCEF filing system may be sanctionable by the Court.

ADJOURNMENT REQUEST FORM

Case Name: _____

Index Number: _____ Last Court Appearance: _____

Nature of Action: _____

Number of Prior Adjournments of Current Event: _____

Party Making Current Request: _____ Last Adjournment Request by: _____

Date of Conference/Motion Appearance: _____

Proposed Adjournment Dates (at least 3): _____, _____, _____

Motion, Conference or Other: _____

If Motion, Nature of Relief Sought: _____

Reasons for Adjournment: _____

Discovery Completed (Y/N): _____ Was NOI Filed? _____ Date Filed/NOI Filed: _____

If no consent, what is the reason for the objection: _____

Attorney Requesting Adjournment:

Name: _____ Phone: _____

Email: _____ Attorney for Plaintiff/Defendant (circle)

Adversary's Contact Information:

Name: _____ Phone: _____

Email: _____ Attorney for Plaintiff/Defendant (circle)

Name: _____ Phone: _____

Email: _____ Attorney for Plaintiff/Defendant (circle)

ALL REQUESTS MUST BE RECEIVED BY EMAIL BEFORE 2:45PM ON THE BUSINESS DAY PRIOR TO THE SCHEDULED APPEARANCE DATE.

PRE-MOTION DISCOVERY CONFERENCE REQUEST

Case Name: _____

Index Number: _____ **Last Court Appearance:** _____ **Next Conference** _____

Nature of this Action (i.e. motor vehicle, labor law etc.) _____

Potential Movant/Movant's Counsel:

Name: _____ **Phone:** _____

Email: _____ **Attorney for Plaintiff/Defendant (circle)**

Adversary's Contact Information:

Name: _____ **Phone:** _____

Email: _____ **Attorney for Plaintiff/Defendant (circle)**

Name: _____ **Phone:** _____

Email: _____ **Attorney for Plaintiff/Defendant (circle)**

Outstanding Discovery at Issue:

Good Faith efforts to Resolve Discovery Dispute Prior to Seeking Intervention (attach proof):

Other Discovery Completed (Y/N): _____ **Was NOI Filed?** _____ **Date Filed/NOI Filed:** _____

Reason given, if any, for failure to provide requested discovery:

Signature of Attorney/Party requesting Conference _____

Print Name: _____ **Date:** _____

NO DISCOVERY MOTIONS MAY BE FILED IN THIS PART WITHOUT FIRST SUBMITTING THIS FORM AND
CONFERENCING THE MATTER WITH THE COURT.