

JUSTICE JACK L. LIBERT
PART 23 RULES & PROCEDURES

Justice: Hon. Jack L. Libert
Law Secretary: Maria Boultadakis, Esq.
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I. Part Rules: 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 throughout the course of a matter assigned to this Part. All of the rules applicable to attorneys are equally applicable to *pro se* parties.

II. 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 will be enforced. Deadlines may not be extended without prior approval of the court. Dates stipulated by the parties are subject to change by the court.

III. All Other Conferences

A. Appearance Required: Unless otherwise directed by the court, attorneys shall appear at 9:30 A.M. for all conferences. All attorneys appearing for a conference shall be knowledgeable and familiar with the case.

B. Late Arrival: Attorneys shall immediately contact opposing counsel and the court in the event of a delay in arrival for a scheduled conference.

C. Adjournments: Adjournment requests must be made through chambers prior to the conference date. The court will consider granting such requests upon good cause shown and the consent of all parties. A proposed date certain consented by all parties must be requested at the time the adjournment is sought. If all parties do not consent to the adjournment, application must be made in court on the day of the scheduled conference.

IV. Motions

A. Discovery Motions:

1. Pre-motion Conference: Prior to making or filing any discovery motions, counsel for the moving party **MUST** arrange for a conference call to be held among counsel for all parties and the court to discuss the issues involved and the possible resolution of those issues.
2. Sua Sponte Order: If the matter can be resolved during the conference call, an order consistent with such resolution may be issued on the court's own motion.

B. All Other Motions:

1. Service: Motions are to be served and filed in conformity with CPLR 2214.
2. Appearances: Counsel are **not** required to appear on the return date unless directed by the court or unless there is a contested application for an adjournment.
3. Courtesy Copies: All attorneys shall provide chambers with hard copies of **E-filed** motions, opposition and reply papers by submitting the hard copies to the courtroom clerk.
4. Oral Argument: The court will determine after the return date, whether oral argument is warranted. Upon such determination, attorneys for all parties will be contacted and advised of the date for oral argument
5. Adjournments Adjournment requests must be made through chambers or the courtroom clerk of this part prior to the return date. The court will consider granting such requests upon good cause shown and with consent of all parties. A date certain consented by all parties must be requested at the time the adjournment is sought. If all parties do not consent to the adjournment, application must be made in court on the return date of the motion.
6. Withdrawn Motions: If a motion is withdrawn, the moving party must submit a letter or stipulation to chambers or the courtroom clerk.

C. Motions Decided on the Record:

1. If a motion is resolved, in whole or part on the record, counsel shall obtain such transcript so that same can be "so ordered."
2. Proposed orders submitted for approval must include notice of settlement (on at least

10 days notice) or a signed waiver of settlement with a copy of the proposed order and a self addressed, stamped envelope to Motion Support, Room 186, Nassau County Supreme Court, 100 Supreme Court Drive, Mineola, NY 11501. The proposed order shall be accompanied by a letter setting forth the date the motion was submitted, what aspects of the motion have been settled and what issues remain to be decided.

V. Communication with Chambers

- A. All communications with chambers by letter, must set forth the title of the action, full names of the parties and index number, with copies simultaneously delivered to all counsel.
- B. Copies of correspondence between counsel shall **not** be sent to the court except as 22 NYCRR 202.7 and these Part Rules permit.
- C. The court will not accept *ex parte* communications on any substantive issue.

VI. Trials

- A. Pre-trial Conference: At the first appearance of all cases assigned to this part for trial, a pre-trial conference will be held. The following matters will be addressed:
 - 1. In Limine applications: Any party intending to make a motion *in limine* shall submit a written affirmation setting forth the nature of the application and any supporting statutory or case law. The party shall furnish the court with an original and one (1) copy at the pre-trial conference.
 - 2. Requests to Charge and Verdict Sheets: Each party shall supply two (2) copies of its requests to charge and proposed verdict sheet at the pre-trial conference.
 - 3. Pleadings: The parties shall provide a copy of the marked pleadings at the pre-trial conference.
 - 4. Witnesses: Each party shall furnish a list of proposed witnesses for the court's information at the pre-trial conference.
 - 5. Scheduling: Scheduling problems should be immediately brought to the court's attention.

- B. Exhibits: All trial exhibits, whether or not the parties stipulate to admit them into evidence to the court, shall be pre-marked by the court reporter. As to those exhibits marked for identification only, the court will address their admissibility *in limine* or during the trial. The marked pleadings shall be provided to the courtroom clerk to be marked as a court exhibit.
 - C. Charge Conference: A formal charge conference will be conducted on the record prior to summations. Prior to that time there may be informal conferences.
 - D. Depositions: The court is to receive a copy of any depositions being used at trial prior to commencement of opening statements.
- VII. Disposition of Cases: If a pending action has been settled, then counsel for plaintiff shall notify chambers in writing that the matter has been settled prior to the next conference date.