

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU - PART 29**

COMBINED PART RULES & PROCEDURES

Supreme Court Justice: **HON. NORMAN ST. GEORGE**
Principal Law Clerk: **WILLIAM BODKIN, ESQ.**
Secretary: **MARIANNE ADRIAN and SUZANNE BOYCE**
Part Clerk:

Phone: **(516) 493-3020**
Courtroom: **(516) 493-3024**
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I. ELECTRONIC FILING (NYSCEF) CASES

1. All actions subject to electronic filing are to be filed through the NYSCEF system. All submissions to the Court, including proposed orders, proposed judgments, and letters must be electronically filed. Following the electronic filing, a working copy must be provided to Chambers. This part requires working copies of all electronic submissions. Working copies shall be delivered to Chambers and must include a copy of the NYSCEF confirmation attached to the document. Working copies without the confirmation notice will be rejected.

II. COURT APPEARANCES

1. Calendar Call for all cases will commence at 9:30 a.m. Attorneys (and, when required) Litigants for all matters must be present in the Courtroom at 9:30 a.m. on each and every Court date, unless otherwise directed by the Court (including Preliminary, Compliance and Pre-trial conferences). Late appearances will not be permitted without good cause.

2. Attorneys must sign their cases in with the Courtroom Clerk prior to Calendar Call. Conferences with the Court will be conducted at the Bench during Calendar Call. Attorneys should discuss the respective cases with their adversaries and clients prior to the Court date in an effort to reach an amicable resolution. Attorneys appearing on each Court date must be fully familiar with all of the outstanding issues regarding the case.

3. Final Calendar Call will be at 11:00 a.m. Pursuant to 22 NYCRR § 202.27 (Uniform Rules for the Supreme Court), upon the default of any party in appearing at a scheduled Court Appearance the Court may grant judgment by default against the non-appearing party.

III. ADJOURNMENTS

A. General:

1. No adjournments of Court dates will be accepted or effective without the prior

approval of the Court. Adjournments or modification of a Court date will be granted only in the event of unforeseeable or extraordinary circumstances.

2. A request for an adjournment of a Court date shall be made by an Attorney conference call to Chambers no later than 3:00 p.m. on the business day immediately preceding the scheduled Court date. Requests received after that time will be neither considered nor granted.

3. All Attorneys (and, when appropriate) Litigants must be advised of and consent to proposed adjournment requests and agree upon proposed adjournment dates.

4. Upon approval by the Court of an adjournment request, the requesting Attorney must immediately forward a confirmation letter to the Court (via fax and first class mail), and notify all Attorneys, by phone call and letter (via fax and first class mail), that the Court has adjourned the Court date on consent of all of the parties. Each Attorney is responsible for notifying his/her respective client.

5. Upon denial of an adjournment request by the Court, all Attorneys (and, when required) Litigants must appear in Court on the scheduled Court date.

6. Unless an adjournment request is specifically granted by the Court prior to the Court date, all parties must appear in Court on the scheduled Court date.

7. In addition to the above procedure, adjournment requests based on the unanticipated engagement of Counsel on another hearing or trial must also be accompanied by an Affirmation of Engagement in conformity with 22 NYCRR § 125, specifying the Court the Attorney is engaged in, the name of the Judge, the name of the case, the type of case, whether the engagement is on a Hearing or Trial, and the expected duration of the engagement. The Affirmation must be forwarded to Chambers no later than 3:00 p.m. on the business day immediately preceding the scheduled Court date (via fax and first class mail). Attorneys are directed not to send their clients to Court with an Affirmation of Engagement without previously notifying Chambers of the engagement. Phone call notification to Chambers on the morning of the scheduled Court date is unacceptable.

B. Motions:

1. Applications to adjourn motion dates will follow the same procedure as adjournment requests for Court dates as indicated above.

C. Conferences:

1. Adjournments of Preliminary and Compliance conferences will not be granted absent good cause.

2. Discovery deadlines, Certification deadlines, and Note of Issue deadlines will be strictly enforced. Deadlines will not be extended absent prior approval by the Court.

D. Hearings and Trials:

1. Attorneys must be ready to proceed with scheduled Hearings and Trials. Hearings and Trials will continue day to day until completed. There will be no adjournments of Hearings or Trials without exceptional circumstances. Applications to adjourn Hearings and Trials will follow the same procedure as adjournment requests for Court dates, as indicated above.

2. Upon assignment to this part, counsel shall provide the Court with a copy of all pleadings, bills of particular, and CPLR § 3101(d) notices via electronic mail to the Principal Law Clerk within twenty-four (24) hours. Counsel shall also promptly inform the Court of any motions in limine. Motions in limine will be decided prior to opening statements.

3. Any medical records being offered into evidence longer than 25 pages must be Bates stamped. Counsel must also provide two Bates-stamped copies to the Court, one for the testifying witness and one for the Court.

4. Counsel for all parties shall provide proposed jury charges and verdict sheets prior to the conclusion of plaintiff's case.

IV. MOTIONS

A. Pre-Motion Conferences:

1. Prior to making or filing any motions, including non-emergency Order to Show Cause applications, Counsel for the moving party must arrange for a conference call to be held with his/her adversary and the Court to discuss the issues involved and the possible resolution thereof. Counsel fully familiar with the matter and with authority to bind their client must be available to participate in the conference.

2. If the issue can be resolved during the conference call, an Order consistent with such resolution will be issued. If the issue cannot be resolved during the conference call, the Court will set a motion schedule for the motion.

3. There will be no oral arguments on motions or Order to Show Cause applications unless specifically indicated by the Court.

B. Submission of Motions:

1. Appearances of all Attorneys (and, where directed) Litigants are required on all motion dates, unless otherwise indicated by the Court.

2. Any paper relating to motions required to be submitted shall be brought to the Clerk's office in Room 186 of the Supreme Court building. For electronically filed (NYSCEF) cases attorneys shall provide working copies of all motions, opposition papers and reply papers by submitting a complete copy to Room 186. In the working copies, the various branches of the motion, as delineated in the Notice of Motion or Order to Show Cause, are to be preceded by a

number or letter which corresponds to a number or letter in the supporting affirmations and affidavits containing the numbered paragraphs dealing with the particular relief sought. All exhibits must be clearly tabbed.

3. Counsel for all parties shall provide the Court with a business card attached to their respective papers containing a valid email address so that the Court may email the parties a copy of the order after the motion is decided.

4. No sur-reply affidavit, affirmation, memorandum of law or letter will be accepted or considered by the Court without leave of the Court.

5. Motions not consistent with these rules will be rejected and returned to Counsel.

6. Motions brought pursuant to CPLR § 3211, 3212, or 3213 shall not automatically stay disclosure.

7. Counsel must request a conference with the Court prior to submitting motions to compel discovery, preclusion of evidence at trial, or dismissal of the action based upon failure to comply with discovery demands.

8. Counsel submitting an order to show cause requesting a temporary restraining order must notify the Court to schedule a date and time for submission and oral argument. Notice to the opposing party must be given in writing at least twenty-four (24) hours prior to the scheduled date and time.

9. If all or part of a submitted motion is settled, a written Stipulation signed by all of the Attorneys and parties, together with a proposed Order with Notice of Settlement (on at least ten [10] days notice), or a signed Waiver of Settlement, shall be submitted with a copy to be conformed along with a self-addressed, stamped envelope. In addition, the forgoing 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, if any, remain to be decided. If the motion is resolved, in whole or part, on the record, Counsel shall submit a proposed Order regarding same together with a copy of the minutes of the proceeding. Alternatively, the parties may submit a written Stipulation signed by all of the Attorneys and parties, and same shall be "So Ordered."

10. Any stipulation submitted by the parties to be "So-Ordered" by the Court must contain original signatures for all parties on one document to be considered by the Court. The Court will reject anything requested to be "So Ordered" that is signed in counterparts or that contains a photocopied signature on it. This requirement applies equally to stipulations in NYSCEF cases.

V. COMMUNICATION WITH CHAMBERS

1. In all communications with Chambers by letter, the title of the action, the docket number, the next Court date the matter is on, and full names and addresses of the Attorneys and Litigants shall be set forth, with copies simultaneously delivered to all Counsel.

2. Ex parte communications with Chambers, whether by telephone, fax or otherwise, are improper and will be disregarded. If a party has an issue that requires immediate attention by the Court, that party shall organize a telephone conference with all parties prior to speaking with the Court.

3. Copies of correspondence between Counsel shall not be sent to the Court. Such copies if received by the Court shall be discarded and not placed in the Court's file.

4. The Court will not accept fax communications or submissions without prior permission.

VI. APPLICATIONS FOR SANCTIONS

1. The Court will not consider a "Sanctions Application" unless the moving party first seeks withdrawal or discontinuation of the offending act or action, or demands required or necessary action which is refused. Proof of such request must be made a part of the Sanctions Application.

VII. MISCELLANEOUS

1. Attorneys who have appeared in matters before the Court are required to make all appearances until either the conclusion of the case or they are relieved by the Court. A discharge of an attorney by his/her client will not relieve the attorney from appearing in Court unless the attorney is formally relieved by the Court.

2. If a matter is settled out of Court, a written Stipulation of Settlement and Discontinuance signed by all of the Attorneys and parties, shall be submitted to the Court no later than 3:00 p.m. on the business day immediately preceding the scheduled Court date. Counsel must contact the Court to determine if any appearances will still be required.

VIII. RULES OF COURTROOM CONDUCT

1. Appropriate professional attire is required at all times for Attorneys and Litigants.

2. No conversations, talking communication of any kind, or conferencing of cases is permitted in the Courtroom when the judge is on the bench.

3. No cellular phones are permitted in the Courtroom unless they are off. Cellular phones that ring in the Courtroom will be confiscated.

4. There is to be no gum chewing, food, or drink in the Courtroom.