HON. CATHERINE M. BARTLETT
Supreme Court, Orange County
285 Main Street
Goshen, NY 10924
Courtroom #4
Court of Claims Judge, Acting Supreme Court Judge
Principal Law Clerk: James Alexander Burke, Esq.
Secretary: Donna Dunnigan - Phone: (845) 762-5913
Part Clerk: Allison McKenzie - Phone: (845) 762-5916

RULES OF THE COURT (Effective January 1, 2018)

I. COMMUNICATIONS WITH THE COURT

A. Correspondence. All correspondence to the Court shall be copied to all adversaries and must reflect the Index Number of the matter to which it relates. Correspondence between attorneys and/or pro se litigants shall not be copied to the Court unless there is some specific judicial purpose to be served by transmitting copies to the Court.

B. Telephone Calls. A serious effort should be made to limit telephone calls to the Court staff to situations requiring immediate attention that cannot otherwise be addressed by correspondence.

C. Faxes. **The fax number to be used for all matters is (845) 483-8438.** Neither Chambers nor the clerk will accept faxed copies of papers that must otherwise be filed in original form with the Office of the Clerk (such as objections, petitions, proofs of service, motions, opposition to motions, replies, proposed Orders, and documents to be "So Ordered"). All faxes must be faxed simultaneously to all other parties and the original document must be sent to the Court via regular mail. Counsel are not permitted, without prior approval, to send facsimile transmissions to Chambers that exceed three (3) pages in length.

D. Scheduling. Counsel/parties should address questions about scheduling appearances or adjourning appearances to the Part Clerk, Allison McKenzie, at 845-762-5916.

E. Ex Parte Communications. Ex parte communications are prohibited except where an Order to Show Cause is submitted for signature, or, with the prior consent of all parties during settlement negotiations at the Courthouse.

F. Court Papers. All submissions bearing the caption of the matter must be signed by counsel as required by *Section 130-1.1a* of the Rules of the Chief Administrator. In any instance where a 'service list' is required on a legal document, the service list must set forth not only the name, address and phone number of the submitting party or attorney but must also identify the party or person represented by that attorney and the person or party represented by the other persons named in that service list. All filings initially requiring the payment of a fee are to be made at the

County Clerk. Opposition and reply papers on motions are to be directed to chambers as are any filings which do not require the payment of a fee and made at the Supreme Court Clerk's Civil window.

G. E-Filing Rules and Protocol

All parties should familiarize themselves with the statewide E-Filing Rules (Uniform Rule §§ 202.5-b and 202.5-bb - available at www.nycourts.gov/efile) and the Orange County E-Filing Protocol. General questions about e-filing should be addressed to the E-Filing Resource Center at 646-386-3033 or efile@nycourts.gov.

Specific questions relating to local procedures should be addressed to the Chief Clerk's Office at 845-762-5916.

Electronic Filing

All actions subject to E-Filing requirements in Judge Bartlett's part are to be filed through the New York State Courts E-Filing system (NYSCEF). All submissions to the Court, including proposed orders, proposed judgments, and letters, must be electronically filed.

Working Copies

A court may require the submission of "working copies" of electronically filed documents. See Uniform Rule § 202.5-b(d)(4).

This Part requires working copies for all electronic submissions. Working copies shall be delivered to Chambers.

All working copies submitted to this Part must include a copy of the NYSCEF Confirmation Notice firmly fastened as the front cover page of the submission and comply with other requirements set forth in the Orange County Protocol. Working copies without the Confirmation Notice will not be accepted.

Working copies are to be delivered or mailed directly to Chambers no later than the third business day following electronic filing of the document on the NYSCEF site.

Hard Copy Submissions

The Part will reject any hard copy submissions in e-filed cases unless those submissions bear the Notice of Hard Copy Submission - E-Filed Case required by Uniform Rule §202.5-b(d)(1). The form is available at www.nycourts.gov/efile.

II. COURT CONFERENCES AND CALENDAR CALLS

A. General Rules. Appearances at the calendar call are required by attorneys in all matters. All calendar calls are conducted in court before Judge Bartlett Monday through Friday, promptly at **9:00 a.m.** Detailed settlement discussions in any matter may be conducted in Chambers when permitted by law, appropriate, advisable and permitted by the Court. **Counsel must be fully familiar with the matter(s) on which they appear and must be authorized to enter into both substantive and procedural agreements on behalf of their clients**. Counsel must be on time for all scheduled appearances and must bring sufficient material to allow meaningful discussion of unresolved issues to each Court appearance. Attorneys appearing "of counsel" to an attorney of record, and parties appearing pro se, are held to the same requirements. Pursuant to §130-2.1 of the Rules of the Chief Administrator of the Courts, the Court may impose financial sanctions and award costs and reasonable attorney's fees against any attorney who, without good cause, fails to appear at a time and place scheduled for an appearance in any action or proceeding. Pursuant to §202.27 of the Uniform Civil Rules for the Supreme Court, upon the default of any party in appearing at a scheduled call of a calendar or at any scheduled conference, the Court may grant judgment by default against the non-appearing party.

B. Preliminary Conferences. Appearances at the Preliminary Conference are mandatory. Counsel are expected to have propounded preliminary discovery demands and to have responded to outstanding discovery requests and demands for bills of particulars prior to attending the conference. Parties will be expected to abide by all provisions of the preliminary conference order issued and the failure to do so may result in sanctions against the recalcitrant party. Preliminary Conferences shall be scheduled and then conducted: (1) after a Request For Judicial Intervention ("RJI") is filed with the Office of the Clerk in accordance with *Uniform Rule 202.12(a)*, or, (2) upon a specific directive by the Court. Preliminary Conferences will ordinarily result in a scheduling order which will address all aspects of anticipated pretrial discovery, and which will set forth a date on which a Compliance Conference will later be conducted, or, the dates by which a Note of Issue is to be filed, and or, the date by which an order framing issues is to be filed. Discovery may be expedited in third party actions, joint actions and consolidated actions to avoid undue delay. All counsel and pro se litigants are expected to adhere to the Court's discovery schedule and deadlines, and non-compliance shall be excused only if explained by extenuating circumstances.

C. Compliance Conferences in Civil Matters. The purpose of the Compliance Conference is for counsel and pro se litigants to report to the Court that pre-trial discovery has been completed, to enable the Court to direct a date on which a Note of Issue or order framing issues shall be filed, and to schedule dates for mediation, a pre-trial conference, and trial. Parties are not permitted to file a Note of Issue in any action unless permission to do so is granted by the Court at the Compliance Conference. Motions to strike Notes of Issue are discouraged as matters of outstanding discovery, if any, shall be raised, discussed and resolved at the Compliance Conference. The Court may issue a further discovery schedule at the Compliance Conference if circumstances or the interests of justice require. Any such additional discovery is likely to be

based on an expedited schedule. The Court may, where appropriate, impose appropriate sanctions against any party or counsel responsible for a non-excusable failure to complete pretrial discovery by the date of the Compliance Conference. Counsel must be prepared to discuss meaningful settlement at the compliance/settlement conference. Therefore, any counsel in attendance must have full authority to settle the matter and resolve any discovery disputes at that time, including per diem or covering counsel. Counsel's failure to be present at the time of a conference or to be prepared to resolve any matters raised at said conference may be subject to sanctions by the Court.

D. Pre-trial Conferences. Failure to appear at a Trial Readiness Conference may result in sanctions, including striking the pleadings. A formal motion for relief from the sanctions for such default will be required. A note of issue must be filed within twenty (20) days of the Trial Readiness Conference or at any time which the Court may so direct. Sanctions, including the striking of pleadings, may be imposed for failure to do so. The Court's intent is to promote and encourage well considered settlements, where they are agreeable to and in the best interests of the parties, prior to trial or the seating of a jury panel. In any settlement conference, the actual parties in any litigation, or in actions involving insurance carriers, an authorized claims representative, must be available either in person or by telephone for the purpose of direct contact with the attorneys engaged in settlement discussions. The Court will make itself available to be of assistance to the parties in settling litigated matters prior to trial. In the event a Pre-trial Conference does not result in a settlement of an action or proceeding, the Court will favorably entertain any request by the parties, on consent, for an additional Pre-trial Conference prior to the date of trial, but any such additional conference will not delay the trial schedule. The Court will not permit settlement discussions to delay the proceedings once the jury panel is seated for selection.

E. Adjournments. As a matter of general practice requests for adjournments of conferences, fact findings, hearings and trials are discouraged. Applications for such adjournments must be made in writing actually received by the Court (by letter or facsimile) at least twenty-four (24) hours in advance of the last scheduled conference, and must address: (1) good cause why an adjournment is sought, (2) whether the adverse party (parties) consent or object to the application, and (3) may, at the option of the sender, suggest an approximate time period or an exact date for which the adjournment is sought. All such communications must be copied to all counsel and *pro se* litigants in accordance with Section I above. All requests for adjournments of a trial, fact finding or hearing submitted after the scheduling of the trial, fact finding or hearing or the pre-trial conference, will not be entertained except upon extra-ordinary good cause shown. The Court **will not** adjourn any trial dates once selected by the attorneys and ordered by the Court absent exigent circumstances.

F. Non-Appearance at Scheduled Conferences. The failure of any attorney or pro se litigant to appear for a scheduled conference may be treated as a default and may, when appropriate, result in the dismissal of a Complaint or Petition, the striking of an Answer or objections, or by other appropriate remedy authorized by *Uniform Rule 202.27*.

G. Substitution/withdrawal. (i) In any matter in court all Substitutions of Counsel must be in writing, signed by the client, the incoming and the outgoing attorney, and, filed with the Court and served on all other parties in accordance with the CPLR before the outgoing attorney is relieved and discharged from the matter. (ii) In any matter in court where an attorney wants to be relieved and discharged, or, where a client wants to discharge an attorney, and where there is no incoming attorney, a motion for that relief must be made by Order to Show Cause on notice to the client and all other parties. In such event the moving attorney will remain the attorney of record until the court decides the motion and relieves and discharges the moving attorney.

III. DISCOVERY AND INSPECTION

A. General Rules. 1) Every attorney shall exert a continuing effort to work cooperatively and courteously with all adverse attorneys towards the goal of completing all discovery expeditiously, efficiently and in the spirit of avoiding unnecessary motion practice and court intervention. See uniform Rule 202.7. Counsel are advised that the failure to cooperate in discovery may subject them to sanctions. 2) Once a discovery schedule has been set by the court the dates and deadlines set forth therein shall be adhered to.

B. Prerequisite. Prior to the filing of any discovery-related motion, the potential movant must notify the court in writing (three pages maximum length), with a copy to all parties, setting forth the relief sought and the basis for the requested relief. The Court will then schedule a conference, if deemed necessary, the purpose of which will be to hear and try to resolve the issues to be addressed in the motion without the necessity of a written application. Where this conference does not resolve the dispute the party seeking the relief may proceed with the motion.

IV. MOTIONS AND ORDERS TO SHOW CAUSE

A. General Rules. Strict compliance by counsel with the CPLR will be required as to all motions. Appropriate timeframes for proper notice and reply must be adhered to by all parties or else the non-compliant party's papers will not be considered. All motions and oppositions to motions must be accompanied by a stamped, self-addressed envelope. No courtesy copies of motions are to be submitted (except working copies of electronically filed documents). All motions must reflect the name of the Court to which the motion is addressed and the index, file or docket number. **Additionally, all motions must contain exhibit tabs. Motions without exhibit tabs will not be read or considered**. The Court will entertain motions brought by Notice of Motion on a submission basis, at **9:00 a.m.** on any day the Court is in session, and appearances are not required except where notified by the Court. Oral argument may be requested by noting "Oral Argument Requested" immediately over the index number on the Notice of motion. There shall be no oral argument heard on any noticed motion unless otherwise directed by the Court. All counsel and pro se litigants will be given reasonable notice of the date for such oral argument. The failure of a party to appear for oral argument when directed to will result in the waiver of that party's opportunity to offer oral argument in connection with the motion.

B. All Orders to Show Cause, REQUIRE A PERSONAL APPEARANCE BY THE PARTIES on the return date except when noted by the Court. All Orders to Show Cause shall be submitted with original signatures affixed to the supporting affidavits and affirmations, shall include one proposed Order affixed to the supporting papers, and shall include a separate duplicate proposed Order. The return date for an Order to Show Cause will be determined by the Court when the papers are submitted for consideration. All Orders to Show Cause shall include a provision that the method of service selected by the Court will be sufficient only if proof of such service is filed with the Court prior to the return date of the Order to Show Cause.

C. Filing of Papers Applicable To All Motions. Except with the express permission of the Court, all motion papers and Orders to Show Cause, including Notices of Motion, proposed Orders, affidavits or affirmations in support, affidavits or affirmations of good faith and memoranda of law, must contain both the telephone and facsimile numbers of counsel and be typewritten, doubled-spaced, securely bound, entirely legible, and all exhibits labeled with exhibit tabs. Affirmations/Memoranda of Law shall not exceed 25 pages in 12 point type. Reply affirmations shall not exceed 10 pages in 12 point type. Absent prior approval of the Court, papers exceeding these page limits will not be read or considered at all by the Court. The service list on all motions must also include the identity of the party represented by each attorney identified in that service list. The Court may refuse to accept any such paper that does not conform to the foregoing. Motion papers and all related correspondence must reflect the Index Number assigned to the matter. The filing of a motion does not relieve any party from attending any previously scheduled conference or court appearance, regardless of the nature of the relief sought in the motion. All initial motion filings and cross-motions are to be made at the County Clerk as prescribed by the CPLR with the appropriate motion fee. Opposition and reply papers on motions are to be directed to Chambers and filed at the Supreme Court Civil window and **not** filed with the County Clerk. The filing of any opposition or reply papers with the County Clerk **will not** be considered or read. Additionally, all papers filed on a motion **must be received by chambers NO LATER than 5:00 p.m. on the return date.** Papers received thereafter will not be read or considered.

D. Supporting Documents. All documents required to decide the application must be included in the moving papers. It is not sufficient that those documents are on file with the Court Clerk. All motions to renew or reargue must contain as exhibits a complete copy of all papers filed on the motion sought to be reargued as well as a complete copy of any decision and order of the Court pertaining to same. Failure to do so will result in a denial of the application.

E. Adjournments. Upon consent of all counsel and pro se litigants, the Court will ordinarily grant no more than two (2) adjournments of a motion or Order to Show Cause. The party seeking the adjournment must obtain the consent of adversary parties and notify the appropriate Clerk of the requested adjournment date at least twenty-four (24) hours before the return date. The Court will then assign a new date for the motion or Order to Show Cause. In assigning an adjourned date, the Court will give due consideration to any specific date agreed upon by all

parties. **The Court will not contact the parties to acknowledge the new adjourned date. Absent communication from the Court to the contrary, the parties are to assume that the date mutually agreed to between them will be the new adjourned return date.** Motion adjournments should be confirmed to the Court and all adversary parties in writing, in accordance with Section I of these Individual Rules. All non-consented requests for adjournments require Court approval, obtained at least twenty-four (24) hours before the return date. No adjournment request will be entertained by the Court unless the party seeking the adjournment has first attempted to obtain consent from all other parties in the action. Parties seeking a non-consented to adjournment must provide good cause as to why the adjournment should be granted, in accordance with the communication requirements set forth in Section I of these Individual Rules. The application for a non-consented adjournment must be made in person on the return date of the motion. The requesting party must advise all other parties that the application will be made and must do so in writing with a copy of said letter to be provided to the Court on the return date. Any party wishing to be heard in opposition to the adjournment must appear at that time.

F. Reply Papers. Reply papers shall not set forth new factual claims, legal arguments or requests for relief that were not within the scope of the papers that initiated the motion.

G. Sur-Reply Papers. The *CPLR* does not recognize the existence of Sur-Reply papers, however denominated, and accordingly, the Court will not consider any post-Reply papers or materials absent a party receiving express permission from the Court in advance. Post-Reply materials received in violation of this rule will be returned, unread, to the Office of the County Clerk for filing. Opposing counsel who receives a copy of post-Reply materials submitted in violation of this rule should not respond in kind. If new issues are raised in the reply, or if there has been a change in the law while the motion is pending, counsel are to notify chambers, in writing, of the request to submit additional affidavits or memoranda. Other papers including letters which are sent after the submission of the motion (other than as previously indicated), will not be considered.

H. Summary Judgment. Summary Judgment motions must be made no later than sixty (60) days from the date of the filing of the Note of Issue or the motion will not be entertained.

I. Motions for temporary injunctive relief, including stays and temporary restraining orders: If a party's motion papers establish, *prima facie,* that "...immediate and irreparable injury, loss or damage will result" unless the other party is restrained before the hearing and determination of a motion for a preliminary junction, the matter will then be scheduled in accordance with 22 NYCRR 202.7(f) unless the moving party demonstrates there will be significant prejudice by the giving of notice.

COUNSEL SHALL IMMEDIATELY NOTIFY THE COURT WHEN IT BECOMES UNNECESSARY TO DECIDE A MOTION. FAILURE TO DO SO MAY RESULT IN SANCTIONS.

V. DECISIONS AND ORDERS

In certain instances, the Court may render a Decision and issue an Order orally from the Bench. In such instances a transcript of the Decision and Order, the cost of which shall be born equally by the parties, shall be purchased by the plaintiff or petitioner and then served on all other parties and submitted to the court so the same can be executed by the Court and filed with the Office of the Orange County Clerk. Indigent parties may be excused from having to pay their share for the cost of the transcripts of such decisions and orders whereupon the other parties will pay their proportionate share of the total cost of the transcript.

VI. TRIALS AND HEARINGS

A. Trial Dates. Scheduled trial and hearing dates **will not** be adjourned except for the most extraordinary good cause shown and accordingly it is expected that clients, fact witnesses, physicians, experts and others will be timely advised of scheduled dates to avoid last minute unavailability. The parties and their attorneys are encouraged to videotape the trial testimony of witnesses who are likely to be unavailable at trial in accordance with the applicable statutes and uniform rules, at the producing party's expense. All such videotaping should be conducted between the date of the Pre-trial Conference and the date of the trial. In scheduling and conducting trials, the Court shall endeavor to accommodate bona fide special preferences to the extent recognized by *CPLR Rule 3403* and *Uniform Rules 202.24* and *202.25*.

B. Subpoenas. When subpoenas are directed to documents of libraries, hospitals, and municipal corporations and their departments and bureaus, the subpoena must be "So Ordered" by the Court pursuant to *CPLR Section 2307*, and, the subpoena duces tecum must be served on the intended recipient at least three days before the time fixed for the production of the documents, unless such notice is waived by the Court due to emergency circumstances as permitted by *CPLR Section 2307*. Motions for "So Ordered" subpoenas should be filed with the County Clerk. No "So Ordered" subpoena seeking documents from municipalities shall be issued without the party's compliance with the CPLR's motion practice requirements. The Court's issuance of a "So Ordered" subpoena does not constitute a ruling as to the admissibility of the subpoenaed materials. All subpoenas for materials protected by HIPPA shall refer to and annex a duly executed HIPPA compliant authorization prior to presenting the subpoena to the Court for "so ordering" purposes.

C. Interpreters. In the event that any party requires the services of a translator for foreign languages or services for the hearing impaired during a trial or hearing, the party shall notify the Court, and the Clerk of the Court in which the matter is pending, of the need for same no later than 30 days prior to the scheduled trial or hearing so that timely and appropriate arrangements can be made.

D. Trial Notebook

No later than five (5) business days prior to the scheduled trial date, counsel shall each provide to the other (one copy) and submit to the Court (two copies) a trial notebook which shall consist of:

(1) Marked pleadings in accordance with CPLR 4012;

(2) Statement of relevant facts stating separately those that are not in dispute and those that are;

(3) Pre-trial memorandum addressing any known or anticipated disputed legal issues that must be determined by the court;

(4) A list of all potential witnesses for each party;

(5) A list of all exhibits to be offered into evidence at trial by each party with a brief description of each exhibit (**There is no need to annex copies of medical records to the trial notebook**);

(6) Preliminary requests to charge. The charges will be drawn from the Pattern Jury Instructions (PJI). A complete list of requested charges is to be submitted simultaneously with service on all adversaries. Unless counsel seek a deviation from the pattern charge, or additions to the pattern charge, only the PJI numbers need be submitted. Where deviations or additions are requested, the full text of such requests must be submitted in writing together with any supporting authority. **An electronic version of PJI variations must be submitted either on CD-ROM or via e-mail in either Microsoft Word or Wordperfect format. E-mails are to be directed to jaburke@nycourts.gov.** A charge conference will be held between the Court and the parties in order to finalize any of the proposed jury charges. Said conference will be held at an appropriate time during the course of the trial.

(7) In jury trials a proposed joint verdict sheet is to be typed in final form for presentation to the jury. **An electronic version of the verdict sheet(s) must be submitted either on CD-ROM or via e-mail in either Microsoft Word or Wordperfect format. E-mails are to be directed to jaburke@nycourts.gov.** If agreement cannot be reached on a joint submission, then each side shall present a proposed verdict sheet, along with a written explanation as to why agreement on the verdict sheet was not reached.

The court may, in its discretion and for good cause shown, relieve counsel from all or part of the trial notebook requirements upon a showing that the issues to be tried are sufficiently narrow that the trial notebook is not necessary or that the interest of justice otherwise justifies such relief. Such a request will be entertained only at the pre-trial conference. **The failure to submit a trial notebook within the time deadlines previously noted may result in the Court's disregard of the non-compliant party's requests to charge and verdict sheet, monetary sanctions or dismissal/default judgment.**

E. Evidentiary Objections. Not later than three (3) business days prior to the scheduled trial date each counsel shall provide to the other and submit to the court a statement setting forth the factual basis and authority for any objection to the introduction into evidence of the exhibits identified in the list provided by opposing counsel. The failure to submit such a statement of objections on a timely basis may be deemed to be consent to the admission of all or one of the exhibits included in the trial notebook submitted by the opposing party.

F. Witnesses. A witness not identified in the witness list provided to opposing counsel either in discovery or in the trial notebook, other than an impeachment or rebuttal witness, may not be permitted to testify unless an adequate explanation is provided for the failure to identify such witness prior to trial. Parties, fact witnesses and expert witnesses should be advised of the scheduled dates at the time the dates are set. Absent unanticipated, exigent circumstances, last minute claims of unavailability will not be accommodated where the trial dates have been previously set. All witnesses should be on one-hour phone call notice so that their waiting time in court is minimized. Professional witnesses, such as doctors, nurses and social workers, and witnesses who are public employees, such as teachers, counselors and police officers, will be permitted to testify out of order to accommodate their employment schedules. School teachers should be scheduled after 3:00 p.m. so that it is not necessary for their employers to provide substitutes.

G. Exhibits. Any exhibit not identified in the exhibit list provided to opposing counsel, other than an exhibit offered for the purpose of impeachment or rebuttal, may not be admitted into evidence unless an adequate explanation is provided for the failure to identify such exhibit prior to trial. Exhibits marked into evidence at trial will not be returned until the final conclusion of the matter. Exhibits marked for identification will be retained by the offering attorney during trial, unless taken into evidence.

H. Settlement. The court is available for a settlement conference at any time prior to the scheduled trial date. If the matter is not settled prior to the scheduled trial date, the trial will commence as scheduled. Settlement negotiations may not be entertained by the court on the scheduled trial date prior to commencement of the trial. If the matter is settled outside the presence of the court, counsel shall advise the part clerk immediately. Proceedings requiring the presence of the jury will not be delayed by settlement discussions once the jury panel has been drawn by the jury commissioner.

I. Motions *in limine*. **All motions *in limine* must be delivered to the Part Clerk or the Supreme Court Clerk Civil Window and served upon adversary counsel(s) not later than ten (10) business days prior to the scheduled date of the trial or hearing**, except as to issues that cannot be reasonably anticipated prior to trial. Unless otherwise directed by the Court, motions *in limine* and opposition papers to such motions shall not exceed ten (10) pages in length. Failure to submit the motions *in limine* within the requisite time frame will result in the motion not being considered.

J. Identification of Trial Counsel. Whenever a matter is to be tried by an attorney other than the attorney of record, trial counsel shall be identified in a writing, filed with the Court on notice to all parties, no later than fifteen (15) days from the date of the Pre-trial Conference. See *Uniform Rule 202.31.* The court may waive this rule only in instances where the attorney of record is unexpectedly engaged in an unrelated trial and the late retention of trial counsel permits the trial before the Court to proceed without adjournment.

K. Pre-Voir Dire Conference. Immediately prior to jury selection the Court may conduct a conference [See *Uniform Rule 202.33(b)*] in order to set time limits on jury selection, to hear and determine arguments concerning the number of peremptory challenges, to discuss trial stipulations, to hear and determine last minute arguments on motions *in limine*, to discuss scheduling and to address any other appropriate trial-related issue. Unless notified by the Court, the parties should proceed immediately to Central Jury by 9:00 a.m. to secure a room for jury selection and begin picking once a panel is provided. **DO NOT** come to the courtroom first unless the Court directs otherwise.

L. Jury Selection. Juries shall be selected by the parties outside the presence of the Court in accordance with "Whites Rules" found in *Appendix "E"* of the *Uniform Rules for the New York Trial Courts*. The Court will impose time limits for jury selection as authorized by *Uniform Rule 202.33(d)*. Such time limits will vary based upon the nature and complexity of the particular matter. The Court will be available to resolve disputes that arise during jury selection, including but not limited to disputes involving challenges for cause as contemplated by *CPLR Section 4108*. Peremptory challenges will ordinarily be pooled between multiple plaintiffs on the one hand and between multiple defendants on the other, and generally, each side shall be entitled to three (3) peremptory challenges for regular jurors per panel and one (1) peremptory challenge for each alternate juror per panel. However, pursuant to *CPLR Section 4109*, the number of peremptory challenges may be adjusted by the court in certain matters in the discretion of the court and in the interests of justice. The jury selection process will not be delayed by settlement negotiations once the jury panel is seated.

M. Bifurcation. Trials of personal injury actions involving issues of both liability and damages shall be bifurcated in accordance with *Uniform Rule 202.42* and all subdivisions thereof. Trials on damages will be scheduled upon completion of the trials on liability.

N. Non-jury Trials. Unless the Court directs otherwise, the parties may obtain and provide to the Court, at the party's expense, on or before the date set by the Court at the conclusion of the trial, a copy of the trial transcript and each party may submit a post-trial brief with respect to the issues raised at the trial, setting forth specific references to the relevant portions of the transcript and the documents in evidence and citing the applicable law. Along with the submission of the post-trial briefs, counsel may also present the Court with proposed findings of fact and a proposed disposition.

VII. SETTLED AND DISCONTINUED CASES:

Counsel shall immediately notify the Court of a settled or discontinued matter. Following the initial notification counsel shall file a fully executed duplicate original stipulation of discontinuance with the County Clerk and the Part Clerk.

So Ordered: /s/ Hon. Catherine M. Bartlett, A.J.S.C. January 1, 2018