

**Hon. James Hudson**  
**Acting Justice of the Supreme Court**  
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## **COMMERCIAL PART XLVI RULES AND PROCEDURES**

Counsel Please Note: All court appearances with the exception of evidentiary hearings, settlement conferences, and trials will be held virtually via Microsoft Teams unless arrangements for an in-person appearance are made. Please make all requests for appearances and conferences by email to [sufhudson@nycourts.gov](mailto:sufhudson@nycourts.gov)

Unless otherwise directed by the Court, the following rules shall govern practice in Part XLVI:

### **CORRESPONDENCE**

#### **E-FILE CASES:**

**All** correspondence to the Court shall be e-filed and the Court shall be notified of same via e-mail to [sufhudson@nycourts.gov](mailto:sufhudson@nycourts.gov)

### **MOTION PRACTICE**

In addition to Rules 16 through 24 of the Commercial Division (**22 NYCRR 202.70**), the following rules shall apply to motion practice:

#### **CALENDAR CALL:**

Status and Compliance Conference calendars are scheduled at **9:45 a.m.** unless otherwise indicated by the Court. In the event of a scheduling conflict, please call and notify both the Court and adversary.

### **PRE-MOTION CONFERENCE:**

Prior to submitting a motion on actions assigned to this Court, movant shall arrange and schedule a conference with the Court, notify all parties to the action in advance, and prepare to articulate the issues and efforts toward resolution. No motion may be submitted in the absence of the pre-motion conference, which may be via **conference call** or by **Microsoft Teams**.

### **RETURN DATES/ SUBMISSIONS:**

All motions made in cases assigned to Judge Hudson must be calendared for **Wednesdays** unless otherwise directed. All motions appearing on the Court's Wednesday motion calendar shall be ready for oral argument, if the Court directs the appearance of Counsel.

### **PAPERS:**

Timely filing of all papers in accordance with the **CPLR** is required. In e-filed cases, the Court does not require "**working copies**" of papers. Upon submission of e-filed documents, however, the Court would be obliged if Counsel notifies Chambers of same via an e-mail to [sufhudson@nycourts.gov](mailto:sufhudson@nycourts.gov)

All non e-filed motion papers must be submitted through Special Term. Non e-filed motion paper exhibits shall be tabbed. The tabs shall be affixed to the lower portion of the exhibit, not on the side.

### **ADJOURNMENTS:**

Adjournments of motions will be governed by 22 NYCRR 202.8 (e). All proposed adjournment dates of motions must fall on a **Wednesday**. All adjournments on consent shall be in writing. E-mail is preferred [sufhudson@nycourts.gov](mailto:sufhudson@nycourts.gov) or facsimile (631) 852-3291. Adjournments must be received by chambers **no later than 3:00 pm on the day prior to the return date**.

If the consent of all appearing Parties is not obtainable, an oral application for an adjournment on or before the date the motion is returnable must be made by the party seeking the adjournment, upon due notice to all Parties, (both telephone conference or Microsoft Teams are available).

### **SETTLED OR WITHDRAWN MOTIONS:**

The Court is to be advised **immediately** of settlement or withdrawal of any motion or any portion of any motion sub judice, and/or settlement of any underlying case with motions sub judice.

### **POST NOTE MOTIONS:**

Neither an appearance nor a pre-motion conference is required for post-note of issue motions, unless requested by all Parties.

## CONFERENCES

### SCHEDULING:

Status and Compliance conferences shall be **calendared Monday through Friday** with prior permission of the Court. The Parties, on consent, may schedule a Settlement Conference with the Court.

### APPEARANCES:

Appearances by persons with knowledge of the facts and vested with authority to make binding dispositions are required. Non-appearances will not be countenanced by the Court and may subject the non-appearing Party to one or more of the sanctions attendant with defaults (see **22 NYCRR 202.27; 22 NYCRR Part 130-2**). Attorneys are encouraged to schedule conferences via Microsoft Teams via (e-mail [sufHUDSON@nycourts.gov](mailto:sufHUDSON@nycourts.gov)).

Please e-mail [sufHUDSON@nycourts.gov](mailto:sufHUDSON@nycourts.gov), on notice to all counsel, a list of preferred dates and times that Counsel have agreed upon. You will receive a reply e-mail confirmation of your Microsoft Teams conference date. A Microsoft Teams invitation will be sent on, or the day before the date calendared.

### ADJOURNMENTS (NON-MOTIONS):

Any application to the Court seeking an adjournment must be done on prior notice to all Parties. All applications whether on consent or over objection must be **communicated to the Court no later than 4:30 pm on the day prior** to the scheduled conference. The adjournment will not be considered effective until counsel has been notified by the courtroom clerk of the Judge's granting the request.

### PRELIMINARY CONFERENCES:

In order to save counsel and clients the inconvenience of travel, preliminary conferences will be conducted via Microsoft TEAMS on dates and times arranged with the Court. Please email requests to [SufHUDSON@nycourts.gov](mailto:SufHUDSON@nycourts.gov). All matters, including those raised by pending motions and those contemplated by **22 NYCRR 202.19** shall be considered at the preliminary conference.

### COMPLIANCE CONFERENCES:

These conferences will be scheduled and conducted in accordance with the provisions of **22 NYCRR 202.19**. Counsel are expected to have authority to dispose the matter.

### ELECTRONIC FILING:

**The Court no longer requires working copies for electronic submissions.** Upon e-filing any document, the Court is to be notified by e-mail to [sufHUDSON@nycourts.gov](mailto:sufHUDSON@nycourts.gov)

## **TRIALS**

All trials shall be conducted in accordance with Rules 25 through 33 of the Commercial Division (**22 NYCRR 202.70**)

### **HEARINGS/ INQUESTS:**

All hearing and or inquests from cases in the inventory of IAS Part XLVI shall be scheduled by the Court. The filing of a Note of Issue is a condition precedent to the commencement of any hearing or inquest.

### **EX PARTE COMMUNICATIONS WITH CHAMBERS:**

Except to the limited extent permitted by these rules and by the rules set forth at **22 NYCRR 100.3**, *ex parte* communications with the Court or any member of its staff, by telephone or otherwise, is strictly prohibited.

### **SPECIAL RULE PERTAINING TO ELECTRONIC FILING:**

On June 9th, 2020, the Chief Administrative Judge issued Administrative Order AO/121/20 which reads in relevant part “In courts and case types approved for electronic filing through the New York State Courts Electronic Filing System (NYSCEF), represented Parties must commence new matters **or proceed in pending matters exclusively by electronic filing...**” (emphasis ours). Pursuant to the aforementioned order, all represented Parties are directed to convert their non-e file cases to e-filing at the earliest opportunity. As of July 24th, 2020, no motion, petition or other application to the Court by Counsel will be accepted unless the matter has been converted to e-filing as provided by **22 NYCRR 202.5-b (b) (2) (iv)**. This rule is mandatory so long as AO/121/20 remains in force and effect. Thank you.

*Updated: March 21, 2023*