



Honorable Linda Kevins
Justice of the Supreme Court – Suffolk County
Supreme Court of the State of New York
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Riverhead, New York 11901
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RULES AND PROCEDURES IAS/TRIAL PART 29

http://www.nycourts.gov/COURTS/10jd/suffolk/SC_Rules.shtml

The Court encourages all cases to be e-filed and parties shall comply with the Suffolk County Supreme Court Procedure for Conversion to Electronic Filing

ADJOURNMENTS

All requests for adjournments may be disregarded if not received **in writing** at least **two business days PRIOR to the scheduled Court date**. All requests for adjournments must include (1) the title of the action and index number (2) the date of the scheduled appearance (3) the reason for the adjournment (4) a proposed adjournment date (5) the number of adjournments previously granted, if any and (6) whether the adjournment is on consent. **To determine if an adjournment was granted, please log onto:**

www.nycourts.gov/ecourts

Adjournment requests of motions must include the sequence number and the nature of the motion, and whether the adjournment is on consent. A proposed adjournment date **MUST** also be included in this request.

Adjournments requested on the ground of engagement of counsel must comply with Part 125 of the Rules of Chief Admin of Cts (22 NYCRR) §125.1.

Upon the granting of an adjournment request, all motions pending and proceedings scheduled before the Court may be adjourned at the Court's discretion.

ON CONSENT: All requests for adjournments on consent must be made by written stipulation attached in an e-mail to sufkevins@nycourts.gov copying all parties. If the Court grants the adjournment, but is not available on the proposed date, the Court may adjourn the matter to another date that is acceptable to the Court.

NO CONSENT: All requests for adjournments that are not on consent must be e-mailed to sufkevins@nycourts.gov copying all parties. The party who requests the adjournment shall notify all parties of the results of the request.

APPEARANCES

CALENDAR CALL: Court appearances will be held in person or remotely by TEAMS video, or telephone, at the direction of and scheduling by the Court. Appearances by persons with knowledge of the facts and vested with authority to make binding dispositions are required on all Court dates unless excused by the Court. **All relevant documents, including “so-ordered” stipulations and copies of any pending motions shall be brought to all Court appearances**, except that if the conference is being held via TEAMS video and if the documents are e-filed, the e-filed document number of the relevant documents must be provided. Nonappearances will not be countenanced by the Court and may be regarded as a default as provided in Uniform Rules for Trial Courts (22 NYCRR) §202.27 and may subject the non-appearing party to sanctions (Rules of Chief Admin of Cts [22 NYCRR] §130-2.1).

CORRESPONDENCE WITH THE COURT

ABSENT EXTRAORDINARY CIRCUMSTANCES, TELEPHONE CALLS TO CHAMBERS ARE STRONGLY DISCOURAGED.

E-MAIL: Communication with the Court shall be by e-mail to sufkevins@nycourts.gov copying all parties on such e-mail.

Additionally, please take notice that **any request for relief shall only be made in a manner authorized by law**, such as by **notice of motion or order to show cause** in compliance with the requirements of the CPLR. Any extraneous information sent to the court by e-mail or otherwise will not be considered. Such communication also may be considered unethical.

The Court's e-mail is NOT to be used as a forum to argue the merits of your case or your positions. Also, it is not to be used for communication between parties (i.e., choosing dates for conferences). Time spent by staff on deciphering extraneous, inappropriate and unnecessary communications prohibits chambers from functioning in an effective and efficient manner.

EX PARTE: Neither counsel nor the parties shall initiate *ex parte* communications with the Court concerning substantive matters. Letters, or e-mails sent to the Court will not be considered unless in accordance with Part 29 Rules.

ELECTRONIC FILING: All documents, in e-filed actions, must be submitted to the Court in accordance with the New York State Courts Electronic Filing System (NYSCEF), 22 NYCRR §202.5-b and §202.5-bb and any application must include an affidavit of service demonstrating all parties have been properly served.

MOTION PRACTICE /DISCLOSURE

Unless the Court has scheduled oral argument, no appearance is required on the return date for motions or orders to show cause, and they must be returnable on Tuesdays. In all actions, all papers including the notice of motion or order to show cause, supporting papers, any opposition, cross motion, reply, affidavits of service, and proposed orders must comply with all relevant laws and rules, including Article 21 of the Civil Practice Law and Rules (CPLR) and 22 NYCRR §§202.5, 202.5-a, 202.5-b, 202.5-bb, 202.7, 202.8, and Part 29 Rules. Additionally, all motions, must include an affidavit of service demonstrating all parties have been properly served and a proposed Order.

PREMOTION CONFERENCES: All pre-note motions to dismiss and pre-note motions for Summary Judgment **require** a pre-motion conference. Email chambers at sufkevins@nycourts.gov and to Charles Givens at cgivens@nycourts.gov to obtain a date for the pre-motion conference. A pre-motion conference is not necessary for motions filed after the case is assigned a calendar number and the Note of Issue has been filed unless it is a cross-motion to a pre-note motion.

DISCOVERY MOTIONS: Motions relating to disclosure or to a bill of particulars must be accompanied by a separate affirmation of good faith in accordance with 22 NYCRR §202.7.

INTERROGATORIES: Shall be limited to 25 in number unless another limit is specified in the preliminary conference order.

EX PARTE APPLICATIONS: Must be clearly marked as *ex parte* on the first page of any application and must set forth the basis and authority for the application to be heard *ex parte*. Any supporting documents shall be submitted with the application. Additionally, when appropriate *ex parte* relief is sought, chambers must be apprised by email at sufkevins@nycourts.gov.

SUBPOENAS: All subpoenas submitted to the Court for signature must conform with Article 23 of the CPLR (i.e., notice of motion or order to show cause).

SUMMARY JUDGMENT MOTIONS: All summary judgment motions must include a Statement of Material Facts in accordance with NYCRR 22 §202.8-g and opposition to such motion must also comply with NYCRR 22 §202.8-g.

Pursuant to CPLR Rule 3212, Summary Judgment motions shall be made no later than one hundred twenty days after the filing of the Note of Issue except with leave of Court on good cause shown.

ALL MOTIONS AND ORDERS TO SHOW CAUSE MUST COMPLY WITH THE FOLLOWING:

E-FILED CASES:

- All motions and papers must be timely e-filed. *No working copies are required except as provided herein (i.e., for conference, hearing, or oral argument).*
- SEQUENCE NUMBERS must be clearly marked on the first page of all applications submitted to the Court.
- Include only one document per exhibit, upload each separately, and properly label the document.
- When referring to a document, cite the exhibit, subsection, page, paragraph, and line.
- Separately upload proposed orders and/or judgments with the accompanied proper application (i.e., notice of motion or order to show cause).
- Relevant documents previously e-filed, and those submitted as exhibits to the instant application must be referred to by using the title and date of the document as well as its e-filed document number.

APPLICATIONS THAT ARE NOT SUBMITTED TO THE COURT IN COMPLIANCE WITH PART 29 RULES OR OTHER APPLICABLE PROVISIONS OF LAW ARE SUBJECT TO DENIAL

SETTLEMENTS/WITHDRAWAL OF MOTIONS: The Court is to be advised **immediately** of the settlement or discontinuance of any action and/or withdrawal of any pending motions or portion of any motion (22 NYCRR §202.28) by e-mailing sufkevins@nycourts.gov copying all parties.

COURT CONFERENCES

SCHEDULING: Conferences will be conducted in person and scheduled by the Court by Order, Court Notice or through sufkevins@nycourts.gov e-mail. Stipulation forms and Certification forms are provided in the courtroom and may be requested by email to sufkevins@nycourts.gov. They may be utilized by counsel or, if no counsel, the parties, to narrow the issues in the action, with or without the assistance of the Court. Upon request at a scheduled conference, or upon the Court's consideration, the Court may "so order" these forms. The parties, on consent, may request a settlement conference with the Court. As always, the Court remains available to conduct conferences on any matter upon reasonable request by any party.

If you receive an e-mail from the Court scheduling a Court conference and all parties have not been copied, you are directed to forward the e-mail to all parties.

Counsel for the parties are directed to confirm that all parties have complied with the Uniform Rules for Trial Courts (22 NYCRR) § 202.11, "Consultation prior to Preliminary and Compliance Conferences" At least 2 days prior to your Court conference, please advise the Court of the date of the consultation and what issues were resolved and what is left to be resolved after such consultation, by uploading such information to the e-filing system with notice to all parties and copying the Court by e-mail to sufkevins@nycourts.gov.

TRIALS

NOTE OF ISSUE: A Note of Issue with a certificate of readiness **MUST** be filed prior to a request for a trial date, or for an inquest date or for an order of reference.

EXPERT WITNESS REPORTS: Compliance with CPLR § 3101(d)(1)(i) is required. All expert witness reports are to be exchanged and filed with the Court no later than 60 days before the date set for trial, and reply reports, if any, shall be exchanged and filed with the Court no later than 30 days thereafter. Counsel shall ensure that expert witnesses are available to testify on the scheduled trial date. Failure to provide expert reports, timely, and/or the testifying expert on the scheduled trial date may result in preclusion of the expert's testimony and report.

TRIAL EXHIBITS: To the extent possible, all trial exhibits, whether stipulated to or contested, shall be pre-marked prior to the commencement of trial. The pre-marked exhibits shall also be provided to the Court and to the Court stenographer. All hospital records and other items in evidence over five (5) pages must be paginated before use at trial.

MARKED PLEADINGS: In accordance with CPLR 4012, counsel shall supply the Court with marked pleadings, amendments thereto, and all bills of particulars served.

WITNESS LISTS: Counsel shall advise the Court of the number of witnesses to be called, including expert witnesses, and counsel shall provide the information required by CPLR § 3101 (d)(1)(i).

TRIAL MEMORANDUMS: Counsel may submit trial memorandums.

ALL TRIALS: Once the trial is scheduled to be heard before Justice Kevins, the following documents shall be promptly e-mailed to chambers at sufkevins@nycourts.gov copying all parties: A brief summary of the underlying action; any demands and offers made; any applicable policy limits and liens; trial counsel's cell number for prompt contact; decisions on any motions; marked pleadings; number and names of witnesses to be called by each party; all stipulations; motions in limine with supporting memoranda of law; memoranda of law regarding any unusual legal issues, including issues with proposed exhibits and evidence.

JURY TRIALS: A trial conference with the Court shall be held immediately prior to the commencement of all jury trials. Once the trial is scheduled before Justice Kevins, counsel must immediately provide the Court with a list of the above enumerated documents as well as proposed jury charges and verdict sheets.

JURY CHARGES: Proposed jury charges shall be e-mailed to chambers at sufkevins@nycourts.gov. The proposed jury charges shall be tailored to the particular action. Proposed requests to charge shall specify those to which the parties consent and those to which any party objects. Counsel need not provide PJI charges 1:1 through 1:14, 1:20 through 1:32, as these are regularly charged by the Court. Proposed jury charges that need to be tailored to the particular action must include the PJI section number, title, and text of the charge. If there is no Pattern Jury Instruction available, or if counsel requests a deviation from the patterned instruction, counsel must provide the text of the proposed charge with citations to relevant legal authority and provide a highlighted copy of all referenced authority to each party.

VERDICT SHEETS: Counsel must also provide the Court with proposed verdict sheets by e-mailing them to Chambers in **WORD FORMAT** to Justice Kevins at sufkevins@nycourts.gov copying Justice Kevins' Secretary, Kristine Hanophy, at khanophy@nycourts.gov.

NON-JURY TRIALS: Non-jury trials shall be governed by the same rules and procedures set forth above for Jury Trials. Additionally, counsel shall submit a proposed order framing the issues to be tried and provide a transcript of the trial.

POST-TRIAL and POST-HEARING SUBMISSIONS: Counsel for each party shall prepare and submit a post-trial or post-hearing memorandum of proposed findings of fact and conclusions of law for all bench trials and hearings within 20 days of the conclusion of same. All legal arguments must be supported by relevant statutes, rules, and case precedent with proper citations. The proposed findings of fact shall include reference to the exhibit page and/or paragraph of the transcript supporting same.

INFANT COMPROMISE APPLICATIONS

An application for an order of settlement of an infant's claim, or other persons designated in CPLR §1207 (Infant Compromise Order) must be submitted to the Court through Special Term by order to show cause as required by the statute.

Upon submission of all requisite documents, proof of service on all parties, compliance with CPLR §1207, CPLR §1208, 22 NYCRR §202.67, § 474 of the Judiciary Law, Part 29 Rules, a proposed distribution of net amounts to be recovered by the plaintiff that comports with the provisions of CPLR §1206, and proof that plaintiff's attorney complied with the requirements for filing a retainer statement or show that such requirements do not apply, the Court will schedule an appearance date.

Thank you for your anticipated cooperation and courtesy. Stay safe.

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