

**AMENDED PART RULES**

STATE OF NEW YORK  
UNIFIED COURT SYSTEM  
**SUPREME COURT-SUFFOLK COUNTY**  
**HON. CHRISTOPHER MODELEWSKI**  
CHAMBERS  
One Court Street-Courtroom 203  
Riverhead, New York 11901  
**(631) 852- 2173**

**MARLENE L. BUDD, Esq.**  
Principal Law Clerk  
mbudd@nycourts.gov

**ANNMARIE CONERS**  
Secretary to Judge  
aconers@nycourts.gov

**CIVIL PART 17- RULES AND PROCEDURES**  
**(For Attorneys and Self-Represented Parties)**

**TABLE OF CONTENTS**

**I. GENERAL RULES..... 1**  
**II. MOTION PRACTICE..... 3**  
**III. ADJOURNMENT REQUESTS..... 5**  
**IV. CONFERENCES..... 6**  
**V. TRIALS..... 7**  
**VI. MISCELLANEOUS MATTERS..... 9**

Unless otherwise directed by the Court, the following rules shall govern practice in Part 17.

**I. GENERAL RULES FOR THE PART**

The Court follows the Uniform Rules for the New York State Trial Courts, 22 NYCRR Part 202, the NY CPLR, and all applicable Administrative Orders.

**All communications and correspondence to the Part shall be through the New York State Courts Electronic Filing System (NYSCEF) only, unless otherwise stated herein, and for any non-e-filed cases, to [sufmodelewski@nycourts.gov](mailto:sufmodelewski@nycourts.gov). All correspondence uploaded to NYSCEF shall include the name and index number of the case and the purpose of the correspondence. The NYSCEF filing description shall include the purpose of the communication (i.e., adj. mot. seq. 001, adj. conf., death cert. of party, settlement, etc.). If your correspondence relates to a motion, then please note the motion sequence number in the NYSCEF description as well as the uploaded**

correspondence or stipulation. Please note that a stipulation is not required to adjourn a motion. Motions can be adjourned by correspondence. All correspondence shall be on notice to all counsel and any self-represented litigants. **Please do not mail any correspondence or fax any communications to Chambers.**

All pending actions that are not on the NYSCEF e-filing system should be converted to e-filing forthwith. In the event a newly e-filed matter has any motions pending that are not viewable on NYSCEF, those submissions shall be uploaded to NYSCEF forthwith, along with all prior orders issued in the matter.

Any decisions issued by the Appellate Division, Second Department arising from an appeal of an order issued by this Part shall be uploaded to NYSCEF upon counsel's receipt of same.

Counsel are required to immediately advise the Court of any settlement by uploading a letter to NYSCEF indicating same and uploading to NYSCEF the fully executed stipulation of discontinuance in order that the Part's Calendar Clerk can mark the case as disposed.

Counsel are to immediately advise the Court in the event of the death of a party by uploading a letter to NYSCEF and attaching thereto a copy of the death certificate, redacting any confidential information. The case will be marked stayed in the Court's Uniform Case Management System ("UCMS") by the Part's Calendar Clerk pending the substitution of the executor or administrator of the estate of the deceased party. The case cannot be marked stayed unless and until the death certificate is uploaded to NYSCEF.

**Please ensure all email addresses on file with NYSCEF are current so that all communications from the Part are received by all counsel and self-represented litigants.**

**In accord with COVID 19 protocols, the Part no longer requires working or hard copies of submissions on motions. All submissions are to be uploaded to NYSCEF only. Please do not send hard copies of motion submissions to the Part. No courtesy copies of motion submissions are accepted by the Court.**

**In the case of CPLR Article 78 proceedings, the Court may require hard copies of papers, in addition to uploading same to NYSCEF. In such event, counsel will be notified by chambers.**

***Ex parte* communications with the Court or any member of its staff, by telephone, email or otherwise, are strictly prohibited**, except to the limited extent permitted by these rules and by the rules set forth at 22 NYCRR 100.3. **All inquiries regarding adjournments of motions or conferences, scheduling of conferences, trial dates, or return dates of motions shall be by NYSCEF ONLY.** Please be advised that as soon as your communication to the Part is uploaded to NYSCEF, the Part receives an alert and your request is processed in due course by either the Part's Courtroom Clerk of the Calendar Clerk. Direct telephone communication with Chambers is discouraged except for the most exigent circumstances.

All decisions and orders on motions are uploaded to NYSCEF. The Part will not provide copies of decisions and orders that are accessible through NYSCEF. Please note that all motions are decided within sixty (60) days from the fully submitted return date, unless adjourned or in the event that oral argument or a hearing on the motion has been scheduled. Please do not email the

Part or call Chambers requesting a decision on a motion within sixty (60) days from the fully submitted return date. Please also note that the Part cannot answer any questions you have regarding documents uploaded to NYSCEF or other NYSCEF related issues. Parties involved in e-filed cases shall familiarize themselves with the statewide E-Filing Rules available online at [www.nycourts.gov/efile](http://www.nycourts.gov/efile). General questions about e-filing should be addressed to the E-Filing Resource Center at (646) 386-3033 or [efile@nycourts.gov](mailto:efile@nycourts.gov).

Orders of Reference and Judgments of Foreclosure and Sale that are issued in foreclosure matters **are not uploaded to NYSCEF by the Part**. In the event you receive a notification that a decision has been rendered, please check NYSCEF for the order. Please do not contact the Part, as the orders are uploaded to NYSCEF by either the Special Term or the Suffolk County Clerk.

All Courtroom personnel and Chambers staff are to be treated with courtesy and respect. Disrespectful, uncivil or unprofessional conduct will not be tolerated. Counsel are instructed to review the Courtroom Rules of Conduct appended hereto.

## **II. MOTION PRACTICE**

Motion papers shall comply with the form prescribed in 22 NYCRR §202.8 (c). **In accordance with 22 NYCRR 202.8-g and AO/141/22, all motions for summary judgment shall include either a statement of material facts or a counter statement of material facts. All motion papers must be submitted through NYSCEF only.** All affidavits, affirmations, and exhibits shall be identified by separately and consecutively numbered documents on NYSCEF. Exhibits uploaded to NYSCEF shall contain an accurate description of the exhibit viewable on the NYSCEF document list (i.e., survey #1 of land at 100 Main Street) and shall not be identified by Exhibit number or letter only. Both official and unofficial citations to decisions are required. The timely filing of all papers in accordance with the CPLR is required, as the Court will not consider the merits of ANY PAPERS (including opposition, cross-moving or reply), which have been filed in an untimely manner. However, in most instances, the Court will grant an adjournment of a motion for the purpose of submitting opposition or reply papers so long as the letter request or stipulation on consent is uploaded to NYSCEF. The Court does not accept letter applications and any extraneous information sent to the Court by email or otherwise will not be considered.

In the event any submissions refer to language contained in an exhibit or local rule or ordinance, in whole or in part, **the submissions shall include a link to the NYSCEF document and page number assigned to the exhibit or local rule.** Should a local rule or rules be applicable, the entire local rule or rules shall be uploaded to NYSCEF as a separate exhibit.

**All motions made in cases assigned to Justice Modelewski must be calendared for a Monday, except for Court holidays.** If a date other than a Monday is selected by the movant, then the Part's Calendar Clerk will administratively adjourn the return date of the motion to the following Monday. A cross-motion with a return date subsequent to the submission date of the motion-in-chief will cause an adjournment of the motion-in-chief to the return date of the cross-motion or the Monday thereafter.

**All motions are marked for submission only** on the return date unless an adjournment has been granted in accordance with the procedures outlined below. **There are NO appearances on motions unless the Court notifies counsel/parties that oral argument is required or as otherwise provided for herein.**

**Regarding Orders to Show Cause, please note that appearances are required on the presentment date in those instances where the movant is seeking a temporary restraining order, stay, or similar injunctive relief.** Any such applications for temporary restraining orders, stays, or injunctive relief are governed by the rules provided for below. All orders to show cause assigned to a Special Term Judge that are made returnable for any day other than a Monday will be administratively adjourned to the Court's next available Monday submission date. There are no appearances on the return date of the order to show cause, only on the presentment date as provided for above, unless otherwise ordered by the Court.

**Chambers shall be advised IMMEDIATELY (through NYSCEF only) of the settlement of any action or withdrawal of any motion or any portion of any motion *sub judice*, and/or the settlement of any underlying case with motions *sub judice*. The failure to do so may result in the imposition of sanctions as permitted by law.**

In accordance with 22 NYCRR §202.80 (f), no motion related to disclosure or bills of particulars may be made unless and until a preliminary conference has been held. All discovery motions, including those involving non-party subpoenas, require an affirmation of good faith as part of the moving papers (22 NYCRR 202.7). There is no requirement that a further conference be held prior to making a motion for discovery. Except as stated above, there is no requirement that a motion be subject to a conference prior to filing.

The Court will not entertain serial summary judgment motions. Parties are restricted to a single motion for summary judgment, unless the Court permits otherwise by order or on certain foreclosure motions where the order issued resolves some but not all issues before the Court. If any party moves for summary judgment, any parties, on either side of the caption, are obliged to cross-move for summary judgment at that time or be barred from later making a motion for summary judgment.

Absent express permission obtained in advance from the Court, memoranda of law shall be limited as provided for by the NYCRR or Administrative Orders.

Counsel and self-represented parties are reminded that the CPLR does not provide for the submission of sur-reply papers, however denominated, or the presentation of papers or letters to the Court after the return date of the motion, unless directed or permitted by the Court, after communications with the Part. Motion practice by correspondence is prohibited and any arguments or applications made by correspondence will not be considered by the Court. Any counsel or self-represented parties who receive a copy of such materials submitted in violation of this rule shall not respond in kind. Motion papers may not be submitted by email.

**Motion papers shall be timely served on all counsel in accordance with CPLR 2214 (b) and an affidavit of service shall be uploaded to NYSCEF.** In the event papers are not served in a timely manner, the Court reserves the right to adjourn the return date of the motion.

Neither an appearance nor a pre-motion conference is required for post-note of issue motions.

**REQUESTS FOR INJUNCTION AND/OR RESTRAINING ORDERS:** Prior to the presentment of an order to show cause seeking a temporary restraining order, preliminary injunction or stay, compliance with 22 NYCRR 202.7 (f) must be followed by giving notice to the opposing party or attorney, or, alternatively, submitting an affirmation to demonstrate that prejudice would result from

the giving of notice. On the date of the presentment of an order to show cause where the movant seeks a temporary restraining order, preliminary injunction, stay, or an “extension” or modification of a stay or restraining order, an appearance and oral argument shall be required, unless all parties agree in writing to any such immediate relief. An appearance and oral argument also shall be required where a party is seeking, by way of an order to show cause, other emergency relief and/or the immediate intervention of the court, unless all parties agree otherwise in writing. There is no oral argument or appearance on the return date of an order to show cause. Once the order to show cause has been signed (with or without any requested temporary relief), it is treated by the Court as a motion and all motion rules apply. All other motions, including those for summary judgment or dismissal made in the general procedural course of an action or proceeding, are on submission only. Chambers may be contacted by email at [sufmodelewski@nycourts.gov](mailto:sufmodelewski@nycourts.gov) in the event counsel has a question concerning the applicability of this rule in a given case.

### **III. ADJOURNMENT REQUESTS**

**ADJOURNMENTS OF MOTIONS:** Adjournments of motions will be governed by 22 NYCRR 202.8 (e). All proposed adjourned dates of motions must be on a Monday. All adjournment requests shall be made in writing through **NYSCEF ONLY** either by letter or stipulation, and shall indicate the name and index number of the case, the motion sequence number, the reason for the adjournment, whether the adjournment is on consent, and the proposed adjourned return date, which must be a working Monday. A motion can be adjourned without prior permission of the Court only once and only upon consent of all parties to the motion for a period of no more than sixty (60) days (22 NYCRR 202.8 (e)(1)). Adjournments are limited to three in number and may not extend the original return date more than 60 days unless prior permission of the Court is obtained upon good cause shown. All adjournments on consent are effective unless the Part directs otherwise. As long as the adjournment request is filed via NYSCEF, it is not necessary to email the Part. All NYSCEF filings result in alerts to the Part, which are processed in due course.

Adjournment requests on motions that are not on consent must be in writing and uploaded to NYSCEF within three business days prior to the return date. All counsel and any pro-se litigants must be given notice of any such requests.

**ADJOURNMENTS (NON-MOTIONS):** All requests to adjourn conferences and hearings, whether on consent or over objection of counsel or a pro se litigant, shall be uploaded to NYSCEF **within 3 business days prior to the conference or hearing date**. All requests shall indicate the index number, the appearance date, the reason for the adjournment, whether the request is on consent, and the proposed new appearance date, which is subject to Court approval. Where consent cannot be obtained, the adjournment request shall be on notice to all appearing counsel and any self-represented litigants and the request shall indicate the efforts made to secure such consent and that all parties and/or their counsel have received notice of the adjournment request. Appearances are required unless the Court has granted an adjournment made upon a request in accordance with the above. Counsel and any self-represented litigant shall consult NYSCEF for a Court Notice providing for the new appearance date. Counsel and any self-represented litigant shall not contact the Part by either telephone or email for the new appearance date.

Requests predicated upon engagement of counsel must be by affidavit or affirmation in conformance with 22 NYCRR § 125.1(e). If an adjournment is requested of an action scheduled

for trial, counsel are reminded of the provisions of 22 NYCRR § 125.1 (g).

#### **IV. CONFERENCES**

All conferences in Part 17 are in-person except as provided for below. Conference dates are on Wednesdays except Court holidays. Counsel will be notified by Court Notice uploaded to NYSCEF of the date and time of the conference. Please ensure that the correct email address of the attorney who will be appearing for the conference is on NYSCEF.

**PRELIMINARY CONFERENCES:** In all actions requiring same, there shall be a preliminary conference at which the parties shall enter into a proposed Preliminary Conference Order, which will thereafter be “so-ordered” by the Court, which schedules the disclosure necessary in a given case. Preliminary Conferences will be scheduled by the Court in accordance with 22 NYCRR 202.12 and 202.19 (b). In the event all counsel are in agreement with the terms of the proposed preliminary conference stipulation and order, counsel shall upload the proposed Preliminary Conference Order to NYSCEF and it will be processed in due course. In those instances, an appearance at the Preliminary Conference is not necessary. **Please do not fill in the end date for disclosure or the compliance conference or early settlement conference date, as those dates are selected by the Court.**

**COMPLIANCE AND PRE-TRIAL CONFERENCES:** Compliance Conferences will be scheduled and conducted in accordance with the provisions of 22 NYCRR 202.19. The progress of the parties in completing disclosure shall be reported to the Court at any and all Compliance Conferences. When all disclosure is complete, the parties shall execute a proposed Certification Order which certifies that all discovery is complete. Should counsel consent to a Certification Order, then no appearance is required on the Certification Conference date, as long as the proposed Certification Order is uploaded to NYSCEF prior thereto. A copy of the Certification Order must be filed with the Note of Issue.

**CERTIFICATION ORDER/NOTE OF ISSUE:** No party may file a Note of Issue and Certificate of Readiness without first having entered into a Certification Order certifying that disclosure has been completed and that the case is ready for trial. No order shall be entered certifying a case as ready “subject to” the completion of disclosure at a future date without express permission of the Court and upon good cause shown.

**APPEARANCES:** **Appearances by persons with knowledge of the facts and with vested 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 of more of the sanctions attendant with defaults (*see* 22 NYCRR 202.27; 22 NYCRR Part 130-2). **All conference appearances are on Wednesdays only and will be at a specific time in order to limit the number of attorneys present in the courtroom. All appearances are in-person at Courtroom 203.**

## V. TRIALS

**JURY TRIALS:** A trial conference with the Court shall be held immediately prior to the commencement of all jury trials. The attorneys who appear at the conference must be knowledgeable about the facts and the law pertaining to the case and must have authority to make binding stipulations. At this conference, counsel shall supply the Court with marked pleadings, amendments thereto and all bills of particulars served pursuant to CPLR 4012. At least one day prior to the trial, counsel shall email to [sufmodelewski@nycourts.gov](mailto:sufmodelewski@nycourts.gov) proposed jury charges, citing to the 2022/2023 Pattern Jury Instruction (PJI) sections, and proposed verdict sheets with the express questions to be presented to the jury, in editable MS Word (.doc) format.

Amendments thereto shall be permitted at the final charge conference. If counsel relies on a PJI, without change, then it should be referred to by PJI number and topic only. If any changes to the PJI are suggested, counsel must submit the full text with all changes red-lined in Word format. Citations to appropriate statutory or common law authority or any claimed unusual facts shall be given in support of suggested non-PJI jury charges or suggested PJI modifications. Unless a marshaling of the evidence is waived, at the final charge conference, counsel should be prepared to provide the Court with the proposed facts that counsel believes are supported by the record. On all medical/dental or podiatric malpractice cases, the jury verdict sheets shall contain the specifically alleged departure. A list of all pre-marked exhibits in the order in which counsel intends to introduce them at trial shall also be provided to the Court and to the stenographer at this time. The list of exhibits shall include the identity of the witness(es) who will provide foundation testimony for each exhibit, or if the parties have stipulated to the admissibility of a particular exhibit, counsel shall provide a written stipulation of admissibility signed by all parties with regard to any such exhibits. Plaintiffs will number their exhibits and defendants will letter their exhibits. At the trial conference, counsel also shall provide a list of potential witnesses in the order in which they intend to call them at trial, with an offer of proof as to the sum and substance of the proposed testimony of each witness. and if any be experts, counsel shall provide the information required by CPLR 3101(d)(1)(I). Request for a missing witness charge should be made at this time.

Counsel shall advise the Court of any scheduling conflicts, the need for an interpreter, and any evidentiary issues that need to be addressed at the trial conference.

Counsel shall submit motions in limine and trial memoranda through NYSCEF and email PDF versions to [sufmodelewski@nycourts.gov](mailto:sufmodelewski@nycourts.gov) no later than three (3) days prior to the first day of trial. All motions in limine shall contain the case law or statutory authority upon which the movant relies for the relief requested. All motions in limine shall be in writing, uploaded to NYSCEF, and timely served on all counsel.

All hospital records and other items in evidence over fifteen (15) pages must be paginated before use in the trial. In all malpractice cases, each attorney, in anticipation of a charge conference and verdict sheet preparation, must have the departure and causation testimony located in the trial transcript available for the Court's review.

On the date of trial, counsel must be present in court by 9:25 a.m. The morning session will run from approximately 9:30 a.m. to approximately 12:45 p.m. Lunch will be from 1:00 p.m. to 2:15 p.m. Counsel must return to the courtroom by 2:10 p.m. The afternoon session will run from 2:15 p.m. to 4:45 p.m. The party who is presenting his or her case must have witnesses available to testify for the morning and afternoon sessions of each day.

The use of exhibits that have been pre-marked into evidence may be used during any party's opening statement without advance notice to the other side. Counsel shall provide their adversaries with copies of any other demonstrative exhibits that are planned to be used in opening statements, no less than one day before trial, including still images of electronic presentations.

It is the responsibility of the attorneys to ensure that subpoenaed records have arrived in the subpoenaed records room.

Counsel are strongly encouraged to stipulate to any undisputed facts and to the admissibility of clearly admissible documents and records.

Copies of deposition transcripts intended to be used at trial shall be furnished to the Court immediately before the related witness takes the stand. The deposition transcripts shall be marked as to all objections that counsel intends to make to deposition questions or answers.

The Court may require representatives of insurance carriers, or other persons having an interest in any settlement, to appear in Court. Failure of such person to appear pursuant to an Order, whether in writing or on the record from the bench, may result in the Court requiring the person to show cause why they should not be held in contempt or why sanctions should not be levied against them pursuant to CPLR 3126 and the Part 130 Rules of the NYCRR.

The Court does not certify witnesses as experts. Upon laying a proper foundation for admissibility, the witness may offer opinion testimony subject to objections.

Experts who testify at trial shall bring their entire file and all documents considered in arriving at their opinion with them to Court. Failure to do so may result in an expert's testimony being limited or stricken. **Files must be in hard copy.** Digital files are unacceptable.

The Court must be alerted to any anticipated requests for a jury instruction relative to missing witnesses or evidence, as soon as counsel considers making such a request.

Speaking objections, except to the extent permitted below, are not permitted in the presence of the jury. To make a trial objection, counsel should stand and utter the word "objection," and, only if it is possible without suggesting a response to the witness, counsel also may briefly state the grounds for the objection. If further argument is required, then counsel should ask permission to approach the bench. Exceptions to trial rulings are not necessary, nor are they permitted. Upon request, counsel always will be given the opportunity to make a full record outside of the jury's presence. To preserve the record, counsel must make timely objections, including during opening statements and closing arguments.

In all personal injury matters, all witnesses should be instructed in advance by counsel that they make no mention whatsoever of insurance coverage during their testimony, whether on direct or cross-examination.

If an adverse witness is called on a party's case-in-chief, such as the plaintiff calling a defense witness, then the defendant (in the example) shall elect to examine that witness either on cross-examination or recalling the witness on its case-in-chief, not both. In either case, leading questions posed to the inquiring attorney's client, employee, or former employee shall not be



permitted unless they are deemed hostile.

Prior to taking the stand, witnesses should be advised that cross-examination questions calling for a yes or no answer should be answered accordingly, and the witness also may respond that he/she cannot answer the question with a yes or no.

During trials, all remarks should be directed to the Court, not opposing counsel.

All substantive sidebars shall be on the record. Requests for a brief recess are not substantive.

Counsel must retrieve their trial exhibits within seven (7) days of the trial's conclusion. Any exhibit left with the Court for more than fourteen (14) days is subject to destruction without any further notice. No verdict sheets shall be removed from the Courtroom at the conclusion of the trial. Please do not contact the Part for the excerpt of the trial, as this is processed by another department.

**NON-JURY TRIALS:** Non-jury trials are subject to scheduling by the Court. A conference with the Court shall precede the commencement of all non-jury trials, at which counsel shall submit the following: (1) a copy of marked pleadings, any amendments thereto, and bills of particulars; (2) a list of pre-marked exhibits, and identification of those on which counsel could not agree as to their introduction at trial; (3) a list of witnesses and the order in which they will be testifying and if any be experts, the information required by CPLR 3101 (d)(1)(I); (4) proposed findings of fact and conclusions of law; and (4) pretrial memoranda of law. The parties shall be required to provide a transcript of the trial and within thirty (30) days of the conclusion of the trial, post-trial memoranda of law, with citations therein to the page and line number of the trial transcript corresponding with testimony which supports any claim or defense. The filing of a note of issue is a condition precedent to the commencement of any trial.

## **VI. MISCELLANEOUS MATTERS**

**COMPROMISE APPLICATIONS:** An application for an order of settlement of an infant's or other disabled party's claim, shall be made in compliance with CPLR 1207 and 1208. All such applications for court approval of a proposed compromise of an infant or other disabled party's claim must be uploaded to NYSCEF. Compliance with the provisions of CPLR 1207, 1208, and 22 NYCRR 202.67 and a proposed distribution of amounts to be recovered by the disabled plaintiff that is consistent with the provisions of CPLR 1206 is required. The Court will not accept medical reports/affidavits executed more than six months prior to the submission date. The report must indicate whether the injured plaintiff has fully recovered, and if not, the nature and extent of the injuries and course of future treatment. Inasmuch as the Court may direct that notice of the application be given to all persons who possess claims against the proceeds recoverable under the compromise, including those with statutory liens, the names and addresses of all such persons and the amount of their respective claims must be set forth in the petition. If no person has asserted such a claim, the petition must so state. Once the submissions are complete, an appearance date will be scheduled by the Court. Counsel will be notified of the date and time of the compromise hearing by Court Notice uploaded to NYSCEF. Counsel shall submit a proposed Order granting the application at least five (5) days prior to the scheduled hearing date.

**JUDGMENTS/ORDERS:** All proposed Orders and/or Judgments shall be submitted (via NYSCEF) with a copy of the Court minutes or decision ordering its submission.

**CONTEMPT APPLICATIONS:** Contempt motions must include the warning required and be personally served upon the alleged contemnor, unless the CPLR or NYCRR provide otherwise. All applications will be calendared and an appearance by all parties on the return date is mandatory. No adjournments will be granted unless a stipulation consenting to the adjournment, signed by all parties and any alleged contemnor who is not a party, is received by Chambers via NYSCEF ONLY no later than 2:00 p.m. on the day prior to the return date.

**FORECLOSURES:** Ex parte applications and combined/omnibus motions (to fix the default, for the appointment of a referee, and for a judgment of foreclosure and sale) are highly discouraged. It is preferred that all applications be made on notice to any party who either has appeared in the action or who was served with the commencement papers. Proof of mailing is required pursuant to CPLR 2103 (f). Any proposed judgments must comply with the CPLR, RPAPL and any Suffolk County Administrative Orders, including Administrative Order 104-20 regarding surplus monies. All proposed orders, referee reports, and attorney fee affirmations shall be uploaded to NYSCEF separately from any other document. Please do not send hard copies of submissions to the Part. All other rules applicable to motions apply equally to foreclosure matters. Please consult the Motion Rules provided for herein.

**ARTICLE 78 PROCEEDINGS:** The entire section of any local zoning codes or ordinances cited in the submissions of the parties are to be uploaded to NYSCEF as a separate PDF.

**SUBPOENAS:** All subpoenas submitted to the Court for signature must comply with Article 23 of the CPLR.

**DEPOSITIONS:** The Court does not make deposition rulings. In the event there is an issue at a deposition, counsel should mark the record and thereafter make an appropriate application if necessary. Please see the rules herein regarding discovery motions.

**PRO HAC VICE APPLICATIONS:** Please upload a proposed order with your submissions on pro hac vice motions.

The Court reserves the right to vary these rules in the interest of justice or for good cause shown.

Thank you for your courtesies and cooperation

**SUPREME COURT OF SUFFOLK COUNTY  
JUSTICE CHRISTOPHER MODELEWSKI**

**COURTROOM RULES OF CONDUCT**

The following are the Rules of Conduct that shall be observed by all attorneys appearing before the Court.

- 1) Ensure that at all times cell phones are on silent or vibration mode.
- 2) Stand as Court is opened, recessed, and adjourned.
- 3) Stand when the jury enters or retires from the Courtroom.
- 4) Remain seated while a witness is being sworn.
- 5) Stand when addressing, or being addressed by, the Court.
- 6) Address all remarks and requests to the Court, not opposing counsel, Court Reporters, Clerks or Court Officers.
- 7) Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between litigants or witnesses.
- 8) Refer to all persons, including witnesses, other counsel and the parties, by their surnames and not by their first or given names.
- 9) Only one attorney from each party shall examine, or cross-examine, each witness. The attorney stating objections, if any, during direct examination, shall be the attorney recognized for cross-examination.
- 10) Counsel should request permission before approaching the Bench or a witness, and any document counsel wishes to have the Court examine should be handed to the Courtroom Clerk or Court Officer.
- 11) In making objections, counsel should succinctly state only the legal grounds for the objection (e.g., "irrelevant", "leading", "bolstering", "hearsay") and should withhold all further comment or argument unless elaboration is requested by the Court.
- 12) In examining a witness, counsel should not repeat or echo the answer given by the witness.
- 13) All substantive sidebars shall be on the record and out of the earshot of the jury.
- 14) Counsel shall not make any extrajudicial statements or express opinions or personal knowledge directly or indirectly, nor shall counsel vouch for the credibility of a witness.