



State of New York
UNIFIED COURT SYSTEM
SUFFOLK COUNTY
SUPREME COURT
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HON. JOSEPH A. SANTORELLI
Justice of the Supreme Court

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IAS/TRIAL PART 10 - RULES AND PROCEDURES

Unless Otherwise directed by the Court, the following rules shall govern practice in Part 10:

1. **MOTION PRACTICE:**

RETURN DATES/SUBMISSIONS: All motions in cases assigned to Justice Santorelli shall be calendared for a **Thursday** when the Part is in session. Unless adjourned by the Court, all motions appearing on the Court's motion calendar shall be marked submitted. Appearances are NOT required on any motion UNLESS oral argument has been requested and granted or otherwise ordered by the Court. All requests for oral argument shall be made in accordance with 22 NYCRR 202.8(d). All orders to show cause made returnable on any day other than a Thursday shall be administratively adjourned to the Court's next available Thursday submission date.

WORKING COPIES: Working copies are not required for matters filed on The New York State Courts Electronic Filing System (NYSCEF).

PAPERS: 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. All non e-filed motion papers must be submitted through Special Term. Movant shall submit a proposed Order with the motion papers when applicable.

ADJOURNMENTS: All proposed adjourned dates must fall on a **Thursday**. All adjournments on consent shall be in writing and must be e-filed no later than 2:00pm on the day prior to the return date. The writing must indicate the date on which the motion and all cross-motions riding therewith are returnable before the Court; the adjourn date requested [Thursday only]; and the number of prior adjournments granted. If the consent of all parties cannot be obtained, a letter application for an adjournment on or before the date must be e-filed prior to the return date, with a courtesy copy emailed to sufsantorelli@nycourts.gov, by the party seeking the adjournment, upon due notice to all parties. Interposition of a cross-motion with a return date subsequent to the submission date for the motion-in-chief will not automatically cause an adjournment of the motion-in-chief.

SETTLED OR WITHDRAWN MOTIONS: The Court is to be advised IMMEDIATELY, in writing, of the settlement or withdrawal of any motion or any portion of any motion sub judice, and/or the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.

DISCOVERY MOTIONS: With respect to cases already assigned to this Court, in the event of a discovery dispute, no motion with respect to the dispute shall be made without a prior conference with the Court. Said conference may be obtained by submission of a letter application, not exceeding one page in length, to the Court and copied to all parties. With respect to cases in which a discovery motion accompanies the Request for Judicial Intervention resulting in the assignment of the case to this Court, no opposition papers shall be served until there has been a prior conference with the Court. Said conference may be obtained by submission of a letter application, not exceeding one page in length to the Court and copied to all parties. The application for a discovery conference may be made by the movant or by the opponent to the motion. However, the application must be made within eight days of service of the motion. Permission must be obtained from chambers prior to the submission of a letter application. Failure to request a discovery conference may result in the denial of the motion. The Court strongly urges that prior to requesting a conference, counsel discuss the issues and make a bona fide attempt to resolve them without judicial intervention.

2. CONFERENCES:

SCHEDULING: Conferences shall be scheduled for any **Thursday** when the Part is in session.

APPEARANCES: Appearances shall be made by the attorney of record or an attorney acting in an “Of Counsel” capacity. In either case, attorneys must be **fully familiar** with the facts of the case and have full authority to settle and/or enter appropriate stipulations. 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; 22NYCRR Part 130-2). Attorneys are directed to bring all prior orders to the Court, including but not limited to preliminary conference orders and additional directives sheets issued by the Court, to all Court conferences.

ADJOURNMENTS: Due to the time limitations imposed on various stages of civil cases within the purview of the Comprehensive Civil Justice Program and its cornerstone, the Differentiated Case Management system, adjournments of conferences will not be granted lightly. *Applications for adjournments of conferences are governed by the same procedures applicable to adjournments of motions [see above].* Appearances are thus required unless the Court has granted an adjournment on the consent of counsel for all parties and received a written confirmation, via NYSCEF not less than one day prior to the scheduled conference.

PRELIMINARY CONFERENCES: Preliminary conferences will be scheduled by the Court in accordance with 22 NYCRR 202.12 and 202.19. All matters, including those raised by pending motions and those contemplated by 22 NYCRR 202.19, shall be undertaken at the preliminary conference.

PRE-TRIAL CONFERENCES: No pre-trial conference shall be adjourned when a Note of Issue has not been filed and a calendar number issued.

COMPLIANCE CONFERENCES & PRE-TRIAL CONFERENCES: These conferences will be scheduled in accordance with the provisions of 22 NYCRR 202.19.

3. **TRIALS:**

JURY TRIALS: A conference with the Court shall be held immediately prior to the commencement of all jury trials. At said conference, counsel shall supply the Court with marked pleadings, amendments thereto, all bills of particulars, deposition transcripts of witnesses to be called at trial, CPLR 3101(d) notices served and all prior Court decisions. Counsel shall further provide the Court with a list of proposed jury charges and all motions *in limine*. Counsel shall further advise the Court of the identity and number of witnesses to be called, and if any will be experts.

NON-JURY TRIALS: Non-Jury trials will be governed by the same procedures and requirements set forth above for Jury Trials. In addition thereto, for Non-Jury trials, counsel shall submit a proposed order framing the issues to be tried. The parties shall be required to provide a transcript of the trial. The filing of a note of issue is a condition precedent to the commencement of any trial.

4. **MISCELLANEOUS MATTERS:**

CONTEMPT: *Adjournments are governed by the same procedures applicable to the adjournment of motions [see above].*

COMPROMISE APPLICATIONS: All applications for Court approval of a proposed compromise of an infant or other disabled party's claim must be submitted through the Special Term office, with proof of service on all remaining parties. 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. Since 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.

HEARINGS/INQUESTS: All hearings and/or inquests from cases in the inventory of IAS Part 10 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.

JUDGMENTS/ORDERS: All proposed Orders and/or Judgments shall be submitted with a copy of the Court minutes or decision ordering its submission, if applicable.

EX PARTE COMMUNICATION 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.

Revised July 2024