



State of New York  
**UNIFIED COURT SYSTEM**  
**SUFFOLK COUNTY**  
**SUPREME COURT**  
**COMMERCIAL DIVISION**  
Cromarty Court Complex – Part 44  
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Riverhead, New York 11901  
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Chambers Email: [sufandrews@nycourts.gov](mailto:sufandrews@nycourts.gov)

HON. JOHN J. ANDREWS  
Justice of the Supreme Court  
Commercial Division

JAMES A. SALADINO, ESQ.  
Principal Law Clerk

KATHLEEN HALL  
Secretary to Judge

## **PART 44 – PRACTICES AND PROCEDURES**

*Revised 2/6/24.*

### **RULES**

Counsel/Litigants must familiarize themselves with, and strictly abide by, the Part 44 Rules and the Rules of the Commercial Division, 22 NYCRR 202.70.

### **COURT COMMUNICATION**

Communications with the Court shall be via email at [sufandrews@nycourts.gov](mailto:sufandrews@nycourts.gov). Counsel/Litigants should endeavor to keep such communication brief and limited to matters of scheduling, and all parties to an action must be copied on any emails sent to the Court or its staff.

No party shall send correspondence to chambers without first contacting their adversary and attempting to resolve the problem. If the issue ultimately requires the attention of the Court, the parties may request court permission, via email, to send a more detailed letter to the Court. Letters to the Court shall be limited to a recitation of the parties' efforts to resolve the issue among themselves and a short summary of the issue to be resolved. Letters shall not exceed 2 pages in length and shall not contain exhibits and substantive argument. Correspondence in violation of this rule will not be considered by the Court. Letters falling under this rule shall be e-filed and the Court shall be notified of same via email to [sufandrews@nycourts.gov](mailto:sufandrews@nycourts.gov).

Neither Justice Andrews nor any of the court attorneys assigned to the part will speak to any litigant or counsel *ex parte*.

## **ADJOURNMENT REQUESTS - CONFERENCES**

Parties should first address questions regarding scheduling appearances or adjournments to the Part Clerk at (631) 852-2139.

Counsel/Litigants must obtain Court permission to adjourn a status conference. Adjournment requests less than two business days prior to a scheduled appearance will not be entertained except in the case of an emergency.

Counsel/Litigants shall make every effort to obtain consent to an adjournment from all adversaries in the matter and be prepared to communicate that consent to the Court. If counsel is unable to get consent, counsel must send a **brief** email to the Court, with a copy to all adversaries, explaining the circumstances necessitating the adjournment and why consent could not be obtained. Counsel/Litigants must wait at least 24 hours to allow for the adversary to respond to the request before contacting the Court.

## **PRELIMINARY CONFERENCES – RULE 11 [A]**

Pursuant to Commercial Division Rule 11 [a] plaintiff(s), and any counterclaimants, are directed to produce a document, not to exceed 5 pages without permission of the Court, clearly and concisely stating the issues in their respective cases or claims **prior** to the preliminary conference, as well as stating the elements of each cause of action asserted along with the facts needed to establish their case. Please provide this document to the Court via email at least one week prior to the scheduled conference date.

## **MOTION PRACTICE**

Other than motions by order to show cause seeking emergency relief, or a pre-answer motion to dismiss, a pre-motion conference is required prior to the filing of any motion. The movant must send an email to the Court, on notice to all adversaries, requesting that a pre-motion conference be scheduled.

Pursuant to Rule 19, motions shall be brought by order to show cause **only** when there is genuine urgency, a stay is required or a statute mandates so proceeding. Absent advance permission from the Court, reply papers shall not be submitted on orders to show cause. Counsel/Litigants are directed to contact chambers of the assigned justice to schedule when a proposed Order to Show Cause will be presented.

If a motion to dismiss is filed and it results in some but not all of the causes of action being dismissed, the prevailing counsel/litigants are directed to revisit the documents produced pursuant to Rule 11 [a] and again produce a document, not to exceed 5 pages without permission of the Court, clearly and concisely stating the remaining issues in their respective cases or claims, as well as stating the elements of each remaining cause of action asserted along with the facts needed to establish their case.

Part 44 motions are to be made returnable on Thursdays. Motions that are not in compliance with this rule will be administratively adjourned to the next available Thursday.

Adjournments of motions will be governed by 22 NYCRR 202.8 (e). All proposed adjournment dates for motions must fall on a Thursday. Adjournment requests for motions, whether on consent or without consent, shall follow the same procedure as that for requesting an adjournment of a conference.

Discovery is **NOT** stayed by the filing of a dispositive motion unless otherwise directed by the Court.

No statement of material facts shall be annexed to a motion for summary judgment unless it is a joint statement of material facts agreed upon by all counsel/litigants.

Counsel/litigants shall provide working copies of all motions, excluding exhibits, to chambers within one week of filing on NYSCEF.

### **SETTLEMENT AND WITHDRAWN MOTIONS**

Counsel/Litigants shall notify the Court **immediately** when a case is settled or if there is a settlement or withdrawal of any motion or any portion of any motion pending before the Court.

### **DISCOVERY**

Discovery motions are not encouraged. Counsel/Litigants are directed to meet and confer with each other, preferably in person or by video or telephone conference, if necessary, and work collaboratively to meet all discovery obligations as set forth under Rule 11 of the Commercial Division Rules.

Should counsel/litigants be unable to settle a discovery dispute after meeting multiple times, they shall notify the Court via letter requesting an in-person discovery dispute conference at least two weeks prior to the next scheduled status conference. The letter shall enumerate the date, time, location and duration of each conference held between the parties in their attempt to resolve the dispute. Counsel/Litigants shall prepare a joint discovery dispute chart in advance of the discovery dispute conference, which will list the items sought by each party, why they are material and necessary in the prosecution or defense of the action, and the legal basis for why the responding party is unable or unwilling to provide them.

### **APPEARANCES**

As per Rule 1 of the Commercial Division Rules, only counsel fully familiar with the case and fully authorized to enter into agreements, both substantive and procedural, on behalf of their clients are permitted to appear. Virtual appearances may be held via Microsoft Teams with the consent of all parties and at the discretion of the Court.