



**Hon. Aletha V. Fields**  
COURT OF CLAIMS JUDGE  
ACTING SUPREME COURT JUSTICE  
Arthur M. Cromarty Court Complex  
210 Center Drive  
Riverhead, New York 11901

HON. ANDREW A. CRECCA  
DISTRICT ADMINISTRATIVE JUDGE

HARRY TILIS, ESQ.  
PRINCIPAL LAW CLERK

HON. RICHARD SISE  
SUPERVISING JUDGE – COURT OF CLAIMS

JESSICA WASHINGTON  
SECRETARY

LEON ADLER  
CHIEF CLERK – SUPREME COURT

MICROSOFT TEAMS VIRTUAL  
COURTROOM LINK:

[HTTPS://NOTIFY.NYCOURTS.GOV/MEET/00AWRV](https://notify.nycourts.gov/meet/00awrv)

EILEEN FAZZONE  
CHIEF CLERK – COURT OF CLAIMS

Effective: August 1, 2023  
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**PART 81 RULES**

Welcome to part 81, Supreme Court, State of New York, Suffolk County.

The purpose of these rules is to provide the framework for the effective, efficient, and inexpensive management of every case and to create a shared understanding of how that goal will be implemented.

All attorneys and all self-represented litigants must comply with the Rules of Professional Conduct (22 NYCRR Part 1200.1 *et seq.*) and any other regulations, including the letter of engagement rules (22 NYCRR Part 1215.0 *et seq.*).

The Court is housed in Courtroom 5 on the fourth floor of the Arthur M. Cromarty Court Complex, 210 Center Drive, Riverhead, New York 11901, which is the building that houses the Family Court and the Superior Criminal Court. Upon exiting the elevators, turn right and go through the doorway between the newer and older portions of the complex to arrive at the courtroom.

When used in these rules, the term “counsel” means any attorney and any self-represented litigant.

**I. APPEARANCES**

**A. General Rules**

1. Unless otherwise ordered, all appearances before this Court are virtual by Microsoft Teams.
2. The Microsoft Teams link is <https://notify.nycourts.gov/meet/00awrv> (Those are zeroes in the last 6 characters).

3. Non-appearances are a default permitting the Court to issue an order consistent with Uniform Rules for the Trial Courts (22 NYCRR) § § 202.27, 130-1.1, 130-2.1, and other authorities.
4. All appearances are set for a time certain basis.
5. Counsel who appears must have (A) full settlement authority (B) the ability to reach immediately by telephone or other method a client representative who is able to approve a settlement and/or make counteroffers and/or respond to issues (i.e., full settlement authority, which, in a foreclosure case, means the person with the authority to, for mortgagees/assignees, forgive, or to, for mortgagors/successors, consent to the entire debt, noting that having authority does not require using it) and (C) a full working knowledge of the case.
6. When appearing virtually, counsel must adhere to the same rules of conduct that pertain to in person appearance, including attire, not eating, not taking telephone calls, and using professional language and forms of address. No one may appear from a moving vehicle or any location where unreasonable background noise or visual stimuli materially impair conducting the Court's business. All counsel must appear by video, except on consent of all parties and the Court. The Court notes that the technology available to the Court for conferences does not always include a camera for the Court.

#### B. Hearings and Trials

1. Notwithstanding the general rule of virtual appearances, unless the Court orders otherwise, all hearings and all trials are in person.
2. All persons appearing for a hearing or trial in person must comply with all security protocols. Counsel must immediately notify the Court by letter filed by NYSCEF if a person who is expected to appear in person is going to be unable to appear because of illness, quarantine, or other disqualification from entering the courthouse.

#### C. Attorneys of Record

1. Counsel must abide by the rules in *Bank of Am., N.A. v Glenn*, 81 Misc 3d 422 (Suffolk County Supreme Ct 2023).
2. Counsel must file a notice of appearance within two business days of being retained.

## II. CONFERENCES

**Almost all conferences will result in an order of the Court. If any counsel believes that the order does not accurately reflect the substance of the conference, then all counsel must file a letter with the Court within three business days of the order being posted to NYSCEF.**

**Conferences set forth 9:04 a.m. or 9:08 a.m. are control dates and require NO APPEARANCE by any party or counsel.**

**Conferences are virtual unless otherwise ordered.** The Microsoft Teams link is <https://notify.nycourts.gov/meet/00awrv> (Those are zeroes in the last 6 characters).

### A. Motion Conferences

1. The Court does not require pre-motion conferences. At any time, counsel may submit any proper motion that the law or a court order does not require be preceded by leave of the court.
2. In some instances, the Court may administratively adjourn a return date of a motion after all papers are filed to enable the Court to hold a pre-submission conference, the date, time, and place of which the Court will set by order.

### B. Post-Note of Issue Pre-Trial Conference/Any Pre-Hearing (including limited or framed issue hearings) or Pre-Trial Conference

1. 10 business days before the pre-trial conference (or, if none be scheduled, then 10 business days before the trial or hearing), counsel must file with the Court with (A) one set of jointly marked pleadings and all amendments to them (subject to the rules about joint letters); (B) each demand for and response to a bill of particulars; (C) a list of all documentary exhibits which a party intends to introduce at trial, pre-marked, beginning with 1 for Plaintiff and continuing with consecutive integers thereafter and with A and continuing with letters thereafter (with the twenty-seventh exhibit to be AA, the twenty-eight to be AB, and so on until the fifty-third exhibit which will be BA, the fifty-fourth exhibit which will be BB, and so on), with such list to indicate all agreements regarding the admissibility of each documentary exhibit; (D) the party's objection (other than foundation that the documentary exhibit is what it purports to be and is a true and accurate copy of the original, if applicable) to the admissibility of any exhibit of an adverse party that the party has to admissibility; (E) a witness list of each witness that the party intends to call at trial, reasonably identifying the witness by name and relationship to the case, including expert witnesses with a designation of the party's proposal for the field of expertise that the expert witness has; (F) a proposed jury charge with specific citations to the most recent edition of the Pattern Jury Instructions or other authority supporting the proposed jury charge; and (G) a proposed jury verdict sheet.

2. In respect of limited issue hearings, hearings on motions, and any other sort of hearing, the rules set forth in paragraph 1 immediately above also apply if the Court orders a pre-hearing conference; if the Court does not order a pre-hearing conference, then the rules set forth in paragraph 1 immediately above apply, but the deadline is 10 days before the hearing (unless the hearing is fewer than ten days away, in which case, the deadline is noon on the day before the hearing).

C. All Other Conferences

Fully prepared counsel that complies with all other portions of these rules must timely appear.

**III. MOTIONS**

**UNLESS OTHERWISE ORDERED BY THE COURT, ALL MOTIONS ARE ON SUBMISSION ONLY, AND NO APPEARANCE IS REQUIRED.**

**RETURN DATES OF ORDERS TO SHOW CAUSE ARE ON SUBMISSION ONLY UNLESS OTHERWISE ORDERED BY THE COURT.**

A. Working Copies/Courtesy Copies

The Court works from the NYSCEF filed documents, so counsel is not required to send any working or courtesy copies of any documents to chambers.

B. Return Dates/Adjournments

**MOTIONS MUST BE MADE RETURNABLE ON ANY DAY AT 9:30 A.M. ON SUBMISSION ONLY.**

1. By stipulation and in strict compliance with 22 NYCRR 202.8 (e) (1), the return date of a motion may be adjourned within the parameters set forth in that Rule of the Chief Administrator *provided that the action has a 2022, 2023, or 2024 index number*.
2. Any other adjournment requests must be made by joint letter (see below regarding joint letters) to comply with 22 NYCRR 202.8 (e) (2). This may be a time-sensitive matter that requires a telephone call to chambers (see below regarding communication with chambers).

### C. Motion Papers

1. Consistent with 22 NYCRR 202.8 (c), affirmations and affidavits are separate from briefs. Counsel is prohibited from including legal argument in affirmations and affidavits. Counsel must put relevant facts in affirmations and affidavits. Counsel must put legal argument in a brief (or memorandum of law) which may include a “Facts” section with citations to the record.
2. Notices of Motion and prayers for relief must request relief with reasonable specificity. For example, “seeking a default judgment against all non-appearing defendants” is inadequately specific because that noticed relief requires the Court to search the record and act as an advocate, but “seeking a default judgment against the following non-appearing defendants . . . “ with a list of them is reasonably specific.
3. Counsel must organize and present the facts in any affidavits and/or affirmation and the arguments in any briefs and/or memoranda of law using some form of outlined format that corresponds to the sequence of the prayers for relief in the notice of motion.
4. Counsel is encouraged to cite New York cases ONLY to the official reports, and to cite all other cases to the official reporter for that jurisdiction. If counsel cites to a case or other authority that is reported only in the New York Law Journal and/or only in an unofficial source, then counsel must append a true, complete and correct copy of that authority to the brief or memorandum of law, with such appendix being clearly identified and not counting against any page or word limit.
5. All exhibits must be filed as separate documents, (e.g., Exhibit 1-note; Exhibit 2-mortgage, etc.). Each document, whether an exhibit or otherwise, must be filed with added details describing the document (e.g., Affidavit – VP of Documentation; Affirmation – Plaintiff’s Counsel).

### D. Oral Argument

Unless a party requests oral argument in the notice of motion AND the Court grants that request or the Court orders oral argument in the Court’s discretion, all motions are deemed submitted on the return date.

- E. Motion Conference – see section II (A) above.

## IV. TRIALS/HEARINGS

- A. All jury and non-jury trials will begin promptly at the date and time the Court orders and will continue day-to-day. Unless the trial date is set fewer than two months in

advance, 22 NYCRR 125.1 (g) applies to all trials, so no adjournments will be granted upon the engagement of counsel.

B. The Court may require counsel to submit a settled transcript of a non-jury trial.

## **V. SPECIAL RULES FOR FORECLOSURE MATTERS**

### **A. Referees**

1. Once the Court appoints a referee, each of the parties must thereafter serve all papers upon the referee in addition to any other service requirements.
2. All Referees must consult with and coordinate the date and time of auctions with the Fiduciary Department of the Supreme Court and may not schedule or advertise an auction without first having the Fiduciary Department's approval for such date.

### **B. Judgments of Foreclosure and Sale**

1. In the portion of the judgment of foreclosure and sale relating to costs and disbursements, counsel must leave a blank for such amount and include in the judgment of foreclosure and sale the following language as to each of costs and disbursements "as taxed by the clerk and inserted herein"
2. To be awarded attorney fees in an amount of \$3,000 or more, the motion papers must, among all other requirements, demonstrate compliance with or an exception from the rules set forth at 22 NYCRR 1215.1 *et seq.*
3. The proposed terms of sale must accompany the judgment of foreclosure and sale and be filed as a separate NYSCEF document.

### **C. Property Condition**

All counsel must notify this Court by joint letter immediately upon having cause to know that the realty subject to foreclosure is (a) condemned; (b) the subject of condemnation proceedings; and/or (c) the subject of any allegations of being non-code compliant.

## **VI. GENERAL**

### **A. Joint Letters or Other Joint Item**

1. When the Court requires a joint letter or any other joint item, all counsel must be available reasonably in advance of the Court's or the circumstances' deadline for filing such letter or item and must meaningfully participate in the preparation of the joint letter or item. If counsel violates this rule, then the author of the joint letter or item should set forth the circumstances of the claimed violation in the joint letter

or item, and the Court will determine how to proceed upon the report in the joint letter and may set a hearing date to determine (i) whether a violation occurred and (ii) which party(ies) or counsel(s) against whom to impose remedies.

2. All joint letters and items must include all counsel's input and must have all counsel's approval. Where approval is impossible (for example, one party's position is that a document is discoverable while the other party disagrees), the joint letter or item should succinctly set forth each party's position, which satisfies the requirement of approval because approving an accurate statement of an adverse party's position is not a concession. If impossibility arises because of counsel's unavailability, then any single party or group of parties may file the letter with an explanation of the efforts to engage the absent party.
3. All joint letters or items must be no longer than three pages, including signature blocks, addresses, and any footnotes. All type must be twelve-point or larger, proportionately-spaced, serified font (such as Times New Roman), and side and bottom margins must be one inch.
7. A court date or deadline for a joint status letter is the equivalent of a court conference. Failure to provide the joint status letter is the same as missing a court date and/or call of the calendar, so the Court may impose remedies and/or sanctions under Uniform Rules for the Trial Courts (22 NYCRR) § § 202.27, 130-1.1, 130-2.1, and other authorities.

#### B. Other

1. The Court may, in a specific case, order or excuse a variance from these rules, either at counsel's request or on the Court's own discretionary determination.
2. **Counsel should not fax or email chambers**, except if the Court specifically authorizes communication in that form. All correspondence and communication should be via letter filed via NYSCEF, except for telephone calls that are absolutely necessary either to clarify how to proceed or to alert the Court to a particularly time sensitive matter. Counsel must be thoroughly familiar with 22 NYCRR 100.3 regarding *ex parte* communication with the Court, which includes the Court's chambers and other staff.
3. Counsel must immediately make a proper filing if counsel settles or seeks to withdraw any motion, action, special proceeding, or other matter pending before the Court. The failure to comply with this rule (a) will cause the Court to devote limited resources to an unnecessary matter and (b) prejudices the administration of justice.
4. The Court will strictly enforce all deadlines, especially those set forth in court orders that arise from conferences. Except in extraordinary circumstances where a

later application to extend a deadline is made, counsel must make any application to extend a court-ordered deadline at least 15 business days before the deadline. Counsel must set forth in the application good cause for the extension and whether other parties consent. Consent of all counsel is relevant but not dispositive of good cause. Consent of all counsel alone is not good cause to extend a deadline.

5. The Court will conduct hearings and/or make any appropriate remedial orders for violations of these Part 81 Rules, including the failure to adhere to any deadlines. The result of non-compliance may be the striking of pleadings and/or preclusion of evidence.

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