

STATE OF NEW YORK  
UNIFIED COURT SYSTEM

HON. FRANK. A. TINARI  
*Acting Supreme Court Justice*

CHAMBERS

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IAS/TRIAL PART 50 - RULES & PROCEDURES  
EFFECTIVE 1/17/2023

Unless otherwise directed by the court, the following rules shall govern practice in Part 50:

1. MOTION PRACTICE

**RETURN DATES/SUBMISSIONS:** All motions made in cases assigned to Justice Tinari shall be calendared for submission on **Tuesdays**. Unless adjourned by the Court or withdrawn by the movant, all motions appearing on the Court's Tuesday motion calendar shall be marked submitted. **All exhibits must be uploaded with a corresponding cover page to NYSCEF.** Working copies are not required. Appearances are not required on any motion unless oral argument has been requested and granted. All requests for oral argument must be made in accordance with 22 NYCRR 202.8(d).

**ADJOURNMENTS:** All proposed adjourn dates must fall on a **Tuesday**. An application for an adjournment of a motion may be made by submission of a written request on consent of counsel for all appearing parties. All stipulations of adjournment must be received by Chambers prior to the return date, and may be forwarded by fax or email [sufftinari@nycourts.gov](mailto:sufftinari@nycourts.gov) directly to Chambers. All adjournment requests **must be uploaded to NYSCEF**. The stipulations must indicate the date on which the motion and any crossmotions riding therewith are returnable before the Court; the adjourn date requested (**Tuesdays only**); If the stipulated consent of all appearing parties is not obtainable, an oral application for an adjournment on the date the motion is returnable before the Court must be made by the party seeking the adjournment, upon due notice to all parties.

**DISCOVERY MOTIONS:** No motion related to disclosure or bills of particulars may be made unless and until a conference has been conducted by this court, notwithstanding that a preliminary or other conference may have been conducted by Justice Tinari or another justice previously assigned the action. The purpose of the conference will be to resolve the dispute between the parties, whether by stipulation or by order of the court. Counsel should be prepared to argue his or her position with regard to the disputed disclosure on the date of the conference. In the event the dispute cannot be resolved, the court may grant permission to make an appropriate motion addressed to the disputed disclosure.

## **2. CONFERENCES**

**SCHEDULING:** Conferences shall be calendered for any **Tuesday or Thursday** the Part is in session. Based upon the exigencies of the Court's calendar, some conferences may be scheduled on Wednesday.

**APPEARANCES:** Appearances by persons with knowledge of the facts is required.

**ADJOURNMENTS:** Applications for adjournments of conferences are governed by the same procedures applicable to adjournments of motions (see above). All adjournment requests **must be uploaded to NYSCEF**

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

### **COMPLIANCE CONFERENCES & PRE-TRIAL CONFERENCES:**

These conferences will be scheduled and conducted 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 which counsel shall supply the Court with marked pleadings, any amendments thereto, and all bills of particulars served. Counsel shall further provide the Court with a list of proposed jury charges, the contentions of each party, any motions *in limine*, and proposed jury verdict sheets. A list of all pre-marked exhibits shall also be provided to the Court and to the stenographer. Counsel shall notify the Court of their inability to stipulate to the admission of any exhibits to be offered at trial. Counsel shall further advise the Court of the witnesses to be called, and if any are experts, shall further provide the information required by CPLR 3101(d)(1)(i).

**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 brief pre-trial memorandum of law. 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:**

**E-FILINGS:** For all documents filed by electronic means in matters assigned to Justice Tinari, **working copies are not required.**

**COMPROMISE APPLICATIONS:** All applications for Court approval or a proposed compromise of an infant or other disabled party's claim must be submitted through the Special Term, with copies of all pleadings served. Compliance with the provisions of CPLR 1207, 1208, and 22 NYCRR 202.67 and a proposed distribution of net amounts to be recovered by the disabled plaintiff that is consistent with 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 the 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 shall be scheduled by the Court with directions for service.

**eff. 07/19/2023**