

**SUPREME COURT OF THE STATE OF NEW YORK
I. A. S. PART 25 - SUFFOLK COUNTY
PART RULES & PROCEDURES**

**HON. GLENN A. MURPHY
A. J. S. C.**

Principal Law Clerk : Joseph Mercurio, Esq.
 Jmercuri@nycourts.gov
Secretary: Diane Morrissey-Dabrowski
Chambers : (631) 740-3911
Fax : (631) 853-3288
Email: Sufmurphy@nycourts.gov

These rules are in addition to the Uniform Rules for New York State Trial Court and the Local Rules of Court.

I. ADJOURNMENTS

A. Motions and Compliance Conferences:

1. **Adjournments will only be granted for good cause.** Scheduling conflicts and “ongoing settlement discussions” are not considered valid reasons for adjournment requests. Applications for adjournments of conferences shall be made by contacting chambers, **no later than 3:00 p.m. on the business day prior to the scheduled conference or return date of any motions by emailing the Court at sufmurphy@nycourts.gov**. All applications shall be made after consultation with all attorneys on the file and ON CONSENT OF ALL SIDES, and the attorneys shall provide the Court with **three (3)** acceptable dates for all sides. **Requests made after 3:00 p.m. will not be considered absent exigent circumstances.**

2. In the event all counsel do not consent to the adjournment, an application shall be made by conference call with all counsel and the Principal Law Clerk, no later than 3:00 p.m. on the day preceding the scheduled conference or motion.

3. ALL ADJOURNMENTS, which have been approved by the Court, **MUST be confirmed with a letter to the Court by email (to the Court and all parties) and uploaded to NYSCEF.** The letter shall

include the parties' names and index number, that the adjournment request was granted, indicating it was on consent or over opposing counsels objection, the initial scheduled date and the new return or conference date and time. If a conference date is adjourned, any motion also returnable that day, unless specifically indicated and agreed between counsel, shall be adjourned to the next scheduled conference date.

4. If the application is based on counsel's actual engagement on another matter, an Affirmation of Actual Engagement in conformity with 22 NYCRR § 125 shall be submitted in lieu of a letter with the above information included, copied to all counsel.

B. Preliminary Conference :

1. All counsel and parties SHALL attend the Preliminary Conference. **No Preliminary Conferences shall be adjourned absent a compelling reason.** (Counsel are directed to review 22 NYCRR § 202,16(f)).
2. Counsel are directed to comply with all Discovery, Certification and Note of Issue dates. Unless counsel otherwise agree in a written, signed Stipulation, to be provided to the Court, discovery dates will not be extended. In the event counsel cannot agree, counsel are urged to contact the Court by conference call prior to making any formal motion. Certification and Note of Issue dates may not be extended absent approval of the Court.
3. Counsel **MUST COMPLETE** the Preliminary Conference Form and the 240 Information Sheet provided by the Court and submit it by email at sufmurphy@nycourts.gov **three (3) days PRIOR** to the Preliminary Conference. “**DO NOT UPLOAD TO NYSCEF**”

II. MOTIONS

EXCEPT IN AN EMERGENCY SITUATION, COUNSEL ARE TO CONTACT THE COURT TO REQUEST A PRE MOTION CONFERENCE PRIOR TO THE MAKING OF ANY MOTION IN ORDER TO ALLOW THE COURT TO ASSIST IN A POSSIBLE RESOLUTION.

A. Submission of Motions:

1. All motions will be marked “Submitted” on the return date unless otherwise determined by the Court. Affidavits in Opposition and/or Affidavits in Reply must be submitted to the Motion Clerk or e-filed to

NYSCEF no later than 12:00 p.m. on the return date. Cross-Motions with Affidavits in Opposition to the principal motion will be calendered on the return date of the Cross-Motion. Counsel should ensure that the principal motion is adjourned to the return date of the Cross-Motion for all papers to be considered.

2. All motions are **submission only and no appearances** are required unless the Court approves a request by counsel on notice to and with the consent of all sides or if directed by the Court.
3. Motions are to be served and filed in conformity with CPLR § 2214, 22 NYCRR Part 202.8-b and in accordance with NYSCEF filing rules.
4. All motions seeking *pendente lite* relief must be in compliance with 22 NYCRR § 202.16 to be properly considered..
5. There is no right to submit a Reply for applications brought by Order to Show Cause and leave of the Court must be obtained **PRIOR** to the submission of a Reply.
6. If counsel needs to adjourn the motion(s) a letter **MUST** be sent to the Court on consent the day **PRIOR** to the return date.

B. Application for a Stay or Temporary Restraining Order:

1. Any Order to Show Cause seeking injunctive relief, including a stay or TRO, and any Order to Show Cause seeking emergency relief, must be made in accordance with 22 NYCRR § 202.7 (f) or §202.8-e. The moving party shall advise all sides **and the Court** as soon as practicable of counsel's intent to make the application.
2. **DO NOT** notice a specific time for a motion to be heard without first contacting Chambers regarding the Court's availability. If a motion is e-filed, there is no guarantee that it will be heard on the day of filing. Upon review of the papers, the Court will contact the moving party and advise of the Court's availability to hear oral argument or schedule a conference if the Court deems same necessary or appropriate.

C. Interim, Partial or Full Settlement:

If all or part of a motion has been settled, counsel shall forward an original Stipulation of Settlement to the Court along with a letter from the movant, on notice to all sides, indicating the return date of the motion and setting forth, in

detail, what aspects of the motion have been settled and what issues remain to be decided. In the event the motion has been resolved in its entirety, the movant's letter shall indicate same and shall confirm that the motion is either marked "settled" or "withdrawn".

III. COURT APPEARANCES

- A. Counsel and clients are directed to appear **in person** at all scheduled court dates unless otherwise excused by the Court.
- B. All attorneys and pro se litigants must check in with the Court Clerk. Counsel are requested to leave their cell phone numbers with the Court Clerk, in the event they are leaving the part.

IV. COMMUNICATION WITH CHAMBERS

- A. All communication with chambers by fax, letter, email, or NYSCEF shall be copied to all sides and shall include the title of the action, the full names of the parties, the date the matter next appears on the Court's calendar, and the index number.
- B. The Court will not consider any *ex parte* communication on any issue other than a request for an adjournment or to request an emergency conference.
- C. Counsel SHALL NOT send copies of any correspondence between counsel to the Court. Any such correspondence will be disregarded by the Court.

V. TRIAL & HEARING RULES

- 1. **Exhibits**: The parties must pre-mark exhibits and provide the Court with an Exhibit List prior to trial. The Exhibit List shall contain the letter or number of each exhibit, a short description of the exhibit, and whether the exhibit is being admitted into evidence on consent, or being marked for identification only. The Court will address those exhibits marked for identification only during the Trial.

Counsel shall supply opposing counsel and the Court with a copy of each exhibit being admitted into evidence.

If deposition transcripts are to be used at trial, the Court must be supplied with a copy of the transcript.

2. Counsel shall inform the Court whether any motions are outstanding or issues referred to trial and copies of the motions shall be made available to the Court.
3. All trials and hearings may continue day-to-day until completed, subject to the Court's availability.

VI. JUDGMENT SUBMISSION PACKETS

A sixty (60) day order will be issued upon the settlement or trial decision of a matter. The submission packet should be filed on or before the initial submission date. If additional time is necessary, an adjournment request must be forwarded via NYSCEF and an email to the court requesting additional time to submit the final packet.

No more than two (2) adjournments will be granted to submit a judgment packet. The third request, except for good cause shown, will require a court appearance of parties and attorneys. Failure to appear may cause the matter to be **DISMISSED**.