

SUPREME COURT – SUFFOLK COUNTY

IAS PART 56 – PART RULES & PROCEDURES--EFFECTIVE March 16, 2023

Justice: Hon. Carmen Victoria St. George

Principal Law Clerk: Mary Louise Biunno, Esq.

Judicial Secretary: Nicole Chaves

Courtroom phone: (631) 852-2097

Chambers phone: (631) 852-2702

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All parties appearing in this Part must be prepared, well organized, punctual, and professionally attired. They must treat the judge and her staff in a civil and professional manner. All attorneys and pro se litigants appearing before this Court are expected to be familiar with and comply with the Court rules.

**I. ADJOURNMENTS**

Applications for adjournments should be made via email to Chambers. No adjournment requests are to be made within one week of the scheduled court appearance.

**A. Motions and Status Conferences**

Applications to adjourn conferences or motions must be made at least one week prior to the conference or return date. Counsel must provide proposed adjourn dates agreed to by all parties, the index number and case name, information regarding the prior discovery conferences, and the reason for the request.

**B. Preliminary Conference**

1. Discovery, Certification, and Note of Issue deadlines, will be enforced. Deadlines may not be extended absent prior approval by this Court by means of an email to chambers.

**II. MOTIONS**

The Court requires working copies of all electronically filed motion papers.

**A. Pre-Motion Conferences**

1. Before resorting to motion practice, parties are strongly encouraged to schedule a conference with the Court to resolve any ongoing non-dispositive or ancillary disputes, e.g. discovery disputes. Counsel MUST be fully familiar with the matter in dispute and must have authority to bind their clients at the conference.
2. This rule does not apply to applications for counsel to be relieved, or to dispositive motions, such as summary judgment motions.

**B. Submission of the Motion**

1. Counsel are not required to appear on the submission date unless directed by the Court.
2. Motions are to be served and filed in conformity with CPLR § 2214. In addition, the parties must organize their discussion, in both the supporting affidavits and the affirmations, by numbers or letters which correspond to the numbers or letters used in the Notice of Motion or Order to Show Cause.

3. Unless the Court grants advance permission for good cause, legal memoranda shall not exceed 30 pages (excluding tables of contents and of authorities) and affidavits/affirmations shall not exceed 25 pages.
4. All submissions must be in 12 point Times New Roman font.
5. All courtesy copies of motion papers must have protruding exhibit tabs identifying the exhibits.
6. The parties cannot submit any sur-reply affidavit, affirmation, memorandum of law or letter without leave of the Court.

C. **Applications for Temporary Injunctive Relief**

1. Applications for temporary injunctive relief must be made in conformity with 22 NYCRR 202.7 (f). The party seeking temporary injunctive relief must notify the opposing side at least 24 hours before it submits the Order to Show Cause to the Court. Notice should be given by telephone and/or email, if practicable.

D. **Interim Partial or Full Settlement**

1. If the parties settle all or part of a submitted motion, they must promptly notify the Court and all other parties to the action by a letter setting forth the motion submission date, what aspects of the motion have been settled, and what issues remain to be decided.

III. COURT APPEARANCES

- A. In person conferences are held on Mondays. Compliance, status, and pre-trial conferences begin at 9:30 am for the cases on the calendar for the morning call and begin at 2:00pm for those scheduled for the afternoon call. Motions are also scheduled for Mondays and are on submission, unless notified by the Court that the parties should appear for oral argument.
- B. Counsel and parties who are appearing should be prepared to discuss all aspects of the matter, including settlement. Failure to appear may result in costs or sanctions.
- C. All conferences will be held in the order in which all attorneys have checked in.

D. **Pre-Trial Conferences:**

When a matter appears on the Court's pre-trial calendar, following trial certification, counsel for the parties shall appear for the conference. Demands must be exchanged prior to the pre-trial conference and the parties must be prepared to discuss any resolution of the action on the date of the pre-trial conference. The parties must engage in a good faith effort to exchange demands and offers prior to the conference date. Generally, plaintiff should communicate a written demand to defendant, and defendant should respond with an offer, or with no offer, at least ten days prior to the date of the scheduled pre-trial conference. The Court may request that clients and/or carriers (when applicable) attend these conferences. Attorneys who appear for pre-trial conferences must have authority to resolve the case. If an insurance company is involved, an adjuster or someone from the company authorized to resolve the case may be requested by the court to appear.

E. **Discovery**

1. If during a deposition, a dispute arises, the parties should consult the Uniform Rules for the Conduct of Depositions (22 N.Y.C.R.R. § 22.1, et seq.). If they cannot resolve the issue, counsel for all parties should call chambers for guidance.
2. Unless otherwise or ordered by this Court, Plaintiff should file the note of issue only after completion of discovery, including non-party depositions.

#### **IV. COMMUNICATION WITH CHAMBERS**

- A. In all communications with chambers by letter, the title of the action, full names of the parties and index number shall be set forth, with copies simultaneously delivered to all counsel.
- B. Copies of correspondence between counsel shall not be sent to the Court except as these Part Rules and 22 NYCRR 202.7 permits.
- C. The Court shall not recognize or accept an out-of-court settlement unless counsel submits a letter, on notice to all parties, along with the executed settlement agreement/stipulation or a certification that the agreement/stipulation has been executed.
- D. The Court will never accept ex parte communications on any substantive legal issue concerning a case.

#### **V. SANCTIONS**

- A. The court will not consider a sanctions application unless the moving party first attempts to resolve the matter and the offending party refuses to comply. Proof of the request and the response must be made a part of the sanctions application.

#### **VI. TRIAL RULES**

- A. Upon assignment of a trial to this part, counsel shall provide the Court with:
  - 1. Marked pleadings and an exhibit list. Material to be used on cross-examination need not be listed on the exhibit list. Only those received in evidence will be marked by the reporter. The reporter is to be provided with an exhibit list;
  - 2. Contentions on one typed page, single spaced;
  - 3. Proposed requests to charge;
  - 4. Any notices to admit;
  - 5. Copies of transcripts of depositions intended for use at trial. The Court's preference is that the transcripts be provided in condensed format, printed on back-to-back pages inclusive of an index. Further, parties must disclose which portions of any transcript they intend to read into evidence on their cases in chief and provide the page and line numbers for the portions to be read;
  - 6. Proposed jury verdict sheet;
  - 7. Copies of all expert exchanges and reports. At the first scheduled conference, parties shall alert the Court to all anticipated issues of law and fact and provide the Court with the relevant law applicable to their case;
  - 8. Any special requests, such as interpreters, blackboards, media equipment, shall be made in advance of commencement of the trial or during the first conference;
  - 9. A list of anticipated witnesses;
  - 10. Any subpoenas it wishes the Court to so-order, provided the same are relevant to the trial at hand.
- B. Other Procedures
  - 1. Parties shall work together to stipulate to undisputed facts and the admissibility of clearly admissible documents.
  - 2. Parties shall have agreed-upon documents, photographs, and other exhibits pre-marked into evidence by the court reporter while the jury is not present.
  - 3. Parties shall apprise the Court of any anticipated motions in limine. Parties should provide the Court with the relevant cases prior to the making of such motion.

- C. It is expected that the attorneys will select a jury as expeditiously as possible.
- D. During trial, the parties shall make their objections by standing and saying, "objection." If, in the Court's opinion, the objection requires elaboration, the Court will ask the parties to approach and/or the parties should request a sidebar.
- E. Any item which is sought to be shown to a witness must first be shown to opposing counsel.
- F. Due to the Court's conference calendar, there shall be no trials on Monday mornings.
- G. Due to the administrative rules, all court matters shall end at 4:30 P.M.
- H. Trial Days
  - 1. Will commence at 9:30 A.M. and continue to 1 P.M., and resume in the afternoon commencing at 2 P.M. through 4:30 P.M.
  - 2. The parties shall notify the Court of the dates their experts are available to testify, and the expert testimony will be completed on those days if possible.
  - 3. Trials may extend past 4:30pm if in the discretion of the Court it is necessary for the expeditious resolution of the case.
- I. Requests to Charge
  - 1. Will be drawn from the Pattern Jury Instructions (PJI). A complete list of requested charges is to be submitted via email to [cstgeorg@nycourts.gov](mailto:cstgeorg@nycourts.gov). Unless counsel seek a deviation from the standard pattern charges, only the PJI numbers and section title need be submitted. Where deviations, additions or charges are requested, the full text of such requests, including all relevant material, must be submitted together with any supporting legal precedents. All submissions must be served on opposition counsel. Final charges will be formalized at a charge conference during the course of the trial.
- J. Verdict Sheet
  - 1. Counsel shall jointly prepare a proposed verdict sheet. The verdict sheet is to be typed and in final form for presentation to the jury. If agreement is not possible, then each side shall present a separate proposed verdict sheet. If it is feasible, such proposals shall also be submitted via email to [cstgeorg@nycourts.gov](mailto:cstgeorg@nycourts.gov) in a document that is compatible with WordPerfect 12.0. The final verdict sheet will be formalized at a charge conference to be held after the conclusion of the plaintiff(s)' case.

## VII. COMPROMISES AND OTHER APPLICATIONS

- A. All applications for approval of 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. The address and telephone number for the Special Term Clerk's Office is 1 Court Street, 3<sup>rd</sup> Floor, Riverhead, New York 11901, (631) 852-3022.
- B. 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.
- C. The Court shall conduct hearings prior to the approval of any Infant Compromise Order. The infant and his/her named guardian must appear at the hearing unless the Court waives this requirement. The named guardian must have proper identification for the court on the scheduled court hearing date.
- D. The attorney's supporting affirmation shall set forth the policy limits of all available insurance.
- E. All infant Compromise submissions shall comply with CPLR §§ 1207, 1208 and Uniform Rules §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.
- F. The Court will not entertain an Infant Compromise Order where the medical evidence submitted is wholly inappropriate, e.g., a chiropractor rendering an opinion with regard to a wrist fracture, an internist rendering an

opinion regarding “psychic trauma,” or where said opinion or report is more than six months old. The medical evidence/report must indicate whether the injured plaintiff has fully recovered, and if not, a detailed statement as to the nature and extent of the injuries and the course of future treatment required.

## VIII. MISCELLANEOUS

### A. Conferences/Trial

1. The parties are to inform the Law Secretary and/or Judge of any outstanding motions (submitted or pending) and the submission date(s) at the time of a conference or the trial. The parties must bring copies of the motions to the trial or conference, if not already provided to the Court.

### B. Attorneys of Record

1. Attorneys who have appeared in the matter are to make all appearances until they are relieved by the Court or a Consent to Change Attorneys has been filed with Part 56 and with the Clerk of the Court.