

**ADMINISTRATIVE ORDER OF THE  
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend and renumber, effective immediately, sections 206.21(c) - (j) of the Uniform Rules of the Court of Claims, relating to appropriation claims, to read as follows:

**§ 206.21. Appropriation claims; special rules.**

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(c) All appraisals of fixtures submitted on behalf of the claimants and the Defendant for which claim is made shall be filed and distributed as provided by these rules with respect to appraisal reports and shall set forth the appraisal value of each item in the same numerical order as in the inventory annexed to the claim.

(1) Where the Defendant puts in issue the existence of any item in the inventory, the appraisal submitted on its behalf shall so state.

(2) Where the Defendant puts in issue the description of any item in the inventory, the appraisal submitted on behalf of the Defendant shall state its appraiser's description of such item and his or her estimate of value.

(3) Where the Defendant puts in issue the compensability of any item in the inventory, the appraisal report submitted by the Defendant shall so state and shall state the ground therefor, as well as its appraiser's estimate of the value of such item for consideration in the event that the court should determine that it is compensable.

(e d) Experts' Reports. Where an expert, other than a valuation expert is intended to be relied upon at trial, an original and three copies of the expert's report shall be filed within the same time and in the same manner as above set forth.

(d e) Exchange. When all parties have filed their appraisals and reports as herein provided, the clerk shall send copies of each to all other parties.

(e f) Amendments and Supplements. If a party intends at trial to offer proof correcting errors in or adding pertinent matter to an appraisal or other expert's report, an original and three copies of an amended or supplemental report shall be filed within two months after the exchange of appraisals and reports. The clerk shall send copies to all other parties.

(f g) Rebuttal Reports. If a party intends at trial to offer expert evidence in rebuttal to any report or amended or supplemental report, an original and three copies of the expert's report shall be filed within one month after receipt of the document sought to be rebutted. The clerk shall send copies to all other parties.

(g h) Extension of Time.

(1) A party requiring more time than that prescribed in subdivision (b) of this section may apply for an extension of up to six months by letter to the assigned judge and received not later than six months from the date of the filing and service of the claim. The letter application shall show good cause for the extension, and a copy thereof shall be forwarded by the applicant to each other party. The assigned judge in his or her discretion may, by letter, grant an extension for such period, not to exceed six months, and upon

such terms and conditions as may be just. Such extension also shall extend the time of other parties.

(2) An application for any further extension shall be made by motion on notice showing good cause and shall be made to the assigned judge prior to the expiration of any previous extension. The court in its discretion may grant the motion upon such terms and conditions as may be just. Alternatively, a further extension may be set forth in a stipulation which shall be signed by the attorneys and submitted to the assigned judge. The court in its discretion may "so order" said extension.

(3) An application for other or further relief from the requirements or consequences of this section also shall be made to the assigned judge by motion on notice showing unusual and substantial circumstances. However, any application for such relief made after the commencement of trial may be granted only upon a showing of extraordinary circumstances. The court in its discretion may grant the motion upon such terms and conditions as may be just.

(h j) Limitation of Testimony. At the trial of a claim governed by this section, expert witnesses called by the parties shall be limited in their testimony to matters set forth in their respective appraisals or other reports. A party failing to file appraisals and other reports as provided in this section shall be precluded at trial from offering any expert proof, with the exception of evidence admissible under section 16 of the Court of Claims Act.

(i j) Nonapplicability. Compliance with this section shall not be required of a party

proceeding in this court pursuant to article 6 of the Eminent Domain Procedure Law (special procedure for claims under \$25,000), or a party who files, within the time set forth in subdivision (b) of this section, a notice with proof of service, that no expert proof will be offered at trial. When such a notice is received by the clerk, the clerk shall mail to the party filing the notice a copy of any appraisal or report received from any other party.

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Chief Administrative Judge of the Courts

Dated: April 23, 2010

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