

Part Rules
I.A.S. Part 33
Commercial Division Part A
JUDGE LEONARD LIVOTE
Courtroom 122
718-298-1043
718-298-1158 (Fax)

Law Secretary: Kevin Morrissey

Secretary: Sharon Davidson

Part Clerk: Kathryn Fish

General

1. Any person appearing in this Part shall be treated fairly and respectfully.
2. All inquiries must be made by email.

The Part 33 email address is QSCPART33@nycourts.gov

The Commercial Division Part A email address is QNSCDPTA@nycourts.gov

Please email only the appropriate address. **Please do not email both addresses.** Please do not email the Law Secretary or the Secretary unless you are responding to an email from them.

ALTERNATIVE DISPUTE RESOLUTION

All litigants are encouraged to take advantage of the ADR program. For details, contact Linda Dardis, the ADR Coordinator, at QSCADR@nycourts.gov.

PRELIMINARY AND COMPLIANCE CONFERENCES

All non-Commercial Division PCs and CCs are referred to the PC/CC Part. Please click on the following links: [Preliminary Conference Part Memo](#) and [Compliance Conference Part Memo](#) for information regarding the Preliminary Conference Part and Compliance Conference Part.

PRELIMINARY CONFERENCES

For **Commercial Division** cases the parties must fully complete, sign and email the Preliminary Conference form for the Judge's review and signature on the scheduled preliminary conference calendar date. The forms are available [here](#).

COMPLIANCE CONFERENCES

All compliance conferences shall be held on the date scheduled in the Preliminary Conference Stipulation and Order. The parties are directed to make good faith efforts to complete the Compliance Order and then e-mail it to the part to be So-Ordered. Any disagreements as to discovery should be directed to Chambers via email, at which time a virtual conference may be scheduled.

Compliance Conference Forms for Commercial Division Cases can be found [here](#).

MOTIONS

With respect to Commercial Division Cases, the words “COMMERCIAL DIVISION” shall be clearly and conspicuously marked on the Notice of Motion or Order to Show Cause by the moving party.

1. Motions shall be heard on **Tuesdays at 9:30 a.m.** All motions are currently on submission. There is no oral argument unless requested by the Court.
2. Motions must be submitted with a motion submission form available [here](#).
3. E-filing is mandatory. If a case is not e-filed, it must be converted to e-filing before making a motion. The application is available [here](#).

VIRTUAL BENCH TRIALS

The protocols and procedures for Virtual Bench Trials are available [here](#).

SUMMARY BENCH TRIALS

The rules and forms for Summary Bench Trials are available [here](#).

COMMERCIAL DIVISION PART A TRIALS

1. All counsel must submit to the court, prior to the commencement of trial, marked pleadings, a copy of the Bill of Particulars, a witness list, exhibit list, proposed jury instructions and a proposed verdict sheet.
2. The trial will be conducted on a continual daily basis until conclusion.
3. No adjournments or delays during trial will be allowed unless exigent circumstances exist.
4. All counsel must call the Part two (2) days prior to the commencement of trial to confirm availability of the Part for the trial date.

5. The call of the Pre-Trial Conference calendar and the Trial calendar will be held on a date to be determined by the court.
6. The parties shall comply with the relevant pre-trial conference and trial rules as required by 22 NYCRR §202.70, and must supply the Court, at the time of the Pre-Trial Conference, with a copy of the marked pleadings.
7. Motions in Limine - Any party intending to make a motion in limine shall do so no later than ten (10) days prior to the scheduled pre-trial conference date in compliance with Rule 27 of 22 NYCRR §202.70 (See Rule 27). Motions in limine which are not timely made will not be considered by the Court.
8. Where a party is represented by counsel, an attorney fully familiar with the case shall appear at the Pre-Trial Conference.

SETTLEMENTS AND DISCONTINUANCES

If an action is settled, discontinued or otherwise disposed of, counsel shall immediately inform the court by submission of a copy of the stipulation or a letter directed to the Clerk of the Part. All Stipulations of discontinuances must be accompanied by proof of payment of the appropriate fee (CPLR §8020(d)(1)).