

I.A.S Part 3
Commercial Division Part C
JUSTICE JOSEPH RISI
Courtroom 26
(718) 298 - 1568
(212) 416 - 1477 (Fax)
Email: QNSCDPTC@nycourts.gov

**NO TELEPHONE INQUIRIES CONCERNING MOTIONS OR
APPLICATIONS MAY BE MADE TO CHAMBERS.**

All such inquiries must be made to Motion Support (718-298-1009) or to the Ex Parte Office (718-298-1018), or to the Clerk of the Part (718-298-1051).

COVID-19 Update:

****This update shall supersede any prior Part Rules until further notice.**

COMMERCIAL DIVISION PART C MOTIONS

ALL COMMERCIAL DIVISION MOTIONS ASSIGNED TO JUDGE RISI AND NOTICED TO BE HEARD ARE **RETURNABLE IN COMMERCIAL DIVISION PART C**. The following Rules apply to all Commercial Division motions returnable in Commercial Division Part C:

1. All Motions/Orders to Show Cause shall be made returnable on Tuesdays, via a Motion Submission Form (“MSF”) to be submitted by the movant/cross-movant. When submitting the MSF, please cc all relevant parties to the **action** in the email. All MSFs must be submitted to the Court, via e-mail, **at least 48 hours but not more than one week** prior to the calendar date.
2. Requests for an adjournment of any nature, **on consent**, will be accepted by e-mail via a MSF, with an attached stipulation/briefing schedule agreed upon by all parties to obviate the need for further adjournments. If an adjournment is requested and is not on consent, the MSF should indicate same and the Court will notify you if the adjournment is granted with a briefing schedule. If the motion is adjourned, a new MSF is required prior to the new return date in accordance with the above time frame. Applications for an adjournment will be granted as a matter of right for the first time as the court sees fit. No further applications will be granted without permission of the Court. Counsel must make every effort to notify their adversaries of their intention to seek an adjournment. Requests for an adjournment beyond ONE will be granted sparingly in the court’s discretion.

***The MSF is available [here](#)**

3. If a conference is requested by the parties, the request must be submitted to the Court via e-mail with the MSF no later than 48 hours **but no more than one week** prior to the calendar date.

If the Court requires a conference on a motion, it will notify all parties via email. If parties are notified prior to the calendar date that a conference is required with the Court, appearances via phone or Microsoft TEAMS are not necessary until notified otherwise.

Parties must adhere to the instructions on the MSF otherwise, adjournments/conferences will not be granted

***A MSF IS REQUIRED FOR ALL MOTIONS/ORDERS TO SHOW CAUSE TO BE SUBMITTED, EVEN THOSE PREVIOUSLY ADMINISTRATIVELY ADJOURNED DUE TO COURT CLOSURE. Any Motion/Order to Show Cause submitted without an MSF will not be accepted by the Court and will be marked off.**

4. **The words “COMMERCIAL DIVISION” shall be clearly and conspicuously marked on the Notice of Motion or Order to Show Cause by the moving party.**

5. The Court, at this time, will not be accepting any working copies for any motions. **DO NOT MAIL ANY PAPERS TO CHAMBERS.** For any matters that were commenced prior to mandatory e-filing, if the parties agree, the case may be converted to e-file by completing the EF10 form which can be found at <https://iappscontent.courts.state.ny.us/NYSCEF/live/forms/stipulation.and.consent.pdf>.

6. **At this time, all in-person appearances are waived until future notice.**

7. Discovery related motions. On any discovery related motion or application, if after the parties have conferenced these matters among themselves, the movant shall contact the Court, via e-mail, to schedule a conference with all parties prior to submitting the motion or even prior to filing the motion. The Part is prepared to assist in connection with these motions or applications by virtue of preclusion language or so-ordering a stipulation, as may be necessary. All stipulations must indicate that the motion and any cross-motions is/are being withdrawn pursuant to the stipulation.

Any items of discovery not specifically identified as outstanding at the time of the stipulation resolving the motion are deemed waived.

No motion relating to disclosure will be accepted without an affirmation of good faith as required by 22 NYCRR §202.7.

8. The Court further directs that any attorney appearing on a case for any purpose **MUST** be familiar with the case, ready and authorized to resolve any and all issues.

MOTION PAPERS

The Court, at this time, will not be accepting any working copies for any motions. DO NOT MAIL ANY PAPERS TO CHAMBERS.

For any matters that were commenced prior to mandatory e-filing, if the parties agree, the case may be converted to e-file by completing the EF10 form which can be found at <https://iappscontent.courts.state.ny.us/NYSCEF/live/forms/stipulation.and.consent.pdf>.

COMMERCIAL DIVISION PART C 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 instruction 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 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 be made 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. Oral requests and late requests will not be entertained and will be deemed waived.
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 via e-mail. All Stipulations of discontinuances must be accompanied by proof of payment of the appropriate fee (CPLR §8020(d)(1)).

PRELIMINARY CONFERENCE

A preliminary conference shall be scheduled (1) automatically by the Court within 45 days after filing a Request for Judicial Intervention, pursuant to 22 NYCRR §202.12(b); or (2) upon filing a written Request for a Preliminary Conference with the Clerk's Office, in compliance with 22 NYCRR §202.12(a); or (3) when an appropriate notice is filed in malpractice or certiorari cases pursuant to 22 NYCRR §§202.56 and §202.60; or (4) in compliance with 22 NYCRR §202.70 -Rule 7 for Commercial Division cases.

Complete and return the Preliminary Conference Form to QNSCDPTC@nycourts.gov by the preliminary conference date listed. Please cc all relevant parties to the **action** in the email.

*The Preliminary Conference Form is available [here](#).

No appearances are required at this time.

COMPLIANCE CONFERENCES

All Commercial Division Part C compliance conferences shall be held on the date scheduled in the Preliminary Conference Stipulation and Order. The forms for Compliance Conferences are uploaded under the part rules. 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 virtue conference will be scheduled. Please note that in addition to the Compliance Conference Order, each party must complete the ADR Attorney Certification form.

Please complete and return both forms to QNSCDPTC@nycourts.gov by the compliance conference date listed. Please cc all relevant parties to the **action** in the email.

*The Compliance Conference Form is available [here](#).

*The ADR Attorney Certification Form is available [here](#).

No appearances are required at this time.

NOTE OF ISSUE CALENDAR

Upon filing, proof of filing should be provided to the Clerk of the part.

PART 3 RULES APPLY

To the extent that there is no conflict with the above rules, all Civil Term Part 3 Rules also apply to Commercial Division Part C cases.

[10/2020]