

**HON. CATHERINE M. DIDOMENICO  
PART RULES  
SUPREME COURT, RICHMOND COUNTY  
18 RICHMOND TERRACE RM 209  
IAS PART 11/MP11**

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Effective: 1/2023

**RULES AND SAMPLE ORDERS FOR REMOTE CONFERENCES**

Preliminary Conference's and Compliance Conference's are being conducted remotely at this time. You will receive notification through the NYSCEF E-filing system when your case has been selected for remote conferencing. Please follow the instructions in that notice, and prepare a proposed Order as indicated in the paragraph below.

At the end of these Rules are Sample Preliminary Conference and Compliance Conference Orders for use when your case is conferenced remotely. Please note that there is a separate Order for Motor Vehicle Accidents. All counsel shall confer and stipulate to terms and prepare a proposed Order to be submitted at least 24 hours *before* your remote conference is held. Please feel free to modify these sample orders to fit the specifics of your case as needed. If there are pending motions that are not fully briefed, please modify the same to include a briefing schedule.

**GENERAL PART 11 RULES**

All adjournments require the prior approval of the Court. In order to request an adjournment, please contact chambers via conference call with counsel for ALL parties. Please note that adjournments of trial dates will generally not be granted absent emergency. Approved adjournments must be reduced to a written stipulation which shall be faxed to the Court.

Self-represented litigants who are seeking an adjournment may do so in writing, but all correspondence with the Court must be copied on ALL parties.

Upon receipt of a Court Notice, or other document generated by the Court, Attorneys representing parties in a matter involving a self-represented litigant(s) shall serve a copy of that Court generated document on the self-represented litigant(s).

Applications for Default Judgments, or other default relief, will only be considered after the Court has been provided with an Affidavit of Service, and only after the Court has provided a Court Notice to the defaulting party to appear in Court.

### **CONFERENCES**

Compliance Conferences will be heard on Thursdays and Fridays and Preliminary Conferences will be held on Fridays. Counsel are directed to prepare the Preliminary Conference, or Compliance Conference Order before the Virtual Appearance. Counsel are to call Chambers at (718) 675-7880 with all attorneys on the line at the time designated for their conference.

### **MOTIONS**

Motion papers, answering affidavits and reply affidavits must be served in compliance with the CPLR. Unless stipulated by counsel for both sides, and approved by the Court, all dispositive motions will generally require oral argument before being submitted for decision.

Counsel are reminded that the CPLR does not provide for sur-reply papers or allow the presentation of papers or letters to the court after argument of a motion. Sur-replies, letters and the responses to such letters addressed to the substance of motions will not be considered absent prior approval of the Court.

Discovery Motions should not be filed absent prior approval of the Court. Approval may be requested via conference call with the Law Clerk. All discovery motions must include a "Good Faith Affirmation" indicating diligent steps taken to avoid the necessity of a discovery motion.

Summary Judgment Motions must be made within 60 days of filing the note of issue unless the standard is established for a late filing. Summary Judgment motions should not be made before the filing of the Note of Issue unless prior Court approval is obtained by the moving party.

### **EX PARTE APPLICATIONS**

Any application for temporary injunctive relief shall contain an affirmation demonstrating there will be significant prejudice to the party seeking the restraining order by giving notice. In the absence of a showing of significant prejudice, an affirmation must demonstrate that a good faith effort has been made to notify the party against whom the restraining order is sought in accordance with 22 NYCRR 202.7. If a party seeks to file 202.7 notice they must first contact chambers by phone to discuss scheduling.

### **PRE-TRIAL CONFERENCE**

The Note of Issue shall be filed prior to the pre-trial conference and in accordance with the Compliance Order. The Note of Issue must not be filed until after a Certification Conference is held and a Certification Order is uploaded to NYSCEF.

At the Pre-Trial Conference Counsel are required to submit:

- (1) Marked Pleadings
- (2) A list of potential witnesses
- (3) A copy of any Deposition Transcripts that Counsel intends to use at trial.
- (4) Proposed Jury Charges and Verdict Sheets shall be presented to the Court with specific citations to the applicable New York Pattern Jury Instructions together with any proposed modifications.
- (5) To the extent possible, all motions in limine shall be made at the pre-trial conference, or prior to the commencement of trial.

### **TRIAL**

Exhibits. Counsel shall pre-mark all exhibits in the order which they intend to introduce them at trial. Plaintiffs will number their exhibits and defendants will letter their exhibits.

Once a case has been assigned a trial date, it is presumed ready for trial. No consent adjournments will be accepted absent emergency. In the event the action is resolved prior to the trial date, counsel are expected to notify Chambers.

The Court is to be provided with duplicates of all items marked into evidence.

#### **FORMS:**

[Preliminary Conference Order \(non MVA\)](#)

[Compliance Conference Order](#)

[Preliminary Conference Order \(Motor Vehicle\)](#)

[Default Notice](#)