

**HON. WAYNE M. OZZI, J.S.C.**  
**SUPREME COURT-RICHMOND COUNTY**  
**26 CENTRAL AVENUE, COURTROOM 410**  
**STATEN ISLAND, NEW YORK 10301**

**Chambers: (718) 675-8610**  
**Fax: (212) 952-7210**

**Courtroom: (718) 675-8612**

**Law Clerk: Karen Fiorelli**  
**Part Clerk: Jaclyn Rinaldo**

**PART 23 RULES**

**Preliminary and Compliance Conferences**

The required Preliminary Conference Order (Uniform Rule 202.12) for this Part and sample Compliance Conference stipulations for compliance conferences are attached. The parties may draft their own stipulations as well. Pursuant to Uniform Rule 202.11, you are required to confer with one another and, where possible, stipulate to terms. Submit any proposed orders or stipulations to the Court at least 24 hours prior to the scheduled court date by uploading proposed order to NYSCEF as a proposed order or stipulation as appropriate. Please feel free to modify the sample orders to fit the specific needs of your case.

If the parties cannot reach an agreement and draft a stipulation, and wish to have a virtual conference with the Court, they must inform the Court no later than two (2) business days prior to the scheduled conference date. The parties must specifically identify the issues or items of dispute prior to the scheduled conference and so advise the Court of the same.

- A copy of the Bill of Particulars must be filed with the Court prior to the preliminary conference and must be served upon all parties ten (10) days prior to the preliminary conference.
- Preliminary conferences will not be adjourned in the event a Bill of Particulars has not been served. In such cases, due dates for the Bill of Particulars must be added to the proposed Preliminary Conference Order.
- The examinations before trial are to be held within forty-five (45) days of the date of the Order or as so designated in such Order. If, for any reason, an examination before trial fails to go forward, the Part Clerk, is to be notified and the parties shall reschedule.
- Compliance conferences shall be scheduled on a Monday or Tuesday within one hundred (100) days of the preliminary conference date.

**No adjournments are permitted for any case that is beyond Standards and Goals without express written permission of the Court.**

**Proposed orders and stipulations should be uploaded to NYSCEF as proposed orders or stipulation requesting to be so ordered and emailed to the part clerk Jaclyn Rinaldo at [jrinaldo@nycourts.gov](mailto:jrinaldo@nycourts.gov). Advisements of disputes and requests for conferences must include all counsel and be emailed to the part clerk Jaclyn Rinaldo at [jrinaldo@nycourts.gov](mailto:jrinaldo@nycourts.gov).**

### **Motions**

Motions will be decided upon submission of all papers. Any party may request oral argument, to be held via video conference, and if granted, one will be scheduled. In some circumstances the Court may require a personal appearance in court. Requests for oral argument must include all counsel and be emailed to the part clerk Jaclyn Rinaldo at [jrinaldo@nycourts.gov](mailto:jrinaldo@nycourts.gov).

- All motions will be calendared on Thursdays at 10:00 a.m. All answering papers must be e-filed at least seven (7) days prior to the appearance date and all reply papers must be filed with the Court at least three (3) business days prior to the appearance date.
- No courtesy copies of motions papers are to be filed with Chambers, the Courtroom or Civil Term Motion Support Office, except in cases that are **NOT** e-filed.
- All motion papers, answering affidavits and reply affidavits must be served by e-filing upon adversaries in accordance with CPLR §2214. No other papers shall be accepted without prior leave of the Court.
- Only attorneys with full knowledge of the case and authority may appear for virtual oral argument of motions.
- Summary judgment motions must be made within sixty (60) days of the filing of the Note of Issue.
- Discovery motions are not permitted without prior Court approval. If the Court has granted approval, attach a copy of the email, letter or other documentation demonstrating such approval to the motion papers.

**DO NOT** contact Chambers with inquiries about the status of pending motion decisions.

### **Orders to Show Cause**

Any Orders to Show Cause must comply with the Uniform Civil Rules for Supreme and County Courts Section 202.7(f). Paper copies of all Orders to Show Cause must be delivered to the General Clerk's office for signature. For e-filed cases, Orders to Show Cause will not be reviewed or signed unless paper copies are delivered to the General Clerk's office.

### **Adjournments of Motions and Conferences**

All adjournments must be with the permission of the Court. Please contact the part clerk Jaelyn Rinaldo at 718-675-8612 or by email with all counsel included on the request to obtain the next available motion and/or conference date. Once the adjournment has been granted, you must then draft and execute a stipulation signed by all parties stating that permission was granted by the Court.

### **Trials**

- (1) Prior to trial, counsel shall furnish to the Court marked pleadings pursuant to CPLR §4012.
- (2) Counsel shall pre-mark all exhibits in the order in which they intend to introduce them at trial, and a list of the exhibits shall be provided to the Court prior to trial. Plaintiffs shall number their exhibits and defendants shall letter their exhibits. An exhibit list may be obtained from the part clerk. On the day of trial, the exhibits and the list shall be provided to the court reporter who will officially mark them before trial. All hospital records must be date stamped.
- (3) Prior to trial, counsel shall provide the Court with a list of potential witnesses in the order in which they intend to call them, including expert witnesses, their expertise, and a summary of expected trial testimony.
- (4) Any potential evidentiary question or procedural or substantive law matter not previously adjudicated shall be brought to the Court's attention and addressed prior to trial by way of a written or oral motion in limine. A written memorandum of law with case citations is strongly encouraged. Citations and copies of relevant court decisions and statutes should be furnished to the Court prior to the commencement of plaintiff's case and when otherwise required by the Court.
- (5) A copy of depositions intended to be used at trial should be furnished to the Court at the commencement of the trial.

- (6) All proposed jury charges and proposed verdict sheets shall be submitted to the Court by email to [kfiorelli@nycourts.gov](mailto:kfiorelli@nycourts.gov) and/or [jrinaldo@nycourts.gov](mailto:jrinaldo@nycourts.gov) prior to the commencement of the Court's preliminary instructions to the jury. The proposed charges shall be submitted with specific citations to the applicable New York Pattern Jury Instructions and Modifications, if any.

**FAILURE TO COMPLY WITH THESE COURT RULES SHALL BE ADDRESSED  
APPROPRIATELY– INCLUDING THE POSSIBILITY OF PRECLUSION**