

Supreme Court
of the
State of New York



HON. PETER H. MOULTON
ADMINISTRATIVE JUDGE FOR CIVIL MATTERS

60 CENTRE STREET
NEW YORK, NY 10007

ADMINISTRATIVE ORDER

By the authority vested in me as Administrative Judge of this court, I hereby order as follows:

(1) There is hereby established a pilot project (“the Pilot Project”) for the automatic referral of certain commercial cases to mandatory mediation in the Alternative Dispute Resolution Program of the Commercial Division in accordance with the Rules and Procedures thereof (accessible at www.nycourts.gov/courts/comdiv/ADR_overview.shtml). The matters that shall proceed to such mandatory mediation are any and all cases that are hereafter assigned to any Justice of the court who has not been appointed to serve in the Commercial Division and in which the filer of the Request for Judicial Intervention (“RJI”) has designated the case thereon as a “Contract” matter and has requested a preliminary conference.

(2) The staff of the court shall identify all such cases at the time of the filing of the RJI. In each such case, the staff shall promptly transmit to the parties by means of the New York State Courts Electronic Filing System (“NYSCEF”) a notice informing the parties that the case shall undergo mandatory mediation in accordance with this Administrative Order, a copy of which shall be appended to the notice.

(3) Counsel and parties in all cases so designated shall proceed to mediation as provided in this Order and the ADR Rules and Procedures and shall adhere to those Rules and Procedures in all

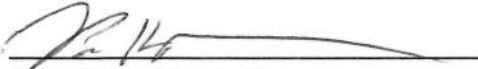
respects applicable, including the deadlines set out therein. Failure to comply with this Order or the Rules and Procedures may subject the offending party or attorney to sanctions.

(3) The court shall establish a centralized Preliminary Conference Part for all Contract cases covered by this Order and a single Justice of the court shall be assigned to that Part. In cases in the Pilot Project, the preliminary conference shall be scheduled in that Part for the earliest date available. Counsel shall discuss with one another in advance of the conference all discovery issues in the case, including the possible provision of discovery tailored to the mediation directed by this Order that will assist in making the mediation as efficient and productive as possible, and shall discuss those subjects with the Justice at the conference. Counsel shall, within four business days after the preliminary conference, consult one another and submit a completed Initiation Form to the ADR Coordinator as provided in the ADR Rules and Procedures. All court proceedings in these cases other than the preliminary conference shall be conducted by the Justice to whom the case was assigned upon the filing of the RJI.

(4) A case otherwise subject to mandatory mediation in the Pilot Project may be exempted from such mediation upon a satisfactory showing that an applying party would be subjected to unreasonable hardship or burden by participation in the mediation. A party seeking an exemption shall apply therefor at the preliminary conference. Failure to seek an exemption in this manner shall constitute a waiver of any objection to the mediation.

Dated: New York, New York

April 19, 2017


Hon. Peter H. Moulton