

Temporary Part Rules for Part 48 - In Effect Until Further Notice

Updated 4/22/2021

Justice Andrea Masley
Commercial Division Part 48

Part Clerk: Lauren Guerrero

Law Clerk: Victoria G. Corbo, Esq.

Law Clerk: Vita Vivek, Esq.

The Temporary Part Rules supplement the Part 48 Rules and Procedures, available online at <https://www.nycourts.gov/LegacyPDFS/courts/comdiv/NY/PDFs/JMasley-PracticeRules.pdf>.

- I. **Appearances:** There will be no in-person appearances in Part 48 until further notice.
- II. **Oral Arguments:** If a party wishes to request oral argument remotely by MS Teams, they may send an e-mail, copying all counsel, to SFC-Part48@nycourts.gov.
- III. **Trials:** Parties with upcoming trials shall email the court (SFC-Part48@nycourts.gov and SFC-Part48-Clerk@nycourts.gov), copying all counsel, one week prior to the trial date for guidance as to how to proceed. If parties wish to adjourn an upcoming trial, they shall email the court (SFC-Part48@nycourts.gov and SFC-Part48-Clerk@nycourts.gov) to submit that request at least two weeks prior to the trial date.
- IV. **Preliminary Conferences, Status Conferences, and Pre-Trial Conferences:** In lieu of conferences, parties shall e-file and e-mail (SFC-Part48@nycourts.gov) a joint update. If the parties agree that a virtual conference is imperative, they may request a conference with the court by e-mail (SFC-Part48@nycourts.gov).
- V. **Hard Copies/Courtesy Copies:** The Part 48 requirement that hard copies of the papers must be delivered to the Part is suspended. DO NOT SEND OR DELIVER PAPER COPIES TO THE COURT. Part 48 also does not require parties to e-mail courtesy copies of motions papers.
- VI. **Orders to Show Cause:** Part 48 continues to require notice of all orders to show cause. When a movant notifies any adversaries of a proposed order to show cause, movant shall also notify Part 48 by emailing SFC-Part48@nycourts.gov. The movant shall also email SFC-Part48@nycourts.gov immediately after the OSC is filed, regardless of whether a TRO is sought. Again, parties shall not deliver hard copies to Part 48 until further notice. If a

TRO is sought, the court will email the parties with instructions as to how to proceed.

- VII. Discovery Motions:** All discovery motions shall be brought by Order to Show Cause.
- VIII. Stipulations, Orders, & Permissible Letters:** Please email SFC-Part48@nycourts.gov with any stipulations, orders, and permissible letters that require the court's attention.
- IX. Adjournments:** Please email SFC-Part48@nycourts.gov and SFC-Part48-Clerk@nycourts.gov with any adjournment requests.
- X. Hyperlinking:** Because of COVID's impact on various law offices, parties may opt out of hyperlinking so long as they cite to the appropriate NYSCEF document number. Opting out does not require notice to the court. **DO NOT CITE TO AFFIDAVITS OR AFFIRMATIONS; EXHIBIT NUMBERS OR LETTERS; THEY ARE NOT HELPFUL; USE NYSCEF NUMBERS.**
- XI. NYSCEF Citations:** Part 48 Rule 6 (F) requires that all citations to the record in all motion papers require NYSCEF Document Numbers with pin-point citations and, where possible, hyperlinks to the actual NYSCEF Document. To avoid any timing issues, parties may file their briefs without NYSCEF numbers to meet any filing deadlines, and then re-file the briefs under the new document category of Memo of Law w/ NYSCEF Numbers to permit the parties to go back and fill in the NYSCEF numbers for documents that were not filed prior to the briefs.
- XII. Documents Filed in Connection with Motion:** All documents filed in connection with a motion shall include the motion sequence number below the Index Number.
- XIII. Cases:** Parties must include a copy of a case as an exhibit if an official reporter citation cannot be provided nor a citation to Westlaw or Lexis.
- XIV. Judgments and Proposed Orders:** Proposed judgments and Orders must be emailed in a Microsoft Word document to SFC-Part48@nycourts.gov.

Please continue to visit www.nycourts.gov for updates on the status of the court.

For any court closure or any change in operations, notice will be posted on the court system's website at www.nycourts.gov and by telephone at (800) 268-7869. Notifications will also be sent out via the New York Courts Alert Emergency Portal (to sign up to receive alerts, please visit <http://www.nycourts.gov/notice/emergency-alerts.shtml>).