

Hon. Emilio Colaiacovo, J.S.C.
New York State Supreme Court
Commercial Division

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Commercial Division Actions: Except as otherwise stated herein, all commercial actions are subject to the rules of practice set forth in Uniform Rules for the New York State Trial Courts § 202.70 (g).

Special Term:

Special Term shall be held on second and fourth Fridays at 9:30 a.m., or on another date so designated by the Court. Counsel is to provide chambers a hard copy of all motion papers one week prior to oral argument.¹ Answering papers and/or cross-motions must be received at the same time counsel is served pursuant to the applicable provisions of the CPLR, but no less than seven (7) days prior to the return date unless approved by the Court. Reply papers must be served no less than four (4) dates prior to the return date unless approved by the Court. Affidavits or Affirmations shall not exceed twenty-five (25) pages in length, unless prior approval from the Court is granted. Motions shall be adjourned by the Court if papers are not timely filed.

Motions will be called in the order in which attorneys check in with the Court clerk. If you wish to have a transcript of the argument, you must request it prior to argument and must make arrangements for payment immediately thereafter.

Infant settlements will be heard at 9:15 a.m. in the Courtroom. Plaintiffs and their parent/guardians must be present.

The Court will use e-mail to schedule conferences and for other general correspondence as often as possible. Counsel should forward the Court an e-mail

¹During the Covid-19 pandemic, the requirement that a courtesy copy be provided to chambers is hereby waived.

address to facilitate communication.

Dates assigned for Special Term - See Attached Schedule

Conferences:

A preliminary conference will be held within forty-five (45) days of the Court's receipt of a filed RJI. Conferences may be held with the Judge or Law Clerk. Appearances by telephone are not permitted except with prior permission of the Court.

Commercial/Civil Conferences: A brief summary (no more than a page) of the case is required one week prior to the initial conference.

Matrimonial Conferences: Will be scheduled within 45 days of the filing of the RJI and are mandatory. A scheduling order will be issued at the conference. Clients must be present at the first court conference. At least one (1) week prior to the preliminary conference, the Court must receive the following:

Plaintiff's counsel will be asked to produce:

1. A letter stating what issues are resolved and unresolved;
2. A 236b financial affidavit;
3. A copy of the current year W-2;
4. A copy of the signed retainer agreement;
5. A copy of the date-stamped summons;
6. A copy of the affidavit of service.

Defendant's counsel must produce:

1. A letter stating what issues are resolved and unresolved;
2. A 236b financial affidavit;
3. A copy of the current year W-2;
4. A copy of the signed retainer agreement.

Adjournments will be granted with consent of the parties, subject to the Court's approval, by contacting the Court Secretary or Law Clerk.

Trials and Hearings:

Commercial/Civil:

The Court adheres strictly to its trial calendar; adjournments of a trial require a showing of compelling circumstances. No adjournments of trial will be granted other than by the Judge or his staff during a pretrial conference convened to address that issue.

Marked pleadings and papers for motions in limine must be submitted at least two [2] days prior to start of trial.

Formal requests to charge and proposed verdict sheets must be submitted one week prior to jury selection in Microsoft Word format to the Law Clerk. The charge conference will be held following the completion of proof, unless otherwise directed by the Court.

Matrimonial/Tax Certiorari:

References to Law Clerk to hear and report may be ordered in cases involving (1) Article 7 Tax Hearings (2) divorces on stipulation, and (3) contested financial issues.

Orders:

Orders must be submitted by the prevailing party within thirty (30) days from decision date with indication that the Order has been sent out to all opposing counsel or pro se litigant and that no objection has been received. A transcript of the Court's decision, where applicable, must be attached to the proposed Order. Orders will not be signed unless opposing counsel has had an opportunity to review for at least seven (7) days. If no objections are received after ten (10) days, the Order will be signed without further delay.

Temporary Restraining Orders (TRO):

TROs are granted on a case-by-case basis. TROs must be on notice to opposing counsel if known. TROs for other Justices will be signed only with approval of that Justice or Justice's Law Clerk.

2020 Special Term Calendar

January 10 & January 24
February 7 & February 21
March 13 & March 27
April 9 & April 24
May 8 & May 22
June 12 & June 26
July 10 & July 24
August 14 & August 28
September 11 & September 25
October 9 & October 23
November 13 & November 24
December 4 & December 18

Underlined dates are not normally scheduled Special Term Dates

This schedule is subject to change by the court.