

**PRACTICE IN THE COMMERCIAL DIVISION
PART 46 - SUFFOLK COUNTY
CASES PENDING BEFORE HON. EMILY PINES**

Counsel are expected to be familiar with the Commercial Division Rules and comply therewith. The following information is offered as a guide to the practices followed by this Court.

E-Filing Rules and Protocol:

All parties should familiarize themselves with the statewide E-Filing Rules (Uniform Rule §§ 202.5-b and 202.5-bb, available at www.nycourts.gov/efile) and the Suffolk County E-Filing Protocol (available at <http://www.nycourts.gov/courts/10jd/suffolk/efiling/index.shtml>). General questions about e-filing should be addressed to the E-Filing Resource Center at 646-386-3033 or efile@courts.state.ny.us.

All submissions to the Court in E-Filed cases, including but not limited to motions, proposed orders, proposed judgments, and correspondence, must be electronically filed.

Pursuant to Uniform Rules for Trial Courts § 202.5-b(d)(4), the Court requires the parties to provide working copies to chambers of the following documents within seven (7) days after they have been filed electronically: all motion submissions, proposed orders/judgments, ex-parte applications, and proposed stipulations requested to be so-ordered. Pursuant to Uniform Rules for Trial Courts § 202.5-b(d)(4), all working copies submitted to chambers shall include, as a cover page firmly fastened thereto, a copy of the confirmation notice received from the NYSECF site upon the electronic filing of such document. Working copies without the confirmation notice will not be accepted.

Correspondence with chambers shall be filed electronically with a working

and copy of correspondence submitted via fax at 631-852-3120.

Where an action is subject to e-filing and a party or attorney seeks to file a document therein in hard copy, this Part will not accept the hard copy unless it includes the notice required by Uniform Rule § 202.5-b(d)(1), a form for which is available at www.nycourts.gov/efile.

Scheduling:

All questions about scheduling appearances or adjournments should be addressed to the Court's Secretary, Valarie Genchi, at 631-852-3117. Requests for adjournment of matters appearing on a Tuesday calendar should be made by not later than 3:00 p.m. on Friday. Requests made after that will likely not be granted. All requests for adjournments must be made with the agreement of opposing counsel and, if approved, confirmed by letter with copies to all counsel. If consent cannot be obtained, then the requesting counsel must arrange for a conference call with the Court.

Communication with the Court:

1. Counsel may call the Court's Secretary, Valarie Genchi, with respect to the scheduling of appearances and with respect to adjournment applications.
2. Counsel may call Chambers to arrange for a telephone conference with the Court with either Michael Kruzynski, Principal Law Clerk or Renee Osborne, Court Attorney Referee.
3. Counsel may not contact Chambers on any substantive matter without all opposing counsel on the telephone, except for the purpose of facilitating a conference call.

Motions:

No motion shall be made, except as allowed by Rule 24 of the Commercial Division Rules, without a prior conference with the Court, which conference may be obtained either by conference call or, upon obtaining permission from Chambers, the submission of a brief letter application, not exceeding 1 page in length. At the conference the Court will set a schedule for making the motion, opposing it, and, if applicable, for reply.

Motions are to be returnable on Tuesdays. Motions made returnable at any other time, absent prior permission of the Court, will be adjourned by the Part Clerk to the next available Tuesday.

Adjournments are governed by Rule 16(c) of the Commercial Division Rules.

Motions are submitted without oral argument, unless otherwise directed by the Court.

Reply papers are not permitted, unless: (a) the right of reply is obtained by service of a notice of motion in accordance with CPLR 2214[b]; or (b) expressly permitted by the Court. Counsel may submit supplemental citations as allowed by Rule 18 of the Commercial Division Rules. Sur-reply papers, including papers in support of a cross-motion, are not permitted absent prior permission of the Court. Any unauthorized papers will not be read and will be discarded.

All papers must comply with the applicable provisions of the CPLR and with Rules 16 and 18 of the Commercial Division Rules. In addition, the font size of text and footnotes must be no smaller than 12 point. Papers which do not comply may be rejected.

All motions pursuant to CPLR 3211 and /or 3212 shall include, in outline form, a statement of the nature of each cause of action that is the subject of the motion and

identifying each party seeking relief and the party against who relief is sought. Additionally, if the motion is made pursuant to CPLR 3211, the outline shall identify the specific subdivision(s) of CPLR 3211 relied upon by the movant with regard to each cause of action sought to be dismissed.

All motions for summary judgment shall be accompanied by a Statement of Undisputed Facts Pursuant to Rule 19-a of the Commercial Rules. A motion for summary judgment which lacks such a statement may be rejected. All opposing papers must include a response to the Statement of Undisputed Facts.

No motion papers will be sealed without a prior, or contemporaneous, application for sealing made pursuant to Part 216 of the Rules of the Chief Administrative Judge.

The Court generally does not stay disclosure pending determination of motions to dismiss or motions for summary judgment (made prior to completion of discovery). All dispositive motions shall be made no more than 60 days after the filing of the Note of Issue.

Discovery Disputes:

With respect to cases already assigned to this Court at the time that a discovery dispute arises, no motion with respect to the dispute shall be made without a prior conference with the Court, which may be obtained by submission of a letter application, not exceeding one (1) page in length.

With respect to cases in which a discovery motion accompanies the Request for Judicial Intervention which leads to the assignment to this Court, no opposition papers shall be served until there has been a prior conference with the Court, which may be obtained by letter application, not exceeding one (1) page in length. The application for a discovery conference may be made by the movant or by the

opposing counsel; however, the application must be made within eight (8) days of service of the motion. Failure to request a discovery conference may result in the denial of the motion.

The Court endeavors to resolve discovery disputes promptly, usually by conference, which may be held telephonically or in person. In the event that the dispute is not resolved, the Court will set an expedited briefing schedule. Counsel shall, prior to requesting a conference, meet in person to discuss the issues and endeavor to resolve or limit them, prior to seeking judicial intervention.