

NEW YORK COUNTY SUPREME COURT, CIVIL BRANCH



HON. JACQUELINE W. SILBERMANN, ADMINISTRATIVE JUDGE

Main Courthouse:
60 Centre Street
New York, New York 10007

Satellite Courthouses:
80, 100 and 111 Centre Street
71 Thomas Street
New York, New York 10013

RULES OF THE JUSTICES

(REVISED FEBRUARY 28, 2006, EFFECTIVE APRIL 17, 2006)

(RULES REGARDING PUBLIC ACCESS ON-LINE PROJECT ("SCROLL") ADDED SEPT. 8,
2006, EFFECTIVE SEPT. 15, 2006;
BACKGROUND INFORMATION UPDATED: JULY 26, 2006)

The following constitute the rules of the Justices of the Supreme Court, Civil Branch, New York County (hereinafter "the Rules" or "the Local Rules") with the exception of the Justices of the Commercial Division. A separate set of uniform rules governs cases assigned to the Commercial Division.

STRUCTURE OF THESE RULES: Immediately below is a Basic Information section that lists the Justices of the court in alphabetical order and a summary of the operational details of their Parts (e.g., motion days). Variations exist among the Parts in regard to such details. Except as so indicated, the Local Rules are uniform throughout the Supreme Court, Civil Branch, New York County (Commercial Division apart). An attorney who wishes to know the requirements followed in a particular Part should consult the main body of the Rules together with the portion of the Basic Information section that pertains to that Part.

BASIC INFORMATION

(Rooms are located at 60 Centre Street unless otherwise indicated.)¹

HON. SHEILA ABDUS-SALAAM Part 13, Medical Malpractice IAS Part (E-Filing), Room 305, 71 Thomas Street, Phone: 646-386-3856

Motions: Thurs., 9:30 AM. Discovery motions are strongly discouraged. If a discovery dispute arises after a preliminary or compliance conference order is issued, counsel should, prior to making a motion, telephone the Part Clerk, Ms. Zoraida Montalvo, at 646-386-3856, who will schedule another conference. Motions returnable in the Motion Support Office and assigned to the Part will be on submission unless the court advises the parties that oral argument is desired. Orders to show cause will be returnable in the Part. Orders to show cause may be adjourned by stipulation one time only for no more than two weeks and the stipulation shall be faxed or delivered to the court by 4 PM on the business day preceding the return date. Any further adjournments require approval of the court. Absent emergency, requests for such additional adjournments (or where the parties have not consented to an initial adjournment) must be submitted to the Part two business days before the return date. If the motion is adjourned, all papers are due in the Part on the Monday before the adjourned date.

Conferences: Thurs. on a staggered schedule. The court will advise of the specific time to appear.

HON. ROLANDO T. ACOSTA Part 61, General IAS Part, Room 210, 71 Thomas Street, Phone: 646-386-3854

Motions: Thurs., 9:30 AM. Discovery motions are strongly discouraged. If a discovery dispute arises after a preliminary or

¹ The motion days set forth in this section consist of the days on which Justices normally hear motions that have been submitted in the Motion Support Office Courtroom (Room 130) and then rescheduled for argument in the relevant Part. However, Justices may of course schedule argument on orders to show cause at other times as need requires.

compliance conference order is issued, counsel should, prior to making a motion, telephone the Part Clerk, Mr. Anthony Hernandez, at 646-386-3854. Mr. Hernandez will have counsel arrange a conference call with the judge or his law secretary in an attempt to resolve the dispute. If the conference call does not resolve the dispute, the party seeking relief will be permitted to make an appropriate motion. Motions returnable in the Motion Support Office and assigned to the Part will be on submission unless the court advises the parties that oral argument is required. Orders to show cause will be returnable in the Part. Orders to show cause may be adjourned by stipulation one time only for no more than two weeks and the stipulation shall be faxed or delivered to the court by 4PM on the business day preceding the return date. Any further adjournments require approval of the court. Absent an emergency, request for such additional adjournments (or where the parties have not consented to an initial adjournment) must be submitted to the Part two business days before the return date. If the motion is adjourned, all papers are due in the Part on the Monday before the adjourn date. There shall be no ex parte communications with chambers and there will be no telephone adjournments. **Conferences:** Thursdays on a staggered schedule. The court will advise the parties the specific time to appear.

HON. HAROLD B. BEELER Part 9, Matrimonial IAS Part, Room 304, 71 Thomas Street, Phone: 646-386-3848
Motions & Conferences: Mondays (all day) and Friday mornings, on a staggered schedule.

HON. EILEEN BRANSTEN Part 6, Medical Malpractice IAS Part (E-Filing), Room 442, Phone: 646-386-3287
Motions: Tues., 9:30 AM **Conferences:** Tues., As directed by the court

HON. RICHARD F. BRAUN Part 23, General IAS Part, Room 320, 80 Centre Street, Phone: 646-386-3754
Conferences: Tues., 9:30 AM (compliance conferences); 10:30 AM (preliminary conferences). **Motions:** Thurs., 9:30 AM (motions that have been adjourned in the Part); 10:30 AM (motions newly calendared in the Part). All contested motions are scheduled for argument in the Part following final submission in Room 130. Opposing papers on orders to show cause will be accepted at oral argument thereof.

HON. JOAN B. CAREY Part 40D, Medical Malpractice IAS Part, Room 572, 111 Centre Street, Phone 646-386-3365
Motions and Conferences: Fri., 9:30 AM

HON. WILLIAM J. DAVIS Part 33, Room 555, Phone: 646-386-3238

HON. LELAND DEGRASSE Part 25, General IAS Part, Tax Cert and Condemnation Part (E-Filing), Room 428, Phone: 646-386-3295
Motions: Mon., 9:30 AM **Conferences:** Mon., 2:15 PM

HON. MARYLIN G. DIAMOND Part 48, General IAS Part, Room 412, Phone: 646-386-3298
Docket: Part 48 is a pure IAS Part. All cases assigned to the Part for conference or motions will remain in the Part up to and including trial.

Conferences: Conferences are held on Tuesdays on a staggered schedule for the convenience of counsel and the parties. The court will advise counsel of the specific time to appear. Counsel appearing at a preliminary, compliance or status conference are expected to be familiar with the case and to have the authority to discuss all discovery issues and possible settlement. At a compliance conference, counsel who will actually be trying the case or an attorney fully familiar with trial counsel's schedule must appear. A scheduled conference may be adjourned one time for no more than two weeks by stipulation of the parties faxed to the court by noon on the preceding Monday. Any further adjournments require the approval of the court, which will be granted only for good cause. The request for any such additional adjournment must be submitted to the court by fax no later than 4 PM on the preceding Friday. No adjournments will be given over the telephone. Failure to appear for a scheduled conference may result in the imposition of appropriate judicial sanctions. Failure to comply with the discovery schedule fixed by the preliminary conference or compliance conference order will result in the imposition of an appropriate sanction pursuant to CPLR 3126. If one or more of the parties has a legitimate need to seek modification of the discovery schedule, a timely application should be sent by fax to the court with a copy to all other counsel. If the case is settled, the parties must promptly fax to the court a stipulation of settlement and discontinuance outlining the terms of the settlement.

Motions: Discovery motions are strongly discouraged by the court. If a discovery dispute arises after the issuance of a preliminary or compliance conference order, counsel should, prior to making a motion, telephone the judge's Law Secretary, Mr. Nicholas Moyne, at 646-386-3255. Mr. Moyne will arrange a conference call among all counsel in an attempt to resolve the dispute. If he cannot do so, he will instruct counsel to fax a short letter to the court, with copies to all counsel, outlining the nature of the dispute, to which all other counsel shall promptly respond by fax. If the court cannot resolve the dispute, the party seeking relief will then be permitted to make an appropriate motion. Motions returnable in the Motion Support Office and assigned to the Part will be on submission unless the court advises the parties that oral argument is desired. Responsive papers to orders to show cause must be delivered to the courtroom at least one day prior to the return date unless the court indicates otherwise. Absent express permission, reply papers are not to be submitted by the movant on any order to show cause. Orders to show cause may be adjourned by stipulation one time only for no more than two weeks and the stipulation shall be faxed to the court by 4 PM on the business day preceding the return date. Any further adjournments require the approval of the court. The request for any such additional adjournment shall be submitted to the court by fax no later than 4 PM two business days prior to the return date. Counsel are reminded that the CPLR does not provide for any sur-reply papers, however denominated. The submission of papers or letters after the return date is not permitted. Sur-replies and other papers or letters addressed to the substance of motions will not be read

or considered. Courtesy copies should not be submitted unless specifically requested by the court. Information on whether decisions have been rendered should be obtained by checking with the appropriate clerk's office or the New York Law Journal. If a self-addressed, stamped envelope is submitted with a letter or note indicating the name and index number of the case, an unentered copy of the court's decision or order will be mailed to counsel. Calls to chambers inquiring about the status of a particular motion or special proceeding should not be made. If a motion is withdrawn or a special proceeding is settled the parties should promptly fax to the court a letter of withdrawal or a stipulation of settlement and discontinuance.

Trials: Trials are scheduled for a date certain generally within 45 days after a compliance conference is held following the filing of a note of issue. Trials are held every day of the week except Tuesdays. In the case of a jury trial, all counsel must submit to the court, at least seven days prior to trial, a witness list, proposed jury instructions and a proposed verdict sheet. A memorandum of law is optional. If the proposed jury instructions are verbatim from the Pattern Jury Instructions, only PJI numbers are necessary. If a PJI instruction is being modified, exact language must be submitted together with the appropriate authority therefor. In the case of a bench trial, all counsel must submit a witness list, proposed findings of fact and a memorandum of law. In all cases, plaintiff's counsel shall submit marked pleadings and a copy of the bill of particulars. Expert and the medical witnesses should not be scheduled on Tuesdays, which is a calendar day. No adjournments will be granted if a witness is unavailable to testify unless the court concludes, in rare instances, that good cause exists.

HON. LAURA DRAGER Part 31, Matrimonial IAS Part, Room 684, 111 Centre Street, Phone: 646-386-3355

Motions & Conferences: Mon. all day and Tues. mornings

HON. CAROL EDMEAD Part 35, General IAS Part, Room 543, Phone: 646-386-3322

Motions: Tues. 9:30 A.M. and 11:30 A.M. on a staggered schedule

Discovery motions are strongly discouraged. (See also Rules of the Justices, New York County Supreme Court, Civil Branch (Non-Commercial Division), NYLJ, Rule 11).

Motions returnable in the Motion Submission Part Room 130 and assigned to the Part will be on submission unless the court advises the parties that oral argument is required.

Orders to show cause will be returnable in the Part. Responsive papers to orders to show cause must be delivered to the courtroom at least 4 days prior to the return date unless the court indicates otherwise. Absent an emergency, orders to show cause may not be adjourned. If the motion is adjourned, all papers are due in the Part on the Friday before the adjourned date.

In the event a motion has been resolved by withdrawal or settlement of the case, counsel are encouraged to advise the court prior to the Tuesday calendar by promptly faxing to the court a letter of withdrawal or a stipulation of settlement and discontinuance. There shall be no ex parte communications with chambers and there will be no telephone adjournments. (See also NYLJ, Rules 1 (a), 4, 13 (b), 14 (a) and 14 (c)).

Conferences:

(See NYLJ, Rule 1(a), 7(c), and 10 (b)).

All preliminary conferences are scheduled for Tuesdays at 2:15 P.M.

Preliminary conferences may not be adjourned. All stipulations of adjournment are subject to court approval and must be on consent, in writing. If there is no consent, the date must be honored and counsel must appear for an oral application for an adjournment. When an order to show cause is filed prior to the scheduling of a preliminary conference, the court will hold the preliminary conference on the return date of the Order to Show Cause, except where an Order involves (1) a reference; (2) a stay of the proceedings, i.e. bankruptcy or (3) the death of a party or other substitutions. (See also NYLJ, Rule 7 (a)).

At a compliance conference, a scheduled conference may be adjourned one time for no more than two weeks by stipulation of the parties faxed to the court by noon on the preceding Friday. Any further adjournments require the approval of the court, which will be granted only for good cause. The request for any such additional adjournment must be submitted to the court by fax no later than 4 P.M. on the preceding Friday. No adjournments will be given over the telephone. (See also NYLJ, Rule 1(b)).

At a pre-trial conference, counsel and their clients must appear unless the court expressly directs otherwise. (See also NYLJ, Rule 1(b)).

Trials:

Trials are scheduled for a date certain generally within 45 days after a conference is held following the filing of a note of issue. Trial dates scheduled by the court are firm and may only be adjourned upon application based upon an emergency. Trials are held every day of the week except Tuesdays, which is a calendar day. No adjournments will be granted if a witness is unavailable to testify unless the court concludes, in rare instances, that good cause exists. (See also NYLJ, Rules 20 and 21, and Pre-Trial Information Sheet available in the Part).

HON. SARALEE EVANS Part 51, Matrimonial IAS Part, Room 103, 71 Thomas Street, Phone: 646-386-3846

Motions: Tues., 9:30 AM **Conferences:** Tues, 11 AM

HON. PAUL G. FEINMAN Part 52, City IAS Part (E-Filing), Room 289, 80 Centre Street. **Courtroom Clerk:** 646-386-3742. **DCM Clerk:** 646-386-3683. **Motions:** Wed., commencing 9:30 a.m. as scheduled by the Part 52 Clerk in Room 289, 80 Centre St. **DCM Conferences:** Wed., 2:00 p.m. in the DCM Courtroom in Room 103, 80 Centre St.

Infant's Compromise Hearings & Non-DCM Conferences: Wed., 2:30 p.m. in the Part 52 Courtroom, Room 289, 80 Centre St.

HON. NICHOLAS FIGUEROA Part 46, Trial Part, Room 325, Phone: 646-386-3279

HON. HELEN E. FREEDMAN Part 39, Complex Litigation Part (E-Filing), Room 208, Phone: 646-386-3275

Motions: Thurs., 2:00 PM **Conferences:** Tues., 9:30 AM

[**Special Note:** Justice Freedman is a Justice of the Commercial Division and also handles non-commercial matters. For rules governing her Commercial Division cases, see the Rules of the Commercial Division Justices.]

HON. MARCY S. FRIEDMAN Part 57, General IAS Part and Complex Litigation Part (E-Filing), Room 328, 80 Centre Street, Phone: 646-386-3759

Chambers: Room 326, 80 Centre Street, Phone: 646-386-3760

Motions: Thurs., 9:30 AM

Preliminary Conferences: 11:00 AM unless otherwise directed by the Court. **Compliance Conferences:** 2:15 PM unless otherwise directed by the Court.

HON. IRA GAMMERMAN (JHO) (ADMINISTRATIVE COORDINATING JUDGE) Parts 40 and 27C, Room 242, Phone 646-386-3265

HON. PHYLLIS GANGEL-JACOB Part 34, Room 690, Phone: 646-386-3205

HON. JUDITH J. GISCHE Part 10, General IAS Part, Room 122, 80 Centre St., Courtroom Phone: 646-386-3722 Chambers Phone: 646-386-3723

Fax: 212-401-9288

Principal Court Attorney: Eileen Kaspar, Esq.; Part Clerk: Ida Lee; Law Steno: Sheila Riley-Aultman

Preliminary Conferences:

All preliminary conferences in newly assigned cases are scheduled for Thursdays at 9:30 a.m. Cases are called when all sides are present and default applications will be entertained by the court at 11:00 a.m.

Motions:

All Orders to Show Cause will be heard on Thursdays in Part 10 at 80 Centre Street, Room 122 at 9:30 a.m. on the return date, unless otherwise provided for by the court.

Adjournments:

A court appearance may be adjourned on consent, provided all parties who have appeared in the action sign a stipulation to that effect and deliver it to court via fax, email or in person by 2:00 p.m. the day before the appearance is scheduled. The stipulation is still subject to court approval and it must include: 1) the reason for the adjournment, 2) the date the case was last on, and 3) the date by which the Note of Issue must be filed. If there is no consent, the scheduled date must be honored and counsel must appear for an oral application for the adjournment.

Trials:

Trials are scheduled to proceed day by day until completed. Marked pleadings, proposed jury instructions and verdict sheets and a one paragraph summary of the contentions are to be filed in the Part once the trial is assigned to Part 10. Additionally, a disk or email with these documents is also to be provided at that time.

HON. EMILY JANE GOODMAN Part 17, General IAS Part, Room 422, Phone: 646-386-3283

Motions & Conferences: Thurs.

Attorneys trying cases before Justice Goodman are required to comply with the following:

By 5 p.m. on the second day of trial, each side must submit to the Part Clerk one original and one copy of their proposed jury instructions and proposed verdict sheet, along with a computer disk. The originals must be given to the Part Clerk and the copies to the Law Clerk.

Jury Instructions: Each side must submit a list with every PJI charge number requested. The submission must include any required additional language or information (e.g., the name of the interested witness, missing witness or expert, plaintiff's statistical life expectancy, etc.).

Verdict Sheet: Follow the format of the Form Verdict Sheet (contact the Part Clerk), modifying where appropriate. Counsel with questions should promptly contact Justice Goodman's Law Assistant, Andrea Field, at 646-386-3235.

Failure to comply with the above guidelines and timetables may prevent full consideration of your requests and will cause unnecessary delay.

HON. SHERRY KLEIN HEITLER Part 30, General IAS Part, Guardianship Part, Room 438, Phone: 646-386-3291

Motions: All motions will be heard at designated times at 60 Centre Street.

Calendar Call: The calendar will be called on Mondays. Notification of the time is made by a phone call from the Part Clerk, Steve Welovnick, on the Thursday prior to Monday's calendar day. Times are set at 15 minute intervals beginning at 9:30 AM. All parties will be contacted.

Adjournments: You may arrange a conference call (phone: 646-386-3291) to request an adjournment. These conference calls will be handled between 3:00 PM and 4:00 PM daily. An adjournment of a trial date should be made within three days after receiving the date. All parties must have knowledge of their experts' and witnesses' availability before scheduling a conference call. All parties must be on the line to initiate a conference call. No letters will be considered with regard to adjournments.

HON. CAROL E. HUFF Part 32, Trial Part, Room 331, Phone: 646-386-3281

HON. DEBRA A. JAMES Part 59, General IAS Part (E-Filing), Room 1254, 111 Centre Street, Phone: 646-386-3351

Motions and Preliminary Conferences: Tuesdays, 9:30 AM and 11:00 AM

Compliance Conferences: Tuesdays, 11:00 AM

Status Conferences: Tuesdays, 2:30 PM

Pre-Trial Conferences: Tuesdays, 12 noon

Appearances by Counsel:

Counsel who appear at conferences or for oral argument of a motion or other matter that is scheduled in the courtroom shall note their appearance on the calendar posted inside the courtroom. The Clerk of the Part will call each matter in the order in which all parties have so marked their appearances as present. Counsel who appear at conferences shall complete the appropriate form and submit such form to the Part Clerk prior to the matter being called. Counsel shall produce copies of all prior discovery stipulations and orders at each conference.

Motions:

Contested motions, after submission to the Motion Support Office, shall be rescheduled by the Part Clerk for oral argument. Notice to the parties of such argument will be transmitted by the court.

Orders to Show Cause:

Orders to Show Cause, unless directed otherwise, are returnable in the Part.

Adjournments

If the parties consent to an adjournment of a Show Cause Order, the Part Clerk, Ms. Charlotte Williams (646-386-3351) must be notified two business days before the scheduled return date. Upon approval by the court, the stipulation of adjournment shall be faxed or delivered to the court by 4 PM on the business day preceding the return date.

Disputes and Motions Concerning Discovery:

If counsel are unable to resolve a discovery dispute in the manner called for by Uniform Rule 202.7, the aggrieved party shall contact Charlotte Williams, the Part Clerk promptly, within any applicable deadline, and prior to bringing a formal motion. As appropriate in the circumstances, the court may direct submission of concise letters or telephonic or in-court conference. Where a formal motion concerning discovery is brought and no preliminary conference has been conducted, the court will schedule and hold a preliminary conference on the return date of such motion.

Trials

At the pre-trial conference, the court will distribute to each party a Pre-Trial Information Sheet and Stipulation and Order that require, inter alia, a statement of undisputed facts and an estimate of required trial days, which each party must complete and submit to the court within one week before the date set for trial.

Miscellaneous

There shall be no ex parte communications with the court.

HON. BARBARA R. KAPNICK Part 12, General IAS Part, Room 341, Phone: 646-386-3273

Motions: Wednesday, 2:15 PM. Parties will be advised if argument is required on substantive motions. Discovery motions returnable in the Motion Support Office Courtroom (Room 130) will automatically be rescheduled for the second Wednesday following the date of submission.

Conferences: Wednesday, 9:30 AM. Any requests for adjournments must be made by conference call with all parties represented.

HON. SHIRLEY W. KORNREICH Part 54, General IAS Part and Complex Litigation Part (E-Filing), Room 1227, 111 Centre Street, Phone: 646-386-3362

Motions:

Motions are heard on Thursdays at 9:30 AM. Discovery motions are strongly discouraged. If a discovery dispute arises after a preliminary or compliance conference order is issued, counsel should, prior to making a motion, telephone the Part Clerk, Ms. Celia Rodriguez, at 646.386.3362 to advance the date of the next conference scheduled in the order. If the dispute is not resolved at the new conference, the party seeking relief will be permitted to make an appropriate motion.

Orders to show cause will be returnable in the Part. When an Order to Show Cause is filed prior to the scheduling of a preliminary conference, the court will hold the preliminary conference on the return date of the Order to Show Cause.

No motions may be adjourned without consent of the Court. Absent emergency, requests for adjournments must be submitted to the Part at least two business days before the return date. If the motion is adjourned, all papers are due in the Part on the Monday before the adjourned date.

The Court will no longer send courtesy copies of decisions to represented parties unless their case is "e-filed" through the FBEM (Filing By Electronic Means) System. However, the Court will continue to send courtesy copies to unrepresented parties. Please do not contact the Part Clerk for a courtesy copy; the Part will *only* provide courtesy copies in the instances outlined above.

Calls to chambers inquiring about the status of a particular motion or special proceeding should not be made. However, if a motion is withdrawn or a special proceeding is settled, the parties should promptly contact the Part Clerk, Ms. Celia Rodriguez, by faxing to the Part (212-374-6360) a letter of withdrawal or a stipulation of settlement and discontinuance. If the parties are then unable to reach Ms. Rodriguez, they may contact chambers to provide such information.

Conferences:

All preliminary conferences in newly assigned cases are scheduled for Thursdays at 9:30 A.M. Preliminary conferences are non-adjournable and must be held within 30 days of the Request for Judicial Intervention. All stipulations of adjournment are subject to Court approval and must be on consent, in writing. If there is no consent, the date must be honored and counsel must appear for an oral application for the adjournment.

Counsel appearing at a preliminary, compliance or status conference are expected to be familiar with the case and to have the authority to discuss all discovery issues and possible settlement. At a compliance conference, counsel who will actually be trying the case or an attorney fully familiar with trial counsel's schedule must appear. Further, where a compliance or status conference concerns the scheduling of depositions, counsel must have with them dates on which they and/or their clients are available to appear.

Trials:

Trial dates scheduled by the Court are firm and may only be adjourned upon application based upon emergency. At least three days prior to any scheduled trial, counsel and pro se parties are required to serve and submit the following:

- a. A witness list, any expert reports not previously provided, and any pretrial memoranda and in limine motions;
- b. Proof of filing the Note of Issue; for a jury trial, at least five days before trial, counsel shall obtain from the Part Clerk a Jury Request Form.
- c. Marked pleadings and the bill of particulars;
- d. In a jury trial, requests to charge, contentions and a proposed verdict sheet.

If a case is settled, the parties must promptly fax to the Court a stipulation of settlement and discontinuance outlining the terms of the settlement.

HON. EDWARD H. LEHNER Part 19, General IAS Part (E-Filing), Room 252, Phone: 646-386-3277

Motions: Fri., 9:30 AM **Conferences:** Wed., 9:30 AM

HON. DORIS LING-COHAN Part 36, General IAS Part, Room 279, 80 Centre Street, Phone: 646-386-3733

PART 36 General Procedural Information:

Only admitted attorneys familiar with the case may appear on matters before the Court.

Motions: All motions (except orders to show cause) shall be made returnable to: Motion Support Office, Room 130, 60 Centre Street. Oral argument will be scheduled at the Court's discretion, and will generally be held on Thursday morning at 9:30 a.m., Room 279 at 80 Centre Street, unless otherwise directed, by the Court. Parties will be notified, should oral argument be required.

Adjournments: shall be by stipulation, with Court approval, not to exceed one month, and must be requested by the parties at least two (2) days prior to the return/argument date; stipulation to be

submitted to the Part Clerk, at 80 Centre Street, Room 279.

Once a motion is fully submitted in the Motion Support Office, the Court will not accept additional papers, unless by stipulation of the parties.

Motion Guidelines:

1. Any references to EBT testimony shall cite to the exact page and line numbers relied upon rather than merely attaching the entire transcript or "relevant portions"; full transcripts shall be supplied.
2. Protruding exhibit tabs shall be used to reference all exhibits.
3. On motions to renew and reargue, a separate appendix containing the original motion, and all papers submitted, with a copy of the Court's decision shall be provided. The appendix shall contain protruding exhibit tabs, as was originally provided to the Court. Such appendix shall be labeled "Appendix Containing Decision, Original Motion Papers".
4. Plastic covers shall not be provided to the Court.
5. Courtesy copies shall not be provided, unless directed by the Court.
6. Counsel is requested to ensure that any staples are not protruding.

Discovery Issues: Prior to filing a discovery related motion, if still unable to resolve discovery issues after efforts have been made as required by 22 NYCRR §202.7(a), parties are encouraged to write a letter to the Court, with a copy to opposing counsel, requesting a conference, if a regularly scheduled conference is not imminent. In addition, all discovery issues shall be brought to the Court's attention at regularly scheduled discovery compliance conferences, or shall be considered waived.

Discovery Conferences: Discovery Compliance Conferences are generally held on Fridays (unless notified otherwise), in Room 279, at 80 Centre Street, on a staggered schedule, beginning at 9:30 a.m. Counsel appearing shall be prepared to discuss all outstanding discovery issues, as well as the facts of the case and settlement options. Parties shall advise the Court of any pending motions, and if any party is self-represented. There shall be no adjournments, unless by written stipulation, with Court approval; such stipulation shall be received at least two (2) days prior to the scheduled conference, to be delivered/mailed to: Part 36 Clerk, Room 279, 80 Centre Street, N.Y., N.Y. 10013. When a note of issue is filed, counsel shall send a courtesy copy to the Part 36 Clerk.

Dispositive Motions: Dispositive motions shall be filed within 60 days of filing a note of issue. The filing of a motion for summary judgment will not stay the discovery process, nor mediation.

Facsimiles: The Court does **not** accept faxes, unless prior permission has been received from the Court. Any fax received without prior Court permission will not be considered.

Letters: Do not send letters to the Court in triplicate (i.e. via regular mail, fax and hand delivery); please choose one delivery method when sending a letter to the Court.

Conference Calls: To the extent possible, please arrange conference calls between 3 and 3:30 p.m., unless otherwise directed by the Court.

HON. ROBERT D. LIPPMANN Part 21, Transit Part (E-Filing), Room 280, 80 Centre Street, Phone: 646-386-3738
Motions: Thurs., 9:30 AM **Conferences:** Thurs., 2:00 PM (Preliminary); Tues., Wed., 10:30 AM (Pretrial)

HON. JOAN B. LOBIS Part 20, Matrimonial IAS Part, Room 345, Phone: 646-386-3312
Motions: Thurs., 2:00 PM

HON. JOAN A. MADDEN Part 11, General IAS Part (E-Filing), Room 351, Phone: 646-386-3314
Motions: Thurs., 9:30 AM **Conferences:** Thurs., 9:30 AM

HON. WILLIAM MCCOUE Part 37, Room 512, Phone: 646-386-3223

HON. DOUGLAS MCKEON Part 38, Room 519, Phone: 646-386-3241

HON. DONNA MILLS Part 58, Trial Part, Room 574, 111 Centre Street, Phone: 646-386-3347

HON. KIBBIE F. PAYNE Part 4, Trial Part, Room 136, 80 Centre Street, Phone: 646-386-3726
Chambers: 111 Centre Street, Room 655, Phone 646-386-3336
Law Clerk: Emily Morales; Part Clerk: Jean Cawley

Motions and Special Proceedings: Motions and Special Proceedings are returnable Wednesday, 2:15PM. Parties will be advised in the event the court will entertain oral argument. The court will not accept supplemental papers, commonly referred to as sur-replies. However, if new issues are raised, counsel may by letter, setting forth the basis for supplemental papers, request to submit additional papers. The supplemental papers are not to be enclosed in counsel's request. Counsel will be advised if the request is granted.

Trials: Prior to the commencement of trial counsel shall consult with each other to agree upon the exhibits that will be offered at trial without objection. Counsel shall submit the marked pleadings, a list of witnesses and any motion in limine to the clerk. The request to charge and a proposed verdict sheet shall be submitted no later than the third day of trial. In counsel's request to charge counsel need only list the number of the Pattern Jury Instructions. Counsel, however, shall set fully forth the modifications requested of any modified PJI charge requested. For bench trials counsel shall submit a trial memorandum and proposed Findings of Facts and Conclusions of Law.

HON. EILEEN A. RAKOWER Part 5 (as of 8/14/06), City IAS Part, Room 307, 80 Centre Street, 646-386-3374

HON. ROSALYN RICHTER Part 24, General IAS Part (E-Filing), Room 418, Phone: 646-386-3285

Motions and conferences on IAS cases: Wed mornings, staggered times starting at 9:30 am

Motions and conferences on matrimonial cases: Thurs mornings, staggered times starting at 9:30 am

The Court will advise counsel of the specific time to appear.

Requests for adjournments on non-matrimonial cases, including those stipulated to by all parties, may be submitted via fax, 212-401-9120, or hand delivered to the Court, but must be submitted at least 2 business days prior to the scheduled court appearance. Requests for adjournments on matrimonial cases also may be submitted by fax. All adjournments, including adjournments of preliminary conferences, must be approved by the Court.

HON. ALICE SCHLESINGER Part 16, Medical Malpractice IAS Part (E-Filing), Room 222, Phone: 646-386-3318

Motions: Wed., 9:30 AM (Discovery), 2 PM (Substantive) **Conferences:** Wed., 9:30 AM

HON. MARTIN SCHOENFELD Part 28, Room 517, Phone: 646-386-3232

HON. MARILYN SHAFER Part 62, City IAS Part, Room 278, 80 Centre Street, Phone: 646-386-3728

Conferences: Conferences are held on Thursdays at 9:30AM in Room 103. Applications for adjournment should be made to Yvonne Cleland at 646-386-3687, and will not be granted without all parties present. In the absence of good cause shown, failure to appear at any court-ordered conference will result in the imposition of costs on the defaulting attorney payable to the appearing parties.

Motions: Motions are scheduled for Thursdays at 2:30 PM in Room 278. Motions shall be submitted in the Motion Support Office in Room 130 at 60 Centre Street. Orders to Show Cause are returnable in the part.

Discovery: All EBTs must proceed as scheduled. In the absence of good cause shown, the defaulting party will incur sanctions. When multiple EBTs are scheduled, on the same day or on different days, the failure of a witness to appear as scheduled is not a basis for all other EBTs not to proceed as scheduled. As part of a good faith effort to resolve all discovery disputes, attorneys are required to appear for a conference with the court in person or telephonically prior to bringing a motion. Attorneys are to notify the part clerk promptly of any such dispute so that a conference may be scheduled with the court. The affidavit of good faith required on submission of the discovery motion must confirm that this conference requirement has been fully complied with.

Motions for Summary Judgment: A motion for summary judgment shall be made no later than 60 days after the filing of the note of issue.

HON. MARTIN SHULMAN, Part 1, General IAS Part and Complex Litigation Part (E-Filing), Room 1127B, 111 Centre Street, Phone: 646-386-5758

Motions and Conferences: Tues., on a staggered schedule. Any requests for adjournments must be made to the Part Clerk, Ms. Catherine Harley, by conference call with all parties represented.

HON. JACQUELINE W. SILBERMANN Part 50-L, Matrimonial IAS Part, Room 228, Phone: 646-386-3267

Motions & Conferences (Pretrial): Wed., 2:15 PM of the week prior to scheduled trial.

Presiding Justice, Special Referees' Part, 50-R, Room 228

Rules Governing References in Part 50 R:

The Special Referee Assignment Calendar will be called, *promptly*, at 9:30 AM in Room 228 at 60 Centre Street, unless otherwise posted.

Order of Reference: Issues referred to a Special Referee are limited to those specifically set forth in the order of reference. The court will attempt to schedule a hearing date sua sponte and inform counsel thereof within 15 days from the date of the order of reference. However, to avoid any inadvertent delay, counsel must, unless otherwise ordered, serve a copy of the order or decision referring a specific issue to a Special Referee with notice of entry upon the Special Referee Clerk, Motion Support Office, Room 119, at 60 Centre Street, as soon as possible after issuance of the decision/order and in any event within 30 days from the date thereof. The order must be accompanied by an Information Sheet (copies available in Room 119 and on the court's website (the address of which is: www.nycourts.gov/supctmanh)) indicating the title of the action, index number, issues being referred, estimated length of the hearing, and the names, addresses, telephone and fax numbers, and e-mail addresses of all counsel to be notified of the calendar/hearing date. Once a case is placed on the calendar for assignment to a Special Referee, it will be assigned as promptly as the availability of Special Referees permits. Cases are almost always assigned to a Referee and the hearing normally commences on the original hearing date fixed by the court. Therefore, attorneys are expected to have their witnesses and exhibits present and ready on the original hearing date and any allowed adjourned date.

Adjournments: One adjournment (maximum four weeks) may be obtained by a copy of a stipulation of all parties submitted to the Special Referee Clerk in advance of the original date, or on the call of the calendar. A second adjournment will be permitted upon submission to the Special Referee Clerk of a copy of a stipulation of all parties; such a stipulation shall be for no more than two weeks and the matter shall then be marked final. All other applications must be made on the call of the calendar. Since the hearing will normally commence on the original hearing date, counsel must confer and attempt to agree upon any first and second adjournment prior to that hearing date to avoid any inconvenience for counsel, parties and witnesses. If no agreement can be reached and an application will be made, the applicant must so advise all counsel prior to the hearing date. An application for an initial or second adjournment that has not been stipulated to will be granted only where advance notice was given to the other side and upon a showing of good cause. No more than two adjournments will be allowed. Adjourned dates requested by counsel must be supported by good reasons and counsel must have confirmed the availability of witnesses for those dates. The court may shorten such dates if the calendar permits or may extend them if the calendar cannot accommodate the requested date.

Restoration to Calendar: A reference may be marked off, but only where a compelling reason is shown (e.g., bankruptcy stay) (general scheduling preferences of counsel do not constitute such a reason), or in the event of no appearance by either side. If a reference is marked off for the latter reason, a new order from the assigned Justice will be required to restore the reference to the calendar.

Mechanics of Obtaining Adjournments and Restorations: Copies of stipulations for a first or second adjournment in compliance herewith may be transmitted to the Special Referee Clerk by fax (212-401-9186) or as PDF attachments to an e-mail sent to spref@courts.state.ny.us (counsel for a party shall retain the original stipulation); no appearance will be required in these instances. Requests for adjournments or restorations and other applications will not be accepted by telephone. Do not telephone Justice Silbermann or the Part. If necessary, direct all other inquiries to the Special Referee Clerk, Motion Support Office, Room 119 at 646-386-3028.

Special Referees:

Hon. Beverly Cohen, JHO	80 Centre St., Room 116	646-386-3719
Louis Crespo, Jr.	71 Thomas St., Room 203	646-386-3794
Marilyn B. Dershowitz	Room 651	646-386-3657
Nicholas Doyle	Room 561	646-386-3653
Lancelot B. Hewitt	80 Centre St., Room 321	646-386-3680
Sue Ann Hoahng	80 Centre St., Room 476	646-386-3676
Howard G. Leventhal	Room 330	646-386-3630
Marian R. Lewis	Room 637	646-386-3656
Steven E. Liebman	Room 641	646-386-3662
Leslie S. Lowenstein	71 Thomas St., Room 300	646-386-3792

HON. STANLEY L. SKLAR Part 29, Medical Malpractice IAS Part (E-Filing), Room 212, Phone: 646-386-3302
Motions: Thurs., 9:30 AM, 2 PM (Notice will be given as to time of each motion). Generally, motions regarding bills of particulars, discovery, certificates of merit, late notice of malpractice action, and withdrawal of counsel will be heard at 9:30 AM and other motions will be heard at 2 PM. The Motion Support Office will provide individual notice as to the motion time. Calendars are also published.

HON. KAREN S. SMITH Part 44, General IAS Part (E-Filing), Room 581, 111 Centre Street, 646-386-3370
Conferences Friday, 9:30AM **Motions:** Friday, 11:00 AM

Discovery Disputes: Prior to making a discovery motion, counsel for all parties are directed to contact chambers by telephone at 646-386-3371 if a discovery dispute arises at any time after a case is assigned to Part 44. If the court is unable to resolve the dispute by telephone or in person conference, the court will establish a motion submission and briefing schedule. If a matter is assigned to Part 44 because a discovery motion is filed prior to a preliminary conference, the motion will be adjourned to the preliminary conference once it is scheduled.

Motions in Limine: In cases tried by the Part from its own IAS docket, all Motions In Limine must be served and filed with the court at least 10 days prior to the scheduled trial date.

HON. JANE S. SOLOMON Part 55, General IAS Part, Room 432, Phone: 646-386-3289
Motions: Mon., 10 AM (unless otherwise directed. The court attempts to stagger appearances). Contested discovery motions will generally be set down for an appearance in the Part. Other contested motions will be argued as determined by the court. The Part Clerk will phone the movant and give notice of the date and time of argument. Movant must notify all parties and confirm availabilities. Because counsel are so consulted, adjournments beyond the first as of right are not freely given; except for personal emergencies, no consideration is given to requests for adjournments made after the Thursday before argument. Counsel for all parties must appear at all arguments. Absent court order, post note of issue dispositive motions shall be within 60 days thereof.

Conferences: Mon., AM or PM as set by the court. The court attempts to stagger appearances.

Orders to Show Cause: On orders to show cause returnable in the Part, originals of all subsequent papers should be delivered to the Part shortly after service. The court will attempt to review proposed orders as soon after presentation as possible. To expedite review, counsel may telephone the Part or the Law Secretary to make an appointment.

Courtroom Operations: Counsel in any case assigned to Part 55 who seek to establish or alter a discovery schedule should call the Part Clerk to arrange a conference. Written requests for conferences should be concise. Communications relating to all pending matters should be directed to the Part. Materials submitted for signature must be accompanied by a brief letter of explanation. **Expert disclosure** is governed by the CPLR . Cf., Rule 11 infra.

HON. JOHN E.H. STACKHOUSE Part 14, Trial Part, Guardianship Part, Room 308, 80 Centre Street, Phone: 646-386-3750

HON. MICHAEL D. STALLMAN Part 7 (as of 8/14/06), General IAS Part, Room 949, 111 Centre Street, Phone: 646-386-3746
Motions: Motions and orders to show cause are returnable for submission in the Motion Support Office Courtroom (Room 130) unless otherwise directed by the court. If required by the court, oral argument or conference will be scheduled for a later date that the court will determine.

Conferences: Conferences on pre-note cases are generally scheduled Tuesday and Wednesday mornings at 9:30 and 11:00 AM, or at such other day and time as the court may direct. Conferences on special proceedings may be directed by the court.

Papers: Counsel are encouraged to submit papers with a readable typeface in large print (e.g., Arial - 14 point).

HON. MILTON A. TINGLING Part 22, Motor Vehicle IAS Part, Room 321, Courtroom Clerk: 646-386-3271
DCM Clerk: 646-386-3682

Motions: Wed., 9:30 AM **Conferences:** Mon.-Fri., 9:30 AM -

DCM Conferences: Mon. 9:30 AM, Fri. 9:30 AM - DCM Courtroom in Room 103, 80 Centre Street

HON. WALTER B. TOLUB Part 15, General IAS Part and Tax Cert and Condemnation Part (E-Filing), Room 335, Phone: 646-386-3316

Motions: Fri., 9:30 AM **Conferences:** Fri., 11 AM

HON. LAURA VISITACION-LEWIS Part 26, Post-Judgment Matrimonial Part, Room 355, Phone: 646-386-3308

Motions: Thurs., 9:30 AM **Conferences:** Thurs., 2:15 PM

HON. LOTTIE E. WILKINS Part 18, Trial Part, Room 104, 71 Thomas St., Phone: 646-386-3850

HON. LOUIS B. YORK Part 2, General IAS Part, Room 205, 71 Thomas St., Phone: 646-386-3852

Argued Motions: Wed., 9:30 AM. **Conferences and Discovery Motions:** Wed., 2 PM

Courtroom Operations: The court will consider applications for adjournments only by telephone conference including all parties, or by stipulation with permission of the court, or by application on the return date of the motion or conference.

Listing of Parts in Order and Justices Assigned (excluding Commercial)

<u>Part</u>	<u>Justice</u>	<u>Part</u>	<u>Justice</u>	<u>Part</u>	<u>Justice</u>
1	Shulman	21	Lippmann	41	Upstate
2	York	22	Tingling	42	Upstate
4	Payne	23	Braun	43	Upstate
5	Rakower (as of 8/14/06)	24	Richter	44	Smith
6	Bransten	25	DeGrasse	46	Figuroa
7	Stallman (as of 8/14/06)	26	Visitacion-Lewis	48	Diamond
		28	Schoenfeld	50L	Silbermann
9	Beeler	29	Sklar	50R	Silbermann
10	Gische	30	Heitler	51	Evans
11	Madden	31	Drager	52	Feinman
12	Kapnick	32	Huff	54	Kornreich
13	Abdus-Salaam	33	Davis	55	Solomon
14	Stackhouse	34	Gangel-Jacob	57	Friedman
15	Tolub	35	Edmead	58	Mills
16	Schlesinger	36	Ling-Cohan	59	James
17	Goodman	37	McCooe	61	Acosta
18	Wilkins	38	McKeon	62	Shafer
19	Lehner	40, 27C	Gammerman		
20	Lobis				

RULES

In addition to the Rules that follow, procedures have been developed to simplify and expedite the submission of papers to the court in electronically-filed cases. Many documents can be submitted, processed by the court and acted upon by the assigned Justice without counsel having to make any trip to the courthouse. Counsel are advised to consult the court's Protocol on this subject (posted on the court's website at www.nycourts.gov/supctmanh). Parts II and IV of these Rules are inapplicable to condemnation and tax certiorari cases. Emergency medical hearings and proceedings under the Mental Hygiene Law have their own special rules. Part V is applicable to matrimonial cases only.

I

RULES REGARDING THE PUBLIC ACCESS ON-LINE PROJECT ("SCROLL")²

Rule A-1. Information in Documents Filed with the County Clerk and the Court. Attorneys filing pleadings and other documents with the County Clerk or the Court that fall within a category of document that is, as explained in the Court's Notice to the Bar on the Public Access Project, included in the Scroll Public Access Project system or that shall hereafter be so included shall not set out in such documents social security

² The Rules set out in Part I were first promulgated by Notice to the Bar dated July 7, 2006, with an effective date of Sept. 15, 2006.

numbers, bank account numbers, the names of minor children, dates of birth, health information concerning any individual and other similar sensitive information, or, if doing so is unavoidable, shall, to the extent practical, provide only a portion of the information (e.g., some but not all digits of an account number, initials only in place of the names of minor children). If circumstances make it unavoidable to include such information in full in a document that is or may be included in the system, the party preparing the document shall apply to the Court, in the manner set forth hereafter, for a directive restricting access to the document in the system. The following documents will not be included in the Scroll Public Access Project system: documents filed or issued by the Court in matters pursuant to the Mental Hygiene Law, matrimonial cases, and cases that are sealed by order of a Justice pursuant to Part 216 of the Uniform Rules for the Trial Courts, and other individual documents as to which the Justice assigned so directs.

Rule A-2. Application for Restriction of Access to Records. A party or person who claims that the availability of a document in the Public Access Project system may cause harm to that party or person or who seeks to limit access in compliance with Rule 1 may apply to the Court for a directive restricting access. Any such application shall be made as follows. If the case has been assigned to a Justice, a request shall be made to the Justice by letter describing the document as to which a restriction on access is sought and explaining the reasons why such a restriction is appropriate. If the case has not been assigned to a Justice, the party shall direct such a request to the Administrative Judge. The Court on its own initiative may direct that access be restricted. An interested party or person may apply by letter to remove a document from the Scroll database if, notwithstanding this notice and rules, a document is posted on the Public Access Project system that contains sensitive information access to which in this form causes harm to that party or person.

Rule A-3. Form of Restriction on Access to Records. Where the Court grants a request to limit access to a document in the Scroll Public Access Project system or issues a directive sua sponte, the directive shall take the form of an administrative direction to the staff of the Court that the document in question not be included in the Scroll system or, if already included therein, that it be deleted from the database. Any such directive as may be issued in a case in which documents are otherwise available in the Scroll system shall not affect the status of the County Clerk hard-copy case file, which is open to the public unless otherwise ordered by the Court pursuant to Part 216 of the Uniform Rules for the Trial Courts.

Rule A-4. Notices of Motion and Notices of Petition. Any party who files a notice of motion or notice of petition with the Court shall submit therewith to the relevant back office a photocopy of the notice (not including the supporting papers).

II GENERAL RULES

Rule 1. Appearances by Counsel; Knowledge and Authority. Counsel who appear at preliminary conferences must have sufficient familiarity with the case and authority to be able to discuss a discovery schedule in a meaningful way and to enter into agreements with regard thereto. Counsel who appear at other conferences and at the argument of motions must be familiar with the entire case in regard to which they appear and fully authorized to enter into agreements, both substantive and procedural, on behalf of their clients.

Rule 2. Settlements and Discontinuances; Change of Counsel.

(a) If an action is settled or discontinued, a stipulation shall be submitted promptly to the County Clerk with the appropriate fee (Cashier's Office, Room 160) and a copy shall be forwarded to the Part in question. If the case is otherwise disposed of, in whole or in part, counsel for the defendant affected shall immediately file a letter with the Clerk of the Part. If at the time of a settlement, discontinuance or other disposition a submitted motion is sub judice that is rendered moot, in whole or in part, by the disposition, or where a motion previously submitted is withdrawn, it is imperative that the Part be informed immediately.

(b) If counsel is changed on consent, a copy of the form shall be filed in the Trial Support Office (Room 158). Filing with the County Clerk does not suffice. Absent submission of a consent form, an attorney of record will continue as such unless a motion for leave to withdraw is granted. If such an order is issued, counsel must serve a copy on the Trial Support Office and all other counsel. A notice of appearance shall be filed by substitute counsel with the Trial Support Office and the Clerk of the Part.

Rule 3. Information on Cases. County Clerk data, case history information from the court's Civil Case Information System, and many documents from the case file of most cases in the court (e.g., pleadings, decisions, orders, notes of issue, judgments) are available on-line in the Supreme Court Records On-Line Library ("Scroll") of the County Clerk of New York County and the New York County Supreme Court, accessible on the court's website at www.nycourts.gov/suptctmanh/. Decisions of the court with County Clerk entry stamp are posted in Scroll very promptly after their issuance. Information on scheduled court appearances and other case activity, including the issuance of decisions and orders, can also be obtained from Scroll, as well as from CaseTrac, the court system's case tracking and notification service, private services, courthouse terminals, or the New York Law Journal. The Clerk of the Part can also provide information about scheduling in the Part (trials, conferences, and arguments on motions in the Part). Counsel should not telephone Chambers.

Rule 4. Papers by Fax. Unless indicated otherwise by the court in a particular case or in the Basic Information section above, Justices do not accept papers by fax.

III
CONFERENCES AND DISCOVERY

Rule 5. Preliminary Conferences; Requests.

(a) A preliminary conference will be held or, in Motor Vehicle cases and most tort cases against the City of New York, an automated Differentiated Case Management ("DCM") scheduling order issued (i) within 45 days of assignment of a case to a Justice, unless impracticable for unusual reasons; or (ii) where a Request for Judicial Intervention is accompanied by a dispositive motion, within 45 days following disposition of such motion (if the case is not mooted by that disposition). Cases will be assigned to a DCM track (see Uniform Rule 202.19(b)) upon filing. The court will afford all parties an opportunity to raise objections to the track assignment or any DCM scheduling order issued without a conference. Requests for preliminary conferences in unassigned cases should be filed with an RJI in the Trial Support Office (Room 158). In assigned cases, if the court itself does not direct a conference in a decision nor issue an order

scheduling pretrial proceedings, counsel should contact the Part Clerk.

(b) The court utilizes distinct forms of preliminary conference order in General, Medical, Dental and Podiatric Malpractice, City, Matrimonial, and Motor Vehicle cases. See the website (at www.nycourts.gov/supctmanh, under “Forms”) for these forms.

Rule 6. Adjournments of Conferences. Except as otherwise provided in the Basic Information section above or in Rule 26, adjournment of conferences will be allowed only as follows. The parties may adjourn any preliminary conference once for no more than 21 days, but only by submission of a written stipulation to the Part Clerk on or before the scheduled date thereof. Appearance by counsel is not required. Further adjournment of preliminary conferences and adjournments of compliance and pretrial conferences will be allowed only with permission of the court for good cause.

Rule 7. Consultation Prior to Preliminary and Compliance Conferences. Prior to a preliminary or compliance conference, counsel for all parties shall consult one another about, and shall make a good faith effort to reach agreement on, (i) resolution of the case, in whole or in part, and (ii) discovery and any other issues to be discussed at the conference.

Rule 8. Discovery Schedule. Strict compliance with all discovery orders is required. See *Kihl v. Pfeffer*, 94 N.Y.2d 118 (1999). Unexcused or unjustified failure to comply with deadlines fixed by the court, including those set out in Preliminary Conference Orders, may result in an award of costs, conditional or otherwise, or the imposition of another penalty authorized by CPLR 3126. Unless otherwise provided in the Basic Information section above or in the order, no extensions of deadlines set forth in a preliminary conference, compliance conference or other discovery order shall be allowed except with permission of the court for good cause shown.

Rule 9. Medical Authorizations. When a defendant in a personal injury action serves a demand for authorizations together with a demand for a bill of particulars, counsel for plaintiff shall serve the authorizations with the bill.

Rule 10. Disclosure Disputes. Prior to making a discovery motion, counsel shall consult one another in a good faith effort to resolve any discovery disputes (see Uniform Rule 202.7). If a dispute is not thus resolved, the party seeking disclosure, unless otherwise directed in the Background Information section above, is advised to contact the Part Clerk promptly, and within any applicable deadline, for the purpose of arranging a conference, in court or by telephone.

Rule 11. Expert Disclosure. Unless otherwise directed by the court in a preliminary conference order or otherwise, a party having the burden of proof shall serve a response to an expert demand pursuant to CPLR 3101(d) no later than 30 days prior to the date set by the court for trial. Within 15 days after receipt of this response any adverse party shall serve its response.

Rule 12. Conferences Regarding Settlement of Actions by Infants and Others. Any proposed infant’s compromise or other proposed settlement pursuant to CPLR 1207 shall be considered by the court at an appearance in court on the record. An attorney seeking approval of such a proposal shall serve on all parties, at least five days prior to the scheduled appearance, a Notice of Conference on Proposed Infant’s [or other] Compromise. This Notice shall indicate the date, time and place of the conference. A copy of the

proposed order of approval shall be annexed to the Notice unless previously served upon all parties. Said attorney shall submit to the court at the conference proof of service of such Notice.

IV MOTIONS

Rule 13. Motions on Notice; Orders to Show Cause.

(a) Motions brought by notice of motion shall be made returnable in the Motion Support Office Courtroom 130. Relevant procedures are explained on the court's website (see "Courthouse Procedures" at www.nycourts.gov/supctmanh). Depending upon the assigned Part, contested motions submitted in the Motion Support Office Courtroom are submitted without argument, or rescheduled for oral argument if so directed by the assigned Justice. For Justices who schedule argument on a case-by-case basis, notice of the argument date will be transmitted by the court. Counsel may ascertain how a motion submitted in Courtroom 130 was marked by consulting the court's website (under "Motion Support Calendars") or Scroll, or, on the two days immediately following the submission date, the New York Law Journal.

(b) Motions should be brought on by order to show cause only in a proper case (CPLR 2214 (d)). Unless otherwise directed in the Basic Information section above or in an order to show cause, original opposition papers on orders to show cause made returnable in the Part shall be delivered to the Part Clerk at least one business day prior to that date and reply papers should not be submitted.

Rule 14. Motion Papers.

(a) Counsel must attach to motion papers copies of all pleadings and other documents as required by the CPLR and as necessary for an informed decision on the motion. Documents in a foreign language shall be properly translated (CPLR 2101(b)). Whenever reliance is placed upon a decision or other authority not officially published or readily available to this court, a copy of the case or of pertinent portions of the authority shall be submitted with the motion papers. Courtesy copies shall not be submitted unless requested by the court, but such copies are required in electronically filed cases (see the court's Protocol for e-filed cases on the website (www.nycourts.gov/supctmanh, under "E Filing")). Exhibits should be tabbed and be legible; a typed version of any exhibit that is difficult to read should be submitted with the original. Exhibits printed on both sides of the page should be bound and tabbed on the side.

(b) Unless advance permission otherwise is granted by the court for good cause, memoranda of law shall not exceed 30 pages each (exclusive of table of contents and table of authorities) and affidavits/affirmations shall not exceed 25 pages each.

(c) The CPLR does not provide for sur-reply papers, however denominated. Papers or letters regarding a motion should not be presented to the court after submission of the motion in the Motion Support Office Courtroom (Room 130), or after argument in the Part, if any, except with the advance permission of the court. Materials presented in violation of this Rule will not be read.

Rule 15. Oral Argument; Adjournments.

(a) Calendars of motions to be argued in the Parts are published on the morning of the argument date and on the day before in the New York Law Journal under each Part. Argument information is available on a case-by-case basis in Scroll, accessible on the court’s website (at www.nycourts.gov/supctmanh/).

(b) Unless provided otherwise in the Basic Information section: argument may be adjourned for good cause; there shall be only one adjournment, for no more than 14 days, unless otherwise directed by the court. A request for an adjournment shall be made prior to the scheduled date.

Rule 16. Orders.

(a) A copy of any order affecting the caption of a case (e.g., amendment, substitution, correction of errors) shall be served by counsel upon the Trial Support Office (Room 158) and upon the County Clerk (Room 141B) so that the court’s records and the County Clerk’s records may be corrected. A copy of any order affecting the trial status of a case (e.g., striking a note of issue) shall be served on the Trial Support Office.

(b) Proposed counter-orders submitted to the court pursuant to Uniform Rule 202.48 (c) (2) shall be marked to identify all respects in which the proposal differs from the submission to which it responds.

Rule 17. Motions for Summary Judgment. Unless otherwise provided in a particular case in the preliminary conference order or other directive of the Justice assigned, a motion for summary judgment shall be made no later than 120 days after the filing of the note of issue, except with leave of court for good cause shown.

Rule 18. Neutral Evaluation Program. City cases and many other cases will be referred to the court’s Neutral Evaluation Program (informally known as “Mediation”) after filing of the note of issue. The procedures of this program are available on the court’s website (www.nycourt.gov/supctmanh under “ADR Programs”).

**V
TRIALS**

This section sets forth trial procedures generally applicable to cases to be tried in pure IAS Parts (i.e., not including cases scheduled for trial through the Administrative Coordinating Part (Part 40) or the City Trial Part (Part 27 C)). However, since the nature of particular cases may make departure from these rules efficient and appropriate, counsel should in every instance confirm with the court at the pre-trial conference the Justice’s directive regarding applicability of these procedures to the case.

Rule 19. Pretrial Conference. In cases to be tried in IAS Parts (i.e., not including cases scheduled for trial through the Administrative Coordinating Part (Part 40) or the City Trial Part (Part 27 C)), the court will conduct a pretrial conference at which settlement will be explored and a trial date will be confirmed or a firm date set. Prior to the pretrial conference, counsel shall confer in a good faith effort to identify issues

not in contention, resolve all disputed questions without need for court intervention, and settle the case. Unless otherwise directed by the court, each party must be represented at the pretrial conference by counsel having full knowledge of the case and specific authority to settle or the ability immediately to contact by telephone a person with such authority. To permit the fixing of a trial date, counsel must, prior to the conference, consult their own schedules and those of their witnesses and be prepared to furnish a realistic estimate of the trial's length and discuss a suitable trial date unless previously fixed.

Rule 20. Trial Schedule in Pure IAS Parts.

(a) Insofar as possible, trials in pure IAS Parts will be scheduled at least one month in advance. As the schedules of counsel and witnesses will have been taken into account in determining the trial date, counsel will be expected to be ready to proceed at that time either to select a jury or to begin presentation of proof. Hence, once a firm trial date is set and counsel are so informed, counsel must immediately reconfirm the availability of witnesses and their own schedules. If for any reason, including trial commitments in other Parts or courts, counsel are not prepared to proceed on the scheduled date, counsel must inform the court of the difficulty within seven days of the date on which counsel were given the firm trial date. Absent extraordinary circumstances, failure of counsel to provide such notification will be deemed a waiver of any objection to the trial date.

(b) The court will endeavor, through contact with Justices in other Parts and courts, to resolve trial scheduling difficulties for counsel who notify the court in accordance with subdivision (a) of this Rule and in instances of extraordinary and unanticipated conflicts. The court will resolve such problems in accordance with Part 125 of the Rules of the Chief Administrator (Uniform Rules for the Engagement of Counsel), taking into account the need to conserve judicial trial time or the time of jurors, the demands upon trial counsel, and the importance of the clients' right to the attorney of his or her choice.

(c) The jury shall be selected in accordance with Uniform Rule 202.33.

Rule 21. Pretrial Identification of Exhibits and Deposition Testimony in Pure IAS Parts.

Counsel for the parties shall consult prior to trial and attempt in good faith to agree upon the exhibits and portions of deposition testimony (with the deletion of irrelevant matter) that will be offered into evidence on the direct case without objection.

Rule 22. Marked Pleadings and Other Pre-Trial Submissions in Pure IAS Parts. In cases to be tried in IAS Parts, unless the court directs otherwise, at least ten days prior to trial or at such other time as the court may direct, counsel shall submit to the court marked pleadings, the bill of particulars, and a list of witnesses (direct case); and in a jury case, requests to charge, a proposed verdict sheet, and, as appropriate, a memorandum of law or copies of authorities addressed to any unusual jury charge requests; and, in all jury cases in which doing so will facilitate efficient presentation of proof and in all non-jury cases, pretrial memoranda. If counsel wishes the court to charge verbatim from the Pattern Jury Instructions, it is sufficient if the request cites the PJI charge by number only. All other requested charges should be written out in full.

Rule 23. Subpoenaed Records. Subpoenaed records should be directed to and may be reviewed at the Subpoenaed Records Office, 60 Centre Street, Room 145M.

VI MATRIMONIAL RULES

The following Rules shall apply to all matrimonial cases and shall take precedence over any inconsistent Rule set forth above. Otherwise, the foregoing rules are applicable in matrimonial cases.

Rule 24. Appearances at Conferences. Counsel and client must appear at the preliminary conference, all compliance conferences and the pre-trial conference. Failure to appear may result in costs or sanctions being imposed against the defaulting party.

Rule 25. Submissions at Preliminary Conference. Each party is required to submit at the preliminary conference a properly certified net worth statement and a copy of the retainer agreement in accordance with Section 202.16 of the Uniform Rules for the Trial Courts.

Rule 26. Adjournments. No stipulations of adjournment will be honored without prior approval of the court.

Rule 27. P.E.A.C.E. Program. Except for cases in which there has been a history of orders of protection, parties with unemancipated children should be aware that the Justice may assign the parties to the P.E.A.C.E. Program.

Rule 28. Pre-Trial Conference. Unless directed otherwise, all cases scheduled for trial must appear for a pre-trial conference on a date set by the court. All motions *in limine* must be presented at this time and counsel should be prepared to discuss all evidentiary issues.

Rule 29. Mandatory Pre-Trial Submissions. At the pre-trial conference, counsel shall provide his or her adversary and the court (a) marked pleadings (if grounds are in issue), (b) proposed statement of disposition, (c) child support worksheet (if applicable), (d) updated net worth statement, (e) list of all proposed exhibits, (f) witness list, (g) any expert report not previously provided, (h) pre-trial memoranda and (i) proof of filing of the note of issue.

Effective Date: April 17, 2006

THE JUSTICES OF THE SUPREME COURT,
CIVIL BRANCH, NEW YORK COUNTY