

Pilot Program

Interlocutory Appeals from the Commercial Division of the Supreme Court Relating to Discovery Matters

Commencing on January 1, 2022, the Appellate Division, First Department will institute a Pilot Program to reduce the time within which to perfect interlocutory appeals from the Commercial Division of the Supreme Court where the issues on appeal relate exclusively to discovery disputes.

The goal of the Court in shortening the perfection period is to promptly resolve issues involving discovery disputes that should be addressed before a litigation can proceed. The perfection period for interlocutory appeals involving discovery disputes will be reduced from six (6) months to (4) months.

Inasmuch as this is a pilot program in the First Department, there will be no rule change to the statewide Practice Rules of the Appellate Division ([22] NYCRR Part 1250) or the Rules of Practice of the Appellate Division, First Department ([22] NYCRR Part 600).

The Pilot Program:

1. The program will apply **ONLY** to interlocutory appeals from the Commercial Division of the Supreme Court – both New York and Bronx Counties - where an order on appeal involves exclusively discovery issues.
2. The program will commence on January 1, 2022 and apply to discovery dispute appeals in which a notice of appeal is dated January 1, 2022 or thereafter.
3. Except where the court has directed that an interlocutory appeal involving discovery disputes be perfected by a particular time, an appellant shall perfect the appeal within **four** months of the date of the notice of appeal.
4. Extensions of time may be sought pursuant to the provisions of 22 NYCRR 1250.9(b).