

Civil Term - Part 38

Motions

1. Motions shall be heard every Thursday in Room 424, in 360 Adams Street. The calendar call is at 9:45 A.M. promptly. The Second Call is at 10:45 A.M. promptly. All motions must be orally argued. There is no check in procedure for the part. Motions that have not been previously adjourned or appropriately answered on the call, may be marked off, or a default may be entered, as appropriate. Counsels are advised that if a motion has been marked ready on the second call and no one appears to argue the motion when it is called to be heard, default may be taken against the party that answered ready and then failed to appear.

2. No courtesy copies of motion papers are to be filed with Chambers or the Courtroom, unless the action is subject to e-filing. A courtesy copy of all e-filed papers must be filed with the Part Clerk in the Courtroom.

3. Motion papers, answering affidavits and reply affidavits must be served on adversaries as per CPLR 2214.

4. All motions require appearances and oral arguments.

5. Motions may be adjourned twice upon consent of the parties or upon application to the Court. A confirmation, in stipulation form, is to be faxed to Chambers at 718-643-4861. Any further adjournments must be with the consent of the Court.

6. Summary judgment motions must be made within sixty (60) days of the filing of the note of issue.

7. Motions to either seek or enforce discovery may not be made without court approval.

8. Proposed orders to show cause must be brought to the Ex Parte Motion Support Office for review prior to submission to the part. Fees as required by law must be paid to the County Clerk prior to submission.

Trials

1. Marked Pleadings. Prior to trial, counsel shall furnish to the Court marked pleadings pursuant to CPLR Section 4012.

2. Exhibits. Counsel shall pre-mark all exhibits in the order which they intend to introduce them at trial. A list of the exhibits shall be provided to the Court prior to trial. Plaintiffs will number their exhibits and defendants will letter their exhibits. On the day of trial the exhibits and the list will be given to the Court reporter who will officially mark them before trial.

3. Witnesses. Prior to trial, Counsel shall provide to the court a list of potential witnesses in order in which they intend to call them at trial, including expert witnesses, their expertise, and

summary of expected trial testimony.

4. Motions in Limine. Any potential evidentiary question or procedural or substantive law matter not previously adjudicated shall be brought to the Court's attention and addressed prior to trial by way of a written or oral motion in limine. A written memorandum of law with citations to the Official Reports is strongly encouraged; citations and copies of relevant court decisions and statutes should be furnished to the Court prior to commencement of plaintiff's case and when otherwise requested by the Court.

5. Demonstrative evidence is not permitted without first obtaining permission of the Court.

6. No electronic media devices will be permitted absent express permission from the Court. Request should be made to the Court in writing and the reasons for the request must be clearly stated.

7. Depositions. A copy of depositions intended to be used at trial should be furnished to the Court at the commencement of the trial.

8. Proposed Jury Charges and Verdict Sheets. All proposed jury charges and proposed verdict sheets shall be submitted to the Court in typed form no later than the close of plaintiff's case.

9. All materials used during the trial must be removed within 48 hours of the conclusion of the trial. All materials not timely removed will be discarded.

Civil Term - Commercial Part 10

The Part 38 Rules will apply to Commercial Part 10.

1. Motions on in Commercial Part 10 will be called and heard in connection with the Part 38 motion calendar (see above) on Thursdays at 9:45 A.M. and 10:45 A.M. All motions must be orally argued. Counsels wishing to have a time slot for their motion to be heard should contact chambers at least 48 hours prior to the Calendar call.

2. A courtesy copy of all e-filed papers must be filed with the Part Clerk in the Courtroom.

3. Preliminary conferences and compliance conferences in Commercial Part 10 will be called immediately following the first and second call of the motion calendar and conferenced, as time permits, while motions are being heard. **PLEASE NOTE: After January 29, 2015 preliminary and compliance conferences in Commercial Part 10 will be called at 2:00 P.M.**