

**Part 23 Rules
Trial Supplement
Hon. Eric Schumacher, J.S.C.**

Supreme Court of the State of New York
New York County, Civil Term
71 Thomas Street Room 304
New York, New York 10013-3821

Principal Law Clerk: Joshua D. Demopoulos, Esq.

Assistant Law Clerk: Alexandra M. Adams, Esq.

Part Clerk: SFC-Part23-Clerk@nycourts.gov, (646) 386-3754

V. Trials

- A. Upon the first appearance before this court, the parties must furnish, in electronic format, where applicable:
1. A list of proposed witnesses, including the need for any interpreters with the required language and dialect;
 2. An estimate of the number of required trial days;
 3. All marked pleadings and bills of particulars;
 4. All prior decisions in the case, including any appellate decisions;
 5. Any notices to admit;
 6. Copies of EBT transcripts intended for use at trial for any purpose;
 7. If necessary, a trial memorandum, not to exceed five pages, briefly setting forth the party's position and the relevant factual and legal issues to be tried, citing relevant case law;
 8. Two business cards for each attorney;
 9. A list of all proposed courtroom technology, demonstratives, etc., e.g., computers, screens, and other demonstrative aids, to be used at trial as furnished by the party or parties that will use the technology, and to be set up timely and as far in advance of the start of trial as is feasible under the circumstances and at the convenience of the court; and

10. For jury trials:

a. Proposed jury instructions and verdict sheet. If the proposed instructions are taken verbatim from the Pattern Jury Instructions (hereinafter PJI), PJI section numbers will suffice. If a PJI instruction is not verbatim or requires characterization or description of the evidence or the parties' contentions, or if the language is not based on the PJI, the exact requested language, together with the authority for it, must be emailed in .docx format to Justice Schumacher, both law clerks, and opposing counsel simultaneously.

(1) As the PJI is a living, frequently modified document, the PJI section numbers cited must be current as of the date of submission.

- B. Prior to the start of trial, the parties must furnish all *in limine* or other applications in electronic format to the court as soon as practicable or as specifically scheduled at any pre-trial conference, with a copy to all parties. Any such motion or application must include citations to relevant authorities.
- C. All exhibits are to be pre-marked for identification prior to the commencement of the trial by the court stenographer.
- D. It is the duty of counsel, not court personnel, to ensure all subpoenaed documents have arrived in the subpoenaed records room at 60 Centre Street.
- E. Trial dates scheduled by the court are firm and may only be adjourned upon application based upon a real emergency.
- F. Due to the court's conference and motion calendar, most jury trials, unless indicated otherwise, will not be conducted on Wednesdays.
- G. Appropriate cases shall be bifurcated for trial by the court (see 22 NYCRR § 202.42).
- H. The parties shall meet and confer in advance of their first appearance before this court and make a diligent, good-faith effort to stipulate to anything that might streamline the trial proceedings, whether referenced in these rules or otherwise, including, for example, resolved issues of fact, the simplification of the caption to remove unnecessary or confusing parties, and the admission of certain evidence.