

HON. LYLE E. FRANK

Part 11, General IAS, E-File Part
80 Centre Street, Room 308
New York, NY 10013

Part 11 Clerk: Kenneth Notto

Courtroom Telephone: 646-386-3314

Facsimile: 212-952-2810

Court Attorney: Diana D. Cruz, Esq., dcruz2@nycourts.gov

Chambers Telephone: 646-386-3112

Please do not contact chambers to request adjournments of motions or conferences.

1. **Conferences**

All conferences will take place virtually via Microsoft Teams on Tuesdays beginning at 9:30 a.m. Invitations to Microsoft Teams meetings will be sent to counsel of record on NYSCEF.

- a. The parties are encouraged to resolve discovery disputes and enter into discovery stipulations without court intervention to the extent possible. When the parties have agreed they are to submit a completed proposed stipulation to Diana Cruz via email to dcruz2@nycourts.gov.
 - b. If the parties are unable to resolve discovery disputes the parties may request a conference with the court. **DISCOVERY MOTIONS MAY NOT BE FILED WITHOUT FIRST CONFERENCING THE MATTER WITH THE COURT.**
 - c. In-camera review of documents: No compliance conference stipulation or order shall direct any party to submit records or other evidence to the Court for an in-camera review without first conferencing the matter with Judge Frank's court attorney, Diana Cruz.
2. **Summary Judgment motions:** All summary judgment motions must be filed **no later than 60 days** after filing the Note of Issue unless otherwise indicated. The submission of a motion for summary judgment does NOT automatically stay discovery, unless directed by the court.
3. **THE PARTIES ARE STRONGLY ENCOURAGED TO STIPULATE TO MATTERS NOT IN DISPUTE IN LIEU OF MOTION PRACTICE, e.g., consolidations, caption amendments etc.**
4. **Oral Arguments:** Oral arguments on motions will be held on Wednesday, commencing at 9:30 a.m. **IN PERSON**, unless otherwise indicated. However, not all motions will be scheduled for oral argument. If the Court has not scheduled a motion for oral argument and a party wishes to request oral argument, a letter must be submitted to the Part 11

clerk as well as to all parties on the matter. If upon a review of the request, the Court determines that oral argument is warranted, the parties will be so notified. Motions submitted on default or with no opposition are generally not scheduled for oral argument. Oral arguments will either be in person or via Teams as conditions warrant.

5. **Adjournments/scheduling**

- a. All adjournments and scheduling issues, including request to schedule a preliminary or discovery conference, should be directed to the **part clerk**, Kenneth Notto, unless otherwise directed by the court. A request for an adjournment must be made at least 48 hours in advance, absent exigent circumstances.
 - b. Parties seeking an adjournment over 60 days past the original return date of a motion **MUST** include a reason for the request.
 - c. If a dispute arises concerning a request for an adjournment, the requesting party is to e-mail the law clerk with all parties copied. If a matter requires urgent attention, contact chambers using the contact information above.
 - d. Motions scheduled for oral argument may be adjourned up to 2 times from the original argument date, upon consent of all sides without leave of court. Parties that seek additional adjournments must seek leave of court.
6. Do NOT send courtesy copies of any motion papers, affirmations, or related documents directly to the part or chambers, unless directed to do so.
7. **EX PARTE COMMUNICATIONS ARE STRICTLY PROHIBITED.** Please do not call or e-mail Justice Frank or his staff unless all parties participate in the communication. Additionally, **no correspondence should be uploaded to NYSCEF in expectation of being received by chambers.** If you wish to communicate with chambers or the Part, see the contact information above.

8. **Trials**

- a. Once a trial is assigned to Part 11, the Court shall schedule a Pre-Trial Conference. At the Pre-Trial Conference, counsel is required to serve and submit the following to the extent practicable:
 - i. a witness list, to include any interpreters required;
 - ii. proposed jury instructions in Word format; and
 - iii. proposed jury verdict sheet in Word format.
- b. Motions *in limine* shall be submitted no later than 7 days before the trial date.