

**PART RULES - JUSTICE BARBARA JAFFE**  
**SUPREME COURT, CIVIL TERM, NEW YORK COUNTY**  
**PART 12**

Courtroom: 60 Centre Street, Room 341  
Part Clerk: Mike Kasper - 646-386-3273 or mkasper@nycourts.gov  
Fax Number: 212-401-9191 (please reference "Part 12, Attention: Hon. Barbara Jaffe")  
Chambers: 646-386-3727 (**do not call chambers for adjournments or other clerk functions**)  
Principal Court Atty: Catherine Paszkowska - cpaszko@nycourts.gov  
Asst. Law Clerk: Ryan Jerome - rmjerome@nycourts.gov

**I. COMMUNICATIONS WITH THE PART AND CHAMBERS:**

**A. Scheduling matters in Part 12:**

All scheduling inquiries must be directed to the part clerk. PLEASE DO NOT CALL OR WRITE CHAMBERS FOR QUESTIONS RELATING TO SCHEDULING.

**B. EX PARTE COMMUNICATIONS ARE STRICTLY PROHIBITED:**

except for scheduling matters with the part clerk.

Counsel and litigants (represented or self-represented) are advised that Justice Jaffe, her law clerks, and part clerk may not engage in any *ex parte* communications relating to the substance of any matter pending before Justice Jaffe.

**C. DO NOT CORRESPOND WITH COURT STAFF UNLESS YOU:**

1. seek to withdraw a motion in whole or part;
2. wish to advise the court that a case is settled; or
3. have been granted leave to do so by the court.

*\* No other letters, whether e-filed, faxed, or hand-delivered, will be read. \**

**D. DO NOT COPY THE COURT ON CORRESPONDENCE BETWEEN COUNSEL:**

It will not be read.

**E. Proposed orders and stipulations:**

must be e-filed to the case file using the proper category and/or designation. If the matter is not e-filed, a copy must be faxed to the part clerk at 212-401-9191.

*\*The court is only alerted to proposed orders and stipulations if they are correctly designated in e-filing or faxed to the part.\**

F. Deliveries

The part clerk is unable to accept deliveries before 9:30 a.m. or between 1:00 p.m. and 2:00 p.m. or after 4:30 p.m.

**II. PRELIMINARY AND COMPLIANCE CONFERENCES:**

Where: 60 Centre Street, Room 341  
When: Wednesdays at 2:15 pm or as otherwise directed

A. Scheduling:

*Preliminary conferences* may be scheduled pursuant to an RJI or a motion or by contacting the part clerk when an RJI has been filed.

*Compliance conferences* may be scheduled pursuant to a prior conference or discovery order, decision on a motion, or by contacting the part clerk.

*Notes of issue* must generally be filed within a week following the next conference date; if no further conference is scheduled, the note of issue must be filed within 60 days after the last discovery deadline agreed to by the parties.

B. Adjournments:

*\* Adjournments of compliance conferences are strongly discouraged. \**

All adjournments (motions, conferences, trials) require prior court approval on good cause shown. *Ex parte* applications for adjournments will not be considered.

Requests to adjourn a conference, in the first instance, must be directed to the part clerk at 646-386-3273 *only*, no later than 4 pm on the preceding Tuesday. The parties must first consult with the part clerk before selecting a new date for the conference. Adjournments by stipulation are not accepted without prior court approval on good cause shown.

Parties may adjourn a conference no more than two times, and for no more than a total of three (3) months at a time.

C. Settled cases:

If a case has settled, the parties must promptly e-file or fax the part clerk a stipulation of settlement *and discontinuance* containing all pertinent information regarding the settlement. Until the stipulation is received, the parties are expected to appear at the conference.

D. Procedures:

Counsel appearing at a discovery conference must be familiar with the case, be authorized to discuss all discovery issues and settlement, and bring to each conference a list of all outstanding discovery.

Upon a party's failure to appear for a conference on two consecutive dates, the case will be dismissed or the party's pleadings will be stricken. *This is strictly enforced.*

E. Review of documents:

The parties are encouraged to use the most efficient means to review documents, including electronically-stored information (ESI), consistent with the parties' disclosure obligations under CPLR article 31 and proportional to the needs of the case. Such means may include technology-assisted review, including predictive coding, in appropriate cases. The parties are encouraged to confer, at the outset of discovery and as needed throughout the discovery period, about technology-assisted review mechanisms they intend to use in document review and production.

**III. MOTIONS:**

A. Scheduling:

Motion Submission Part: the adjournment of motions that are not yet scheduled for oral argument must be made pursuant to the general procedures for the New York County Supreme Court at [www.nycourts.gov/suptctmanh/motions\\_on\\_notice.htm](http://www.nycourts.gov/suptctmanh/motions_on_notice.htm)

If a motion is pending in the motion submission part longer than 60 days, all further requests for an adjournment are made to the court.

If the parties cannot agree on an adjournment, they may contact the part clerk by conference call. Parties are reminded of the importance of cooperating with one another.

B. General procedures:

Motions are scheduled for oral argument by the court *at the court's discretion*. Oral argument is conducted on Wednesdays beginning at 9:30 am in room 341 at staggered intervals.

Except for discovery motions, which are strongly discouraged, no prior permission is required before filing a motion. Justice Jaffe does not accept Commercial Division Rule 24 letters, unless expressly requested. All discovery-related motions will be addressed on Wednesdays at 2:15 p.m.

Each exhibit must be e-filed under its own document number and labeled as to the nature

of the exhibit (e.g., complaint, contract dated 1/1/18, etc.).

Sur-replies are not permitted; letters and papers are not accepted after the return date without the court's permission.

*All motion papers, including notices of motion, opposition, reply, memoranda of law, exhibits, affirmations, and affidavits, must reflect the respective motion sequence number in the upper right-hand corner of the first page.*

If a motion is withdrawn or settled, whether or not *sub judice*, the parties must promptly fax the pertinent stipulation to the part clerk.

*\* All summary judgment motions must be filed  
within 60 days after the filing of the note of issue. \**

Information about decisions on motions may be obtained through the appropriate clerk's office, the New York Law Journal, or the court's website [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh) under "case information" or [www.nycourts.gov](http://www.nycourts.gov) under the E-courts link.

*\* Please do not call the part clerk or chambers to check on the status of a decision. \**

#### C. Page limits:

Per Rule 14(b) of Rules of the Justices, New York County Supreme Court Civil Branch:

*Memoranda of law and affidavits/affirmations* may not exceed 25 doubled-spaced pages each, exclusive of captions, tables of contents, tables of authorities, and signature blocks (7,000 words, excluding captions, tables of contents, tables of authorities, and signature blocks);

*Reply memoranda and reply affidavits/affirmations* may not exceed 15 doubled-spaced pages, exclusive of captions, tables of contents, tables of authorities, and signature blocks (4,200 words, excluding captions, tables of contents, tables of authorities, and signature blocks).

Every brief, memorandum, affirmation, and affidavit must include, on a page attached to the applicable document, the certification of the filer of the document that the number of words contained in the document does not exceed the maximum word counts set forth above. The certifying filer may rely on the count of the word-processing program used to prepare the document.

Upon a party's receipt of papers that exceed the aforementioned page limits, the party should so alert chambers and all parties, by e-filed or hard copy letter as soon as practicable, and in any event, before the motion is fully submitted in the submissions part and before submitting any opposition or reply papers.

Before a motion will be scheduled for oral argument or considered, any party whose papers exceed the limits must file new motion papers that do not exceed the limits. If e-filed, the motion papers should be designated as “corrected.” In a non-e-filed case, the corrected papers must be hand-delivered to Part 12 at 60 Centre Street, Room 341, New York, New York.

No facts or arguments not contained in the original papers may be raised in the corrected papers. New opposition or reply papers are permitted upon good cause shown by prompt letter to the court.

Once the corrected papers are filed, the motion will be given a date for oral argument and/or considered. Until then, the motion will be held in abeyance.

If corrected papers are not filed within 30 days of the date of this notice, the defective papers will not be considered. The motion, however, may be scheduled for argument.

The parties are also reminded that CPLR 2101(a) requires that papers shall not be in type of less than ten-point in size.

D. E-filing:

*\* Part 12 is an e-filing part.*

*However, at oral argument on motions, the court may request working hard copies of the e-filed affirmations and memoranda of law.*

*All working copies must have attached confirmations that the original document has been e-filed. \**

All e-filed documents must be text-searchable. All electronically-submitted memoranda of law must contain bookmarks, and submission of documents containing hyperlinks is strongly encouraged.

Questions regarding e-filing are to be addressed to the E-filing Office at 646-386-3610 or at [efile@nycourts.gov](mailto:efile@nycourts.gov).

Answers to frequently asked questions may be found at <https://iappscontent.courts.state.ny.us/NYSCEF/live/faq.htm>

E. Oral argument:

After motions are fully submitted in the Motion Submission Part, they are forwarded to Part 12, and may then be scheduled for oral argument *at the court's discretion*. The parties will be notified of the oral argument date via eTrack.

link to index/case search:

<https://iapps.courts.state.ny.us/webcivil/FCASSearch?param=I>

link to court calendars:

<https://iapps.courts.state.ny.us/webcivil/FCASCalendarSearch>

*\* All parties are expected to appear unless oral argument has been properly adjourned. Failure to participate in eTrack, in and of itself, will not excuse a failure to appear and the party will be deemed to have defaulted. \**

Motions submitted on default or without opposition are not scheduled for oral argument.

Requests to adjourn a motion that is scheduled for oral argument, in the first instance, must be directed to the part clerk at 646-386-3273. The parties must first consult with the part clerk before selecting a new date for the oral argument. Applications to adjourn oral argument must be made no later than 4 pm on the preceding Tuesday in advance of the scheduled argument. Adjournments by stipulation are not accepted without prior court approval on good cause shown.

F. Discovery motions:

*\* Discovery motions are strongly discouraged. \**

If a discovery dispute arises before the issuance of a preliminary or compliance conference order, and a formal discovery motion is filed, a conference will be scheduled for 2:15 pm on the return date of the motion.

If a discovery dispute arises *after* the issuance of a preliminary or compliance conference order, it must be directed to the part clerk who will promptly schedule a new conference or advance the date of a previously-scheduled conference.

G. Orders to show cause:

An order to show cause in an e-filed case must first be presented in hard copy to the *ex parte* office, and then brought to the courtroom. Otherwise, it will not be considered.

*Reply papers are not accepted* on an order to show cause absent the court's permission.

**IV. PRE-NOTE SETTLEMENT CONFERENCES:**

The court will conduct pre-note settlement conferences upon the request of all parties.

A. Conference request form: The parties must complete and sign a conference request form which is available from the part clerk. Once the request is submitted, the court will contact the parties to schedule the date and time of the conference, usually on a Wednesday afternoon.

B. Rules:

1. attorneys who appear for the conference must be knowledgeable about the case and bring any relevant documents;
2. only attorneys with authority to settle the case may appear;
3. if an insurance company is involved, an adjuster or someone from the company authorized to enter into a settlement must appear or be instantly accessible by telephone;
4. attorneys may, but are not required to, bring their clients to the conference;
5. if a settlement is reached, the parties, through their attorneys, will be expected to sign a stipulation of settlement at the conference; and
6. requests to adjourn the pre-note settlement conference must be in writing, signed by all parties, and sent to the court by 5 p.m. the day before the conference.

**V. TRIALS:**

A. Requirements for all trials:

All trial documents, whether used for evidentiary hearings or during trial, *must be provided electronically via flash drive* prior to the hearings or start of trial. The flash drive should include the following:

1. marked pleadings;
2. all prior decisions in the case;
3. notices to admit, with responses; and
4. copies of transcripts of depositions intended for use at trial.

At the first appearance before this court, the parties must also furnish a list of proposed witnesses including the need for any interpreters with the required language and dialect.

B. Requirements for jury trials:

No later than immediately before opening statements, the parties must furnish the court and opposing counsel with the *proposed jury instructions and verdict sheets* with the following provisos:

1. if the proposed instructions are taken verbatim from the Pattern Jury

instructions, PJI numbers are sufficient;

2. if a PJI instruction is not verbatim or requires a characterization or description of the evidence or the parties' contentions, the exact requested language must be submitted together with the authority for it;
3. the parties will be given the opportunity to amend/supplement their proposed instructions.
4. proposed instructions and verdict sheets must be *simultaneously* emailed as attachments in Word format to [cpaszko@nycourts.gov](mailto:cpaszko@nycourts.gov) and to opposing counsel. Do not assume that the email has been received until a confirmation email is sent to you. If no confirmation is received within 24 hours of the email's transmission, please call the court attorney for further instructions.
5. parties are urged to have the court stenographer pre-mark all exhibits for identification and/or in evidence if without objection.

C. Trial Motions and Orders:

Any pre-trial relief, including motions *in limine*, must be submitted to the court immediately following jury selection and upon the parties' first appearance before the trial court, unless otherwise advised by the Court.

**VI. OTHER:**

A. Change of counsel:

If counsel is changed on consent, a copy of the consent form must be filed in the Trial Support Office (Room 158). Filing with the County Clerk is insufficient. Absent submission of a consent form, the attorney of record will remain on the case unless and until a motion for leave to withdraw is granted. If such an order is issued, outgoing counsel must serve a copy of the decision granting leave to withdraw on the Trial Support Office and on all other counsel. A notice of appearance must be filed by substitute counsel with the Trial Support Office and the Part Clerk.

B. Alternative Dispute Resolution (ADR):

If, at any point, the parties decide that they would benefit from the Commercial Division ADR program, they should write a joint letter to the Court asking to be referred to ADR. The Court may also order parties to the Commercial Division ADR program without the parties' request or consent.



For more information regarding the ADR program, please visit:  
[http://www.nycourts.gov/courts/comdiv/ny/ADR\\_overview.shtml](http://www.nycourts.gov/courts/comdiv/ny/ADR_overview.shtml)

C. Sealing Documents:

Applications to seal documents shall include the nature of the document, reason(s) for sealing and “good cause” therefore (22 NYCRR 216.1). The Court will consider the application to seal documents only by order to show cause or notice of motion, not by stipulation.

To e-file documents under seal, please follow the procedures set forth by the County Clerk at <https://www.nycourts.gov/courts/1jd/supctmanh/Efil-protocol.pdf>