

HON. ARLENE P. BLUTH - Part 14 Rules

NO HARD COPIES OF MOTION PAPERS ARE REQUIRED FOR E-FILED CASES

60 Centre Street, Room 432, New York, New York 10007

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Assistant Law Clerk: Yusra Hoyt

Courtroom Part Clerk: Gail Redd

For non e-filed cases: Parties are strongly encouraged to go to nycourts.gov or <https://iapps.courts.state.ny.us.webcivil> and click on e-Track to register so that you can follow your case.

Oral Argument on Motions: Motions will be decided on submission unless otherwise directed. Any party can request oral argument by e-filing a letter. Such a request should be made prior to the submission of the motion.

Conferences: At least two weeks prior to the conference, please review the docket for court notices about the procedure for discovery conferences.

1. Communications with Part Clerk and Chambers – Including Adjournments

If the parties wish to contact the Court, please upload an e-filed letter. Please note that the Court will NOT make a decision based on an ex-parte letter, as Court decisions are made only after a motion is made. You may also send an email to both SFC-Part14-Clerk@nycourts.gov and SFC-Part14@nycourts.gov in addition to uploading the letter.

A. *Requests for Adjournments/Scheduling Matters*

1. Motions in Room 130: Follow Room 130's rules for adjournments.

2. Motions (Including OSCs) in the Courtroom and Conferences: Parties may seek an adjournment by uploading a request, preferably signed by all parties, to NYSCEF (for e-filed cases) that must be received 24 hours prior to the scheduled appearance. For paper cases please send an email to both SFC-Part14-Clerk@nycourts.gov and SFC-Part14@nycourts.gov.

2. **Motion Practice/Page Limits**

A. **Attorneys appearing before Justice Bluth must be familiar with the case and prepared to discuss settlement. Pre-arrange to have your client reachable by telephone.**

B. Please read these rules carefully. **Your papers may be disregarded for failure to follow these rules.** The failure of the movant to follow these rules may result in the denial of the motion with leave to bring it again upon proper papers, but absent good cause no deadline will be extended.

C. **General Motion Guidelines.**

1. **E-Filed papers**: The Court does not require hard copies of motion papers unless specifically requested. Please email the clerk if you have exhibits that cannot be uploaded to NYSCEF (such as videos) to facilitate submission to the part.

2. **Motions with opposition**, after being fully submitted in room 130, may be

scheduled for oral argument (in-person) at the Court's discretion.

3. **Motion Sequence Number ("MSQ"):** Often several motions are submitted at the same time. To keep papers organized, the first page of EVERY motion paper must reflect the respective MSQ in the upper right corner.

4. **Exhibits:**

(i) **Consult the E-Filing Protocol when uploading exhibits.** The failure to comply with the protocol may result in a denial of a motion.

(ii) **Referring to exhibits:** Each page in any exhibit must be numbered. Reference to any exhibit **must include pinpoint citations** so the exact location within the exhibit can be found easily. Likewise, any reference to deposition testimony must cite to the exact page and line numbers relied upon rather than merely attaching the entire transcript or "relevant portions".

5. Unless advance permission is granted, the parties shall comply with Uniform Civil Rule 202.8-b regarding word limits. Otherwise, the Court may (at its discretion) disregard the papers.

D. **OSC to be relieved as counsel:** Provide enough information for Justice Bluth to fashion a method of service likely to reach your client.

E. **Motions/special proceedings submitted on default** in Room 130 are **not generally** scheduled for oral argument.

F. *Summary Judgment Motions*

1. **Discovery is to continue during the pendency of a CPLR 3212 motion,** unless good cause is shown why discovery should be stayed. A stipulation between parties will not suffice.

2. **Timeliness: All summary judgment motions must be made no later than 120 days after filing of the note of issue** - there are no exceptions without leave of Court (leave will only be granted upon a motion).

3. Cross-motions which seek relief against a party other than the party making the initial motion DO NOT relate back to the date the original motion was made and must be filed within 120 days of the filing of the note of issue. Cross-motions made against the initial movant DO generally relate back and will be considered.

3. Conferences (Preliminary, Compliance, Status, Pre-Trial)

A. The rules of this part require compliance with court-ordered deadlines. The failure to adhere to deadlines and comply with orders may result in serious penalties. **Counsel participating in conferences are expected to be thoroughly familiar with the case, have the authority to discuss and stipulate to resolve all discovery issues and be prepared to discuss settlement.**

B. If you have any motions pending in the Motion Submission Part, or which are *sub judice*, please bring this to the attention of the law clerk handling the conference.

1. Counsel are assumed to have consulted with your clients regarding their availability for depositions.

2. As indicated in nearly every discovery order, the parties are directed to update the Court (via NYSCEF) about the status of discovery at least a week prior to the

scheduled conference. Typically, this involves uploading a discovery stipulation signed by all parties or communications about pending discovery disputes. The failure to update the Court may result in an adjournment of the conference or a directive to file the note of issue.

C. Instructions Applicable to Conference Orders and Stipulations

1. Non-specific statements such as “all discovery not yet provided” or “unless otherwise provided” or “to the extent not yet provided” will not preserve any rights. Counsel must know what has and has not been exchanged and must be prepared to resolve discovery issues.

2. Note of issue dates to be determined at the close of discovery. A note of issue may not be filed until there is a conference order granting permission.

3. Trial authorizations must be provided 90 days before trial.