

HON. ARLENE P. BLUTH - Part 14 Rules
UNTIL FURTHER NOTICE, NO HARD COPIES OF ANY MOTION PAPERS
ARE REQUIRED AND NO PERSONAL APPEARANCES ARE REQUIRED
UNLESS SPECIFICALLY REQUESTED BY THE COURT

60 Centre Street, Room 432, New York, New York 10007
Principal Court Attorney: Gregory L. Schneider
Assistant Law Clerk: Amanda Delgrosso
Courtroom Part Clerk: Thomas Maser: 646-386- 3219

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. This service is free.

Oral Argument on Motions: Motions will be decided on submission unless otherwise directed.

Conferences: Conferences will be conducted remotely until further notice. Prior to the conference, please discuss any outstanding discovery issues with the opposing party and, if possible, upload a signed stipulation for the Court's approval at least a day before the conference. No conference will be necessary if all parties agree and the Court approves the proposed stipulation in advance of the conference.

1. Communications with Part Clerk and Chambers – Including Adjournments

If the parties wish to contact the Court, please upload an e-filed letter signed by all parties. Please note that the Court will not make a decision based on an ex-parte letter, as Court decisions are only made only after a motion is made.

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 faxing to 212-618-7997 (for paper cases), or uploading to NYSCEF (for e-filed cases), a fully executed stipulation signed by all counsel that must be received by 24 hours prior to the scheduled appearance.

a. Do not call Mr. Maser to request an adjournment. Please request three future dates within the next three months and the Court will do its best to pick one of these dates.

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.

2. **Motions with opposition,** after being fully submitted in room 130, may be scheduled for oral argument (remotely) 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.**

(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. For non-discovery motions, unless advance permission is granted, memoranda of law shall not exceed 25 pages (exclusive of table of contents and authorities) and affirmations/affidavits shall not exceed 25 pages each. Reply affirmations shall not exceed 15 pages. *For discovery motions, see below*

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. **Discovery Motions: No discovery motions are allowed until after a**

preliminary conference is held.

1. If good faith efforts to resolve a post-conference dispute do not succeed, the party may seek to advance the next scheduled conference or bring a motion for relief. Exclusive of exhibits, this motion should not be longer than 5 pages in length and must include at least a full paragraph detailing the good faith efforts (with names and dates) and that it was unsuccessful. The opposing party's response shall not be longer than 5 pages in length.

G. 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 (but deadlines falling between March and June 2020 will be liberally extended due to Covid). Absent good cause for late filing, a late motion will be denied even if your adversary does not object.

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 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. Upon a party's second failure to appear for a conference, the case may be dismissed or the party's pleading may be stricken. Any motion to vacate such a default must be brought by OSC and must fulfill the requirements of CPLR 5015.

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.