

HON. LORI S. SATTLER
SUPREME COURT, NEW YORK COUNTY
IAS PART 2 RULES

Courtroom: 60 Centre Street, Room 212
Courtroom: (646) 386-3852
Chambers: (646) 386-3819
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I. General

1. Notification of court appearances will be sent to counsel of record on NYSCEF. Pursuant to Uniform Civil Rules for the Supreme Court and the County Court § 202.23(c), “each attorney who receives notification of an appearance on a specific date and time is responsible for notifying all other parties by email that the matter is scheduled to be heard on that assigned date and time.”
2. Ex parte communications are not permitted. Communications regarding procedural questions or issues should be directed to the Part Clerk. Communications regarding substantive questions and/or issues may be emailed to chambers provided that all sides are copied.
3. Do not copy the court on correspondence between counsel.
4. If an action is discontinued, or wholly or partially settled by stipulation, a motion has become wholly or partially moot, or a party has died or become a debtor in bankruptcy, the parties shall promptly notify the court in writing of such an event. This is a continuing obligation, and such notification shall be made in writing to the court via filing on NYSCEF and email to the Part Clerk and chambers (§ 202.28[a]).

II. Conferences

1. IAS Part 2 Preliminary, Compliance, and Status Conferences are held on Tuesdays and Wednesdays. Tax Certiorari conferences are held on Thursdays.
2. Parties must use the Part 2 forms available at http://ww2.nycourts.gov/courts/ljd/suptctmanh/judicial_assignments.shtml#S
3. A party filing a Request for a Preliminary Conference should contact chambers notifying of same with all sides copied.

4. Parties should meet and confer about all outstanding discovery or other issues prior to any conference with the Court. Pursuant to § 202.20-f: “[t]o the maximum extent possible, discovery disputes should be resolved through informal procedures, such as conferences, as opposed to motion practice.” At any time, the parties may present stipulations to the court to be so ordered by filing on NYSCEF under the appropriate document type.

5. If a motion is pending in a case scheduled for a conference, all attorneys must be prepared to discuss the pending motion on the conference date.

III. Motion Practice

1. All notices of motion/cross-motion, orders to show cause, affirmations, affidavits, memoranda of law, and exhibits to motions must be labeled and tabbed individually and must contain the motion sequence number on the upper right corner of the first page. All motions papers and exhibits thereto must be e-filed separately.

2. Parties appearing on dispositive motions must have knowledge of the facts and history of the case and settlement authority. A failure to appear without settlement authority may be deemed a default.

3. “Courtesy” or working copies of e-filed motions are discouraged and should not be delivered to the part.

4. Electronic copies of exhibits such as audio or video should be submitted to the court on or before the motion submission date by emailing chambers with all parties copied informing the court of the need to submit electronic exhibits. The Court will provide instructions depending on the number and size of the files to be submitted.

5. Orders to Show Cause

a. Pursuant to § 202.8-d: “[m]otions shall be brought on by order to show cause only when there is genuine urgency (e.g., applications for provisional relief), a stay is required or a statute mandates so proceeding. See Section 202.8-e. Absent advance permission of the court, reply papers shall not be submitted on orders to show cause.”

b. If a party seeks a temporary restraint in an Order to Show Cause, they **MUST** provide proof that their adversary was notified about the application and the time, date and manner that the application will be presented for signature. The court may, in its discretion, schedule a hearing on the TRO application or set a deadline to submit written opposition to the TRO request.

c. All Orders to Show Cause must first be processed by the Ex Parte Office. A movant should first contact that office to ensure that the Order to Show Cause has been processed and submitted to chambers before inquiring with the Part about the status of the Order to Show Cause.

6. Notices of Motion

- a. All Notices of Motion are returnable in the Motion Support Office Courtroom. Adjournments of those motions are to be addressed to Motion Support, not the Part, unless the parties are seeking to adjourn a motion submission date more than sixty days after the original return date. In that case, the stipulation will need to be so ordered, so the parties should file the stipulation on NYSCEF with a request that it be so ordered.
- b. Motions will be submitted without argument or rescheduled for a conference and/or oral argument on a case-by-case basis in the Court's discretion. A party may request oral argument by emailing chambers with all counsel copied on or before the motion's submission date.

IV. Adjournments

1. A court appearance may be adjourned on consent, provided all parties who have appeared in the action sign a stipulation to that effect and deliver it to court via filing on NYSCEF by 2:00 p.m. the day before the appearance is scheduled. Such stipulations must include: 1) the reason for the adjournment, 2) the date the case was last on, 3) how many times the conference or oral argument has been adjourned, 4) the date by which the Note of Issue must be filed, and 5) three suggested adjourned dates. All adjournment requests are subject to court approval.
2. If there is no consent to a request for an adjournment of a court appearance, requests for adjournments shall be transmitted in writing to the court and to all parties via email to chambers so as to be received no later than 48 hours before the appearance and shall set forth the efforts made to obtain the consent of all parties and the results thereof (see § 202.23). Requests for adjournments not on consent made less than 48 hours before the scheduled date will not be considered, and counsel must appear on the scheduled date to make an oral application for the adjournment.

V. Settlement Conferences and ADR

1. The parties are encouraged to request a settlement conference with the Court. Such request should be made by email.
2. If the parties have conferred and would like to submit their case to mediation, they should email the Court with the following information: 1) nature of case; 2) substantive issues in dispute; 3) any offers and demands; 4) if a personal injury action, nature/extent of personal injuries sustained. The Court may conduct a settlement conference or refer the matter to mediation in its discretion and subject to the mediation part's approval only upon a showing that a settlement conference or mediation would be fruitful.

VI. Note of Issue

1. The note of issue may be filed, and a future conference dispensed with, provided all parties who have appeared in the action stipulate in writing that all discovery has been completed. This stipulation must be sent to the court via filing on NYSCEF by 2:00 p.m. the day before the appearance is scheduled.

2. Summary judgment motions must be filed within 120 days after the filing of the notice of issue, unless otherwise ordered by the court, or will be denied absent good cause shown for the delay.

VII. Trials

1. Once a trial is assigned to Part 2, the Court shall schedule a Pre-Trial Conference. At least one week prior to the Pre-Trial Conference, counsel is required to serve and submit the following:

- a. marked pleadings;
- b. the bill of particulars;
- c. a witness list, which shall include whether any interpreters are required;
- d. expert disclosures;
- e. pretrial memoranda (if applicable);
- f. proposed jury instructions in Word format (if applicable);
- g. proposed jury verdict sheet in Word format (if applicable); and
- h. an estimated number of trial dates needed.

2. Proposed jury instructions must be specifically tailored to the action. When using PJIs, please include the full text of the instruction proposed along with the number and title. Proposed instructions merely referencing PJI sections will be rejected by the Court.

3. Parties must have copies of exhibits for the Court and for each adversary. Counsel shall email chambers with all parties copied describing generally the number and file type of the exhibits and the Court will provide instructions depending on the number, size, and type of exhibits.

4. All parties are encouraged to have their exhibits pre-marked by the court reporter.