

HON. SUZANNE ADAMS, J.S.C.

Part 21 Transit

Courtroom:

80 Centre Street, Room 320
New York, NY 10013

Part Clerk/Courtroom:

Kenneth Terry, kterry@nycourts.gov 646-386-3738

Principal Court Attorney:

Robin Marsico, Esq., rmarsico@nycourts.gov

Chambers: 646-386-5387

Fax: There is no fax machine for this Part.

TEMPORARY VIRTUAL PART PROCEDURES

PLEASE BE ADVISED THAT UNTIL FURTHER NOTICE, THE FOLLOWING WILL TEMPORARILY SUPERSEDE ANY IN-PERSON RULES REGARDING DISCOVERY CONFERENCES AND MOTIONS:

I. CONFERENCES:

1. Parties will be contacted by the Part Clerk and asked to email him Preliminary or Status Conference Orders, agreed upon by all parties, to be submitted to Judge Adams for review and signature.
2. Future conference and Note of Issue dates may be set by the parties; if left blank, the Part Clerk will provide the dates.
3. If parties are unable to agree on a proposed discovery order, they are to email the Part Clerk, who will schedule a Skype conference with Judge Adams.
4. If parties wish to conference with Judge Adams regarding settlement, or discovery issues that arise between conferences, they may email the Part Clerk to schedule a Skype conference.

II. MOTIONS:

1. All motions will be on submission, unless the court or the parties request otherwise. If the parties request oral argument, they are to email the Part Clerk, who will schedule the argument via Skype. If any party would like a court reporter, that request should be included in the email to the Part Clerk.
2. If a motion is adjourned, a stipulation to that effect is to be uploaded to NYSCEF, with a courtesy copy to the Court Attorney via email.
3. If an application for an adjournment is made to the court, it is to be via a timely email to the Court Attorney, copied to all parties.
4. Prior to making any discovery motions (compel discovery, objections to requests/disclosure, strike pleadings, vacate Notes of Issue, and the like), the prospective movant is to email the Part Clerk, copying all parties, to request a conference with Judge Adams. The Part Clerk will then schedule a Skype conference.

III. NO EX PARTE COMMUNICATIONS:

1. All emails to either the Part Clerk or the Court Attorney must be copied to all parties, otherwise the email risks being totally ignored.

2. Phone calls to the Part Clerk or chambers should be few and far between, and should be administrative, not substantive, in nature.

END OF TEMPORARY VIRTUAL PART PROCEDURES

General

a) Papers should be e-filed, or delivered to the courtroom if a paper file. Video documents should be delivered to the Part Clerk at least 2 weeks prior to argument.

b) *Ex parte* communications are not permitted. Communications regarding procedural questions or requesting a conference should be directed to the Part Clerk. **DO NOT CALL CHAMBERS.**

c) Letters or emails seeking affirmative relief will not be considered and will be rejected.

d) Do **not** copy the court on correspondence between counsel, including e-mails.

e) The court will not entertain telephonic conferences regarding discovery disputes. Parties can seek a discovery conference by emailing the Part Clerk and copying all sides.

Discovery Conferences

a) Preliminary, Compliance and Status conferences are scheduled for **Thursdays only**. The Court has a staggered calendar beginning at 9:30 A.M. and 2:15 P.M.

b) Cases are conferenced when **all sides are present**.

c) **Please check e-Courts for all future appearances.**

Adjournments of Conferences

a) 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 e-filing, email or in-person by 2:30 P.M. the day before the appearance is scheduled. The court prefers an email to the clerk.

The stipulation is subject to court approval and it must include:

[1] the reason for the adjournment and

[2] the proposed date for the conference. If there is no consent, the scheduled date must be honored and counsel must appear to make an oral application for the adjournment.

b) Please clear the new adjourn date with the Part Clerk before filing the stipulation.

Motions

a) All Orders to Show Cause will be heard on Thursdays 10:00 a.m. on the return date, unless otherwise provided for by the court. If a party seeks a temporary restraint in an Order to Show Cause, they **MUST** appear with the adversary or provide proof that their adversary was notified about the time and place that the application will be presented for signature.

b) Appearances for oral argument are required on all Orders to Show Cause. All Orders to Show Cause must be first processed through the *Ex Parte* Motion Office, 60 Centre Street, Room 315.

c) All Notices of Motion (but not Notices of Cross Motion) are returnable in the General Clerk's Office Submissions Part, 60 Centre St. Room 130. Adjournments of those motions are to be addressed to the General Clerk's Office, Motion Support, **not the Part**. All motions will be scheduled for oral argument.

d) **Discovery-related motions**, other than those to strike the Note of Issue, shall **NOT** be made without permission of the court. Parties seeking relief must contact the Part Clerk by email, with notice to all parties, requesting a conference to resolve the dispute.

e) **Summary judgment motions** shall be made pursuant to CPLR 3212.

f) All parties or their attorneys are expected to appear at oral argument on Motions and Orders to Show Cause, even if they are not objecting or filing opposition papers.

g) "Courtesy" or working copies of e-filed motions are not required and should not be provided to the part unless requested. However, copies of videos must be provided to chambers (through the clerk) at least one week before oral argument.

h) Letters should not be sent to the Court concerning a motion after the motion has been marked submitted (see Rule 14[c]).

Adjournments of Oral Argument

a) **Any adjournment requested during the week when oral argument is scheduled requires an application to the Judge. Generally, the court does not entertain requests for adjournment made within 7 days of argument.**

b) **Please check e-Courts for all future oral argument appearances.**

Settlement Conferences

Settlement Conferences are heard on Fridays. The court prefers you bring your client. Notification of the conference is by court notice only.

Note of Issue

The Note of Issue may be filed, and a future compliance 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 e-filing, email or in-person by 2:30 p.m. the day before the appearance is scheduled.

Trials

a) Trials are scheduled to proceed day by day until completed. Trials will not be held on Thursdays unless the jury is deliberating.

b) Once a trial is assigned to Part 21, counsel are required to serve and submit the following:

- i. Marked pleadings;
- ii. Bill of particulars;
- iii. Witness list;
- iv. Expert disclosures;
- v. Pre-trial memoranda (if applicable);
- vi. Proposed jury instructions (if applicable);
- vii. Proposed jury verdict sheet (if applicable); and
- viii. One-paragraph summary of the parties' contentions.

c) Parties must have copies of exhibits for the court and for each adversary.

d) All parties are encouraged to have their exhibits pre-marked by the court reporter