

HON. W. FRANC PERRY, Part 23, IAS General Assignment Part, Room 307, 80 Centre Street, New York, NY 10013, Part Clerk/Courtroom Phone: (646) 386-3754; Email documents to sfc-part23@nycourts.gov; Nina Cangiano, Esq., Principal Law Clerk; Shane A. Miller, Esq., Assistant Law Clerk.

Preliminary, Compliance and Status Conferences

Preliminary Conferences are scheduled by the General Clerk's Office pursuant to the filing of an RJJ or a motion. If a discovery dispute arises, in lieu of filing a motion, any party may request a conference by submitting a letter to the Part Clerk at: sfc-part23@nycourts.gov. Conferences will be granted at the Court's discretion.

Attorneys attending the conference are expected to be familiar with the underlying case and have the authority to discuss and resolve all discovery issues, this includes "per diem" attorneys, junior associates and/or attorneys other than the lead attorney appearing before the Court at the conference.

All conferences will be held in Part 23, Room 307 on Tuesdays at 9:30 a.m., unless otherwise specified. All cases are heard in the order in which they are ready. All counsel must be present for the case to be deemed ready. Do not check in with the Part Clerk until all sides are present and the proper forms have been completed by all counsel. Default applications will be entertained by the Court at 11:30 a.m. (22 NYCRR 202.27).

Preliminary, Compliance and Status Conference Orders are orders of the Court and counsel are expected to adhere to court-ordered discovery deadlines. At each compliance and status conference, counsel must bring a list of all discovery previously ordered but not yet completed as well as new discovery requested which could not have been previously addressed. Failure to adhere to deadlines and comply with discovery orders may result in penalties authorized by CPLR 3126.

Motions - Courtesy/working copies are not required, unless directed by the Court.

All Orders to Show Cause will be heard on Thursdays at 80 Centre Street, Room 307, at 9:30 a.m., unless otherwise directed by the Court. Any party seeking a Temporary Restraining Order or interim relief must appear with the affected adversary or provide proof to the Court that the adversary was notified but declined to appear when the application is presented for signature. Opposition papers to an OSC will be accepted on the return date unless otherwise directed by the Court. Reply papers are not permitted, absent Court approval.

Motions brought by Notice of Motion shall be made returnable in the Motion Submission Courtroom, Room 130, at 60 Centre Street. After motions are fully submitted in Room 130, they are sent to Part 23 and scheduled for oral argument at the Judge's discretion. If oral argument is scheduled, you will be notified electronically. All cases scheduled for oral argument will be heard on Thursday, at 80 Centre Street, Room 307, at 10:00 a.m.

Timely interposition of all papers in accordance with the CPLR is required, as the Court will not consider the merits of any papers, including opposition, cross-moving or reply, which appear to have been interposed in an untimely or otherwise inappropriate manner. The CPLR does not provide for sur-reply papers; the Court will not read sur-reply papers. Letters should

not be sent to the Court concerning a motion after the motion has been marked submitted, unless on consent of all parties or Order of the Court.

Discovery motions are strongly discouraged. If a discovery dispute arises, any party, in lieu of filing a motion, may request a conference by submitting a letter to the Part Clerk at: sfc-part23@nycourts.gov. Conferences will be granted at the Court's discretion.

All summary judgment motions must be filed within 120 days after the filing of the note of issue. Courtesy/working copies are not required, unless directed by the Court.

If the case has settled and a motion is pending, or if a motion has been withdrawn, the parties must immediately email a stipulation to the Court, executed by all affected parties, indicating that the matter has settled and/or that the motion has been withdrawn.

Adjournments

PLEASE DO NOT CALL CHAMBERS REGARDING SCHEDULING MATTERS AND REQUESTS FOR ADJOURNMENTS. All requests for adjournments shall be delivered to the Court by 3:00 p.m. the day before the scheduled appearance. All consent adjournment requests are to be made to the Part Clerk; if granted by the Court, requests must be confirmed in writing by email to sfc-part23@nycourts.gov and indicate the reason for the adjournment, the proposed adjournment date and number of adjournments previously granted.

If the parties cannot agree on an adjournment, the parties must appear on the scheduled date, after due notice to all parties, for an oral application requesting the adjournment. Motion practice related to adjournments should be avoided. The parties are reminded of the importance of professional courtesy and cooperation when dealing with one another.

Note of Issue

Absent a showing of good cause and/or substantial compliance with the preliminary, compliance and status conference orders, the Note of Issue date will not be extended. The Note of Issue may be filed and a future compliance conference may be avoided, if all parties who have appeared in the action, stipulate in writing that all discovery is complete and provide for the filing of the note of issue. The stipulation must be delivered to the Part 23 Clerk.

Trial Rules and Requirements

Once a trial is assigned to Part 23, a trial conference shall be held with the Court and all counsel will be provided with Justice Perry's trial rules.

Communication with the Court

Ex parte communication with Justice Perry and/or his law clerks is not permitted. Letters seeking affirmative relief will not be considered by the Court. In addition, do not copy the Court on letters exchanged between counsel, unless previously directed to do so by the Court. Any email directed to the Law Clerk or Part Clerk must be copied to all counsel.