

HON. DAKOTA D. RAMSEUR

Part 34 Part Rules

80 Centre Street, Room 328, New York, New York 10013

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Part Clerk: Elizabeth Morgan (SFC-Part34-Clerk@nycourts.gov)

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1. Conferences:

- a. Unless otherwise directed, conferences will take place in person on Tuesdays beginning at 9:30 a.m. Invitations to Microsoft Teams meetings will be sent to counsel of record on NYSCEF.
- b. Parties **must** meet and confer to address all outstanding discovery matters prior to their conference with the court. Unless otherwise directed, the parties are to submit a completed proposed stipulation to the court staff conferencing the matter at the time of the conference. The court staff conferencing the matter will assist the parties concerning disagreements on discovery.
- c. The Part 34 forms are available [HERE](#).
- d. If a discovery motion is pending in a case scheduled for a conference, the parties are to notify the court and be prepared to discuss the motion at the conference.

2. Adjournments/scheduling:

- a. All adjournments and scheduling issues, including request to schedule a preliminary or discovery conference, logistical issues concerning virtual conferences and in-person appearances, should be directed to the part clerk, unless otherwise directed by the court. A request for an adjournment must be made at least 48 hours in advance.
- b. If a dispute arises concerning a request for an adjournment, the requesting party is to e-mail the law clerk with all parties copied. If a matter requires urgent attention, contact chambers using the contact information above.

3. Motions:

- a. Part 34 is an e-file part. "Courtesy" or working copies of e-filed motions are not required and should not be delivered to the part. Oral argument on

motions is scheduled at the court's discretion. If scheduled, oral argument will take place on Tuesdays, or at a date scheduled by the court.

- b. Discovery motions are discouraged. Instead, the parties are encouraged to first request a discovery conference with the part.
- c. Motions scheduled for oral argument may be adjourned, without further approval and upon consent of all sides, no more than 60 days from the original argument date. For any additional adjournments beyond 60 days, any stipulation must be "so-ordered" by the court, and must also contain a specific reason for the adjournment.
- d. Parties appearing on dispositive motions should have settlement authority, including per diem counsel. A failure to appear with settlement authority may be deemed a default.
- e. The first page of all motion papers must contain the motion sequence number in the upper right-hand corner.
- f. Each exhibit must be e-filed under its own document number and must include a short label identifying the nature of the exhibit (e.g., Complaint, Contract dated 1/1/15, etc.). All exhibits should be paginated, and reference to any voluminous exhibit, including deposition testimony, must include pinpoint citations.

- 4. **Ex Parte communications:** No *ex parte* communications with Chambers concerning the substance of any case.
- 5. **Notifying the court of issues affecting a case:** Counsel must promptly notify the court of any settlement or resolution of any active case or motion, or bankruptcy or death of any party.
- 6. **Electronic filing (NYSCEF) and eTrack:** eTrack is a service that enables parties to track active Civil Supreme Court cases and to receive e-mail notice of scheduled appearances. All parties (and counsel if represented) should register for the eTrack service for all Part 34 cases (<https://iapps.courts.state.ny.us/webcivil/>)
- 7. **Trials:**
 - a. Upon the first appearance before this court, the parties shall provide (or shall provide a list NYSCEF docket entries corresponding to):
 - i. A list of proposed witnesses, including the need for any interpreters with the required language and dialect;
 - ii. An estimate of required trial days;
 - iii. All marked pleadings and bills of particulars;

- iv. All prior decisions in the case, including any appellate decisions;
 - v. Any notices to admit;
 - vi. Copies of those portions of EBTs intended for use at trial for any purpose;
 - vii. A trial memorandum, not to exceed five (5) pages, briefly setting forth the party's position and the relevant factual and legal issues to be tried, citing relevant case law;
 - viii. Any requests for the use of technology and/or audiovisual equipment; and
 - ix. Two (2) business cards for each attorney.
- b. Prior to the start of trial, the parties must furnish the following:
- i. All *in limine* or other applications. All motions *in limine* must be presented in writing to the court as soon as practicable or as specifically scheduled at any pre-trial conference, with a copy to all parties. Any such motion or application must include citations to relevant authority.
 - ii. For jury trials:
 - 1. Proposed jury instructions in the form of requested PJI numbers. If a PJI instruction requires modification (including a characterization of the evidence), or if the language is not based on the PJI, the party making the request must submit the exact requested language, together with the authority for it, in Word or PDF format to the part clerk and opposing counsel simultaneously;
 - 2. Proposed jury verdict sheet must be submitted in Word format to the part clerk and opposing counsel simultaneously.
- c. Parties are strongly encouraged to have the court stenographer pre-mark all exhibits for identification and/or evidence if without objection.
- d. Counsel, not court personnel, shall ensure all subpoenaed documents have arrived in the subpoenaed records room at 60 Centre Street.
- e. Trial dates scheduled by the court are firm and may only be adjourned upon application to the Administrative Judge if said trial is located at 60 Centre Street, and/or the trial date is selected by the Administrative Judge. Trials are held every day of the week except Tuesday mornings.