

PRACTICES FOR PART 38

HON. LOUIS L. NOCK

Courtroom: 111 Centre Street, Courtroom 1166
New York, NY 10013
(646) 386-3235
Park Clerk: Renee Woody, SFC-Part38-Clerk@nycourts.gov

Chambers: (646) 386-3206
Principal Court Attorney: Samuel S. Yaggy, Esq., ssyaggy@nycourts.gov

Motion Calendar: Thursdays, in person (effective May 1, 2022), as scheduled by the clerk

Preliminary, Compliance, and Status Conferences: Wednesdays, remotely (until June 28, 2022), as scheduled by the clerk

Pre-Trial and Settlement Conferences: In person, as scheduled by the Court

General

1. Please read these rules carefully in their entirety before contacting the Court, as doing so may answer your question.
2. References to the “parties” in these rules means both unrepresented parties and counsel for represented parties. Parties are advised that Justice Nock, his Court Attorney, and Park Clerk will not engage in any *ex parte* communications.
3. All parties shall familiarize themselves with these Practice Rules and the Rules of the Justices of the Supreme Court, Civil Branch, New York County.
4. Parties shall immediately notify the Part Clerk of the settlement or resolution of any active case or pending motion.
5. Documents requiring Justice Nock’s signature, including proposed orders and stipulations (e.g., proposed or settled orders, stipulations, or transcripts to be “so-ordered”), must be electronically filed and a Microsoft Word version with electronic signatures emailed to the Part Clerk at SFC-Part38-Clerk@nycourts.gov.

Telephone Calls

6. Non-attorneys (including paralegals and secretaries) may not call chambers. Except in extenuating circumstances, chambers will take calls only from attorneys of record and unrepresented litigants and only when all appearing parties are on the line.
7. Counsel and unrepresented litigants may call chambers Monday through Thursday, between 3:00 and 5:00 p.m., during which time the court is generally available for unscheduled calls. Except for scheduled calls, emergencies (including disputes arising during a deposition) or notifications that a motion has been withdrawn or a matter has settled, do not call chambers outside of this time window.

8. To initiate a call with chambers, call (646) 386-3206 with all parties on the line or provide chambers with a conference call dial-in number. Prior to the call, the parties must confer to discuss the matters to be raised with the court.

Adjournments and Extensions

9. **DO NOT CALL CHAMBERS REGARDING ADJOURNMENTS.**
10. Requests to adjourn motions returnable in the Motion Submission Part shall be made pursuant to the rules of that part (https://ww2.nycourts.gov/courts/1jd/supctmanh/motions_on_notice.shtml). For adjournments of greater than 60 days, please email requests for a “so-ordered” stipulation to adjourn a motion returnable in the Submission Part to the Part Clerk at SFC-Part38-Clerk@nycourts.gov.
11. Requests to adjourn any oral argument in Part 38 must be made at least **two business days** before the scheduled appearance. Parties seeking an adjournment shall electronically file a stipulation requesting adjournment **and** contact the Part Clerk at (646) 386-3235 or SFC-Part38-Clerk@nycourts.gov.

Motion Practice

12. **No party shall file a discovery motion without leave of the Court.** Failure to obtain leave is grounds for denial of the motion without prejudice to renewal upon obtaining leave. Discovery disputes shall be resolved in accordance with the procedures set forth in the Discovery section of these Part Rules.
13. Part 38 is a paperless part. Hard copies of electronically filed motions are not required.
14. All motions for entry of a default judgment must be accompanied by a proposed order. Counsel should file the proposed order on NYSCEF and email a copy in Word document format to Chambers at ssyaggy@nycourts.gov.
15. If any motion for relief other than a default judgment is submitted without opposition, Counsel must also submit a proposed order in the manner described above on the date the motion is returnable in the Submission Part.
16. All dispositive motions shall be filed within 60 days of the filing of the Note of Issue.
17. Oral argument is scheduled at the Court’s discretion
18. An appearance is **required** for all motions scheduled for oral argument, even if they are unopposed. The motion calendar for IAS Part 38 is held on Thursdays. Please monitor the eTrack system and your email for the scheduling of oral argument (<https://iapps.courts.state.ny.us/webcivil/FCASMain>). Motions that are scheduled in eTrack for 9:30 AM on any day of the week are on for submission of papers before the Motion Submission Part, Room 130, and no appearance is required.
19. The COVID-19 remote argument accomodation is no longer in effect. All arguments are in-person before the Court at 111 Centre Street, Room 1166, New York, NY 10013

20. Orders to Show Cause (“OSC”) must be e-filed and submitted to the Ex Parte Office at 60 Centre Street, Room 315 prior to submitting the order for Justice Nock’s signature. Once approved by the Ex Parte Office, the OSC will be forwarded to chambers for review.
21. Ordinary motions should not be made by order to show cause. Unless the relief sought by the motion is required to be sought by order to show cause, or emergency conditions require the Court’s immediate review, motions should be made by notice of motion. Failure to abide by this rule may result in the Court declining to sign any proposed order to show cause.
22. To withdraw a motion pending in the Submission Part, the movant must electronically file a stipulation or letter withdrawing the motion under the appropriate motion sequence number. Contact the Submission Part at (646) 386-3030 regarding motions pending in that part.
23. To withdraw a fully submitted motion that is pending in Part 38, the movant must electronically file a stipulation or letter withdrawing the motion and immediately advise the Part Clerk at SFC-Part38-Clerk@nycourts.gov.
24. Where the parties settle or otherwise discontinue an action in which an open motion is pending, the parties shall immediately advise the Part Clerk and submit the stipulation or other documents disposing of the matter to the Part Clerk at SFC-Part38-Clerk@nycourts.gov.
25. Routine inquiries as to the status of a motion that is not fully submitted should be directed to the Part Clerk at (646) 386-3206.

Discovery

26. Discovery conferences are held on Wednesdays, as scheduled by the Part Clerk or Court Attorney. Currently, all conferences are being held remotely via Microsoft Teams. A calendar invitation for Teams appearances will be emailed to all counsel of record who have recorded their representation in NYSCEF. Appearances will begin promptly as scheduled. Any party that fails to appear may be marked in default. Beginning on June 29, 2022, discovery conferences shall take place at the Courthouse located at 111 Centre Street, Room 1166.
27. Where all parties are represented by counsel, all counsel shall meet and confer prior to the conference. If there are no issues that require the court’s attention, counsel may submit a proposed stipulation in lieu of an appearance by emailing a copy of the stipulation to the Principal Court Attorney at ssyaggy@nycourts.gov in advance of the scheduled appearance. Counsel who include a date for the next compliance conference in their stipulation should schedule same on a Wednesday.
28. All parties are expected to strictly adhere to discovery deadlines set by the Court, including deadlines set forth in Preliminary or Compliance Conference Orders.
29. No party is permitted to file a discovery motion without leave of court. Parties are directed to meet and confer regarding all discovery disputes. If the parties are unable to resolve the dispute, they must contact the Principal Court Attorney at ssyaggy@nycourts.gov to conference the matter as soon as practicable to avoid exceeding the discovery cutoff date. Parties may also call chambers to conference discovery disputes, in accord with the Telephone procedures set forth above.

30. Parties that need an immediate ruling during a deposition may call chambers at (646) 386-3206 at any time for this purpose.
31. No party shall send a letter to Chambers related to a discovery dispute without permission of the Court.

Trials/Evidentiary Hearings

32. Parties shall provide the following to the Court at the pre-trial conference:
 - a. All Trials: Marked pleadings and bills of particulars; all prior decisions in the case; all notices to admit, with responses; copies of transcripts of depositions intended for use at trial; trial exhibit binders; and stipulated facts.
 - b. Jury Trials: A proposed verdict sheet; proposed jury instructions; a list of proposed witnesses; and each attorney's business card and a number where they can be reached during trial. If a witness needs an interpreter, please indicate the language and any dialect.
33. Parties are strongly encouraged to stipulate to all facts and documents not in dispute prior to trial and have agreed-upon documents, photographs and other exhibits pre-marked into evidence by the court reporter outside the presence of the jury.
34. It is the duty of the parties, not court personnel, to confirm that all subpoenaed documents have arrived in the subpoenaed records room at 60 Centre Street.
35. Requests to set up audiovisual equipment in the courtroom shall be directed to the Part Clerk.