

HON. RICHARD G. LATIN, J.S.C.

Part 46

Part Clerk/Courtroom:

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***All parties should familiarize themselves with the Uniform Rules as updated by Administrative Order 270-20. ***

TEMPORARY VIRTUAL PART PROCEDURES (COVID-19)

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

Part 46 is an E-Filing Part – The court strongly encourages all cases to be converted to e-filing. The link to the form to convert a case to e-filing is

<https://iappscontent.courts.state.ny.us/NYSCEF/live/forms/stipulation.and.consent.pdf>

I. CONFERENCES:

1. Parties will email the Judge's law clerks and send either a proposed Preliminary, Compliance, or Status Conference Order, agreed upon by all parties, to be submitted to Justice Latin for review and signature. After conferring with one another, if the parties cannot agree to a proposed order, they may email the Judge's law clerks requesting a conference via Microsoft Teams. If a conference is held, each attorney attending the conference must have authority to bind their respective party on all issues. At the conference, the parties must also bring the existence of any pending motions to the Court's attention.

2. Future conference and Note of Issue dates may be set by the parties; if left blank, the Court will provide the dates.

3. If parties wish to conference with Justice Latin regarding settlement, or discovery issues that arise between conferences, they may email the Judge's law clerks to schedule a virtual Teams conference.

II. MOTIONS:

1. All notices of motion (but not notices of cross motion) are returnable in the Motion Submission Part Room 130. Adjournments of those motions are 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.

2. 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 Judge's law clerks, who may schedule a virtual oral argument via Teams at the Court's discretion. Parties appearing on dispositive motions should have settlement authority. A failure to appear with settlement authority may be deemed a default. Similarly, the failure to be prepared to discuss the motion may be deemed a default of the motion.

3. If a motion has been withdrawn or settled, the parties must e-file a stipulation and advise the law clerks immediately.

4. **Prior to making any discovery motions AND prior to the return date of a made discovery motion** (compel discovery, objections to requests/disclosure, strike pleadings, vacate Notes of Issue, and the like), the parties should meet and confer and memorialize all outstanding discovery in a written stipulation signed by all sides.

a. Upon doing so, the parties may present the stipulation to the Court to be so ordered by emailing the law clerks directly, or by filing on NYSCEF under the appropriate document type with a courtesy email to the law clerks.

b. If the parties have a dispute that they are unable to resolve despite good faith efforts to do so, they may request a virtual conference by emailing all parties and the law clerks with their request and a draft proposed order/stipulation before making a motion. Failure to provide the law clerks with a proposed order may result in the cancellation of the conference.

5. Absent leave of court, summary judgment motions must be filed within sixty (60) days after the filing of the Note of Issue.

III. ORDERS TO SHOW CAUSE

1. All Orders to Show Cause will be heard on Tuesdays 10:30 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 provide proof that their adversary was notified about the application and the time and date that the application will be presented for signature. The court may, in its discretion, schedule a hearing on the TRO application virtually or set a deadline to submit written opposition to the TRO request.

2. All Orders to Show Cause must first be processed by the Ex Parte Motion 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.

IV. NO EX PARTE COMMUNICATIONS:

1. All emails to the law clerks must be copied to all parties, otherwise the email risks being totally ignored.

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