

C. Motions submitted on default are generally not scheduled for oral argument. However, the movant must make certain that an affidavit of service is included, even for e-filed motions. Without a proper affidavit of service, relief will be denied.

D. The movant shall specify in the notice of motion, order to show cause, and in a concluding section of a memorandum of law the exact relief sought. If there is a discrepancy between the relief sought in your notice of motion and the relief sought in your supporting papers, the notice of motion is controlling.

E. Orders to Show Cause. Motions shall be brought on by order to show cause only when there is genuine urgency. Reply papers shall not be submitted on orders to show cause unless directed by the court.

F. Temporary Injunctive Relief. As per Rule 202.7(f) of the Uniform Rules, any application for temporary injunctive relief, including a temporary restraining order, shall be made on at least 24-hours notice to the adversary, absent a showing of significant prejudice.

G. Discovery motions are strongly discouraged. If a discovery dispute arises, it may be directed to the Part Clerk who will schedule a conference. **Do not call or send letters to Chambers regarding discovery disputes.**

H. Summary Judgment Motions.

All summary judgment motions must be made no later than 60 days after filing the Note of Issue - there are no exceptions without leave of Court. In the notice of motion or early in the affirmation in support, please state the date the Note of Issue was filed and that the motion is timely. Absent good cause for late filing, a late motion will be denied, even if your adversary does not object.

(2) Discovery must continue during the pendency of a summary judgment motion, unless good cause is shown for a stay. A stipulation will not suffice; any stay must be so-ordered.

I. Motion Papers

(1) Motion Sequence Number: Often several motions are submitted at the same time. To keep papers organized, the first page of every motion paper (notice of motion, opposition, reply, exhibits, etc.) must reflect the respective motion sequence number in the upper right corner.

(2) Multiple Parties: If the case has multiple plaintiffs or defendants, then you must state which party you represent in your motion papers. Do not state that you represent "defendants" unless you represent all defendants.

(5) Exhibits: Each page in any exhibit must be numbered. Reference to any exhibit must include pinpoint citations so the exact location within the exhibit can be found easily. For example, a citation to physical therapy notes contained within an exhibit of medical records should be identified as "physical therapy note dated xx/xx/xx, Exhibit B, page 9"; it should not just refer to "Exhibit B". Likewise, while entire EBT transcripts and other voluminous

exhibits must be e-filed, only relevant portions need be annexed to working copies and any reference thereto must cite to the exact page and line numbers relied upon rather than merely attaching the entire transcript or "relevant portions.

III. Conferences

A. Counsel attending the conferences are expected to be familiar with the case and have authority to discuss and stipulate to resolve all disclosure issues. Appearances by counsel without authority may be deemed a default.

B. At each discovery conference, counsel must be prepared with all outstanding discovery as well as prior conference orders and stipulations. Failure to address all outstanding discovery existing at the time of the compliance conference may be deemed a waiver of the right to obtain said discovery.

C. This Part requires compliance with court-ordered deadlines set forth in the preliminary/compliance conference order(s). Failure to adhere to deadlines or comply with orders may result in serious penalties.

D. Notes of Issue: If all parties agree before the final compliance conference that disclosure is complete, the final conference may be avoided by e-filing or faxing a stipulation to the Part Clerk at least two days before the scheduled conference. The stipulation must certify that all disclosure is complete and provide for the filing of a note of issue.

E. Conference Orders: Generally, for preliminary, compliance and the first status conference, the court will notify the parties and instruct them to submit a proposed stipulation via NYSCEF regarding outstanding discovery for the court's review. If the parties do not submit a stipulation by the deadline provided by the court, the court will issue an order regarding outstanding discovery or may deem discovery to be complete.

IV. Trial Rules

A. Upon the first appearance before this Court, the parties must furnish the following:

- (1) A list of proposed witnesses, including the need for any interpreters.
- (2) An estimate of required trial days.
- (3) All marked pleadings and bills of particulars.
- (4) A copy of any statutory provisions in effect at the time the cause of action arose upon which any party relies.
- (5) Copies of those portions of EBTs intended for use at trial for any purpose.
- (6) A trial memorandum, not to exceed five (5) pages, setting forth the party's position and relevant factual and legal issues to be tried, citing relevant case law.

(7) All prior decisions in the case, including any appellate decisions.

(8) Two (2) business cards for each attorney.

B. Prior to the start of trial, the parties must furnish the following:

(1) 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.

(2) For jury trials, all counsel shall submit proposed jury charges and verdict sheets, which shall be emailed to the court attorney and opposing counsel simultaneously in Word or WordPerfect format.

C. Parties are strongly encouraged to have the court reporter pre-mark all exhibits for identification and/or evidence if there is no objection.

D. It is the duty of counsel to ensure that all subpoenaed documents have arrived in the subpoenaed records room at 60 Centre Street, Room 145M.

E. Trial dates scheduled by the Court are firm and may only be adjourned for an emergency. Trials are held every weekday except Thursdays. No adjournments will be granted based on the unavailability of a witness to testify unless the Court concludes that good cause exists for the adjournment.

