

B. If oral argument is desired, the request must appear in the notice of motion. However, motions will only be scheduled for oral argument at the Justice's discretion. If oral argument is scheduled, you will be notified electronically of the date.

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.

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. **Note: This rule is effective only for notes of issue filed after publication of the Part Rules.**

(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) E-Filed papers: The Court requires working copies of all e-filed papers. Please submit working papers in Room 130 on the return date of the motion and they will be delivered to the Court with the motion. Do not submit working copies directly to the Court unless instructed to do so. Working copies of motion papers must be bound. **Failure to submit a complete and bound working copy of motion papers may result in an adjournment of the motion or denial of the relief sought.**

(2) Page limits. Memoranda of law shall not exceed 30 pages each (exclusive of table of contents and tables of authorities) for the moving and opposition

briefs and reply briefs shall not exceed 20 pages each. No sur-replies will be accepted.

(3) 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.

(4) 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

(a) Tabs: All exhibits must be identified by protruding tabs.

(b) Referring to 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. There is no calendar call. When all parties are present, please fill out a stipulation or preliminary conference order with dates for completing discovery. Cases will be called in the order the completed stipulations are submitted. If a party is appearing *pro se*, please notify the Part Clerk before the case is called.

C. Do not leave the courtroom until the Court has reviewed your completed forms.

D. At each compliance conference, counsel must bring a list of 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.

E. 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.

F. 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.

G. Conference Orders

- (1) All orders will be scanned and will appear on NYSCEF typically on the same day as the conference.
- (2) Please write legibly with a black ball point pen. Press hard. Illegible orders will not be signed.
- (3) You must indicate the names, addresses and telephone numbers of all counsel appearing at the conference and the party they represent. If any party is appearing *pro se*, the name, address and telephone number of such party must be stated.
- (4) In the order, please include the caption of the case, index number and the Court information (IAS Part 47, Justice Paul A. Goetz).
- (5) In a Preliminary Conference form, all items must be completed or marked "n/a" if not applicable.
- (5) Please number the pages (e.g. 1 of 3, 2 of 3, etc.)
- (6) Use complete dates, including the correct year. Please remember that some of the dates you are selecting may be in the next calendar year.
- (7) Use firm cut-off dates such as "on or before December 31, 2016." Do not use "within 45 days," etc.
- (8) Non-specific statements such as "all discovery not yet provided" or "unless otherwise provided" or "to the extent not yet provided" will not preserve any rights. Each attorney is expected to know what has and has not been provided.

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.

