

## **PART 47 RULES**

### **HON. PAUL A. GOETZ**

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**Oral Argument on Motions** - Thursdays at 2:15 p.m.

**Conferences** - Thursdays at 9:30 a.m.

### **I. Communications with the Court.**

A. For all scheduling matters, please contact the Part Clerk.

B. To request an adjournment of an appearance in Part 47, submit a stipulation via NYSCEF and email to the Part Clerk at least two days in advance of the scheduled appearance. The stipulation must include a reason for the adjournment. If all parties do not agree to the adjournment, the party requesting the adjournment may submit a letter at least two days in advance via NYSCEF and email to the Part Clerk stating the reason for the requested adjournment. If approved, you will receive a new date from the Court.

C. For motions pending in the Motion Submissions Part (Room 130 at 60 Centre Street), follow that Part's rules regarding adjournments and scheduling.

D. If a motion has been withdrawn or the case has been settled or otherwise discontinued, please notify the Part Clerk immediately and e-file a stipulation.

**E. Please do not call or email Chambers unless specifically instructed to do so.** If instructed to call Chambers about a pending matter, the call may be placed with all parties on the line. There shall be no ex parte communications.

### **II. Motion Practice**

A. Attorneys appearing before Justice Goetz must be thoroughly familiar with the case. All Counsel must be prepared for settlement discussions and to have their client or adjuster available by telephone.

B. Oral argument on motions will generally only be directed when requested by a party. If oral argument is scheduled, you will be notified electronically of the date.

C. 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.

D. 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 authorized by the Court.

E. 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.

F. Discovery motions are strongly discouraged. Discovery motions are not to be brought unless prior approval by the court is obtained. If a discovery dispute arises, the parties must meet and confer with each other in a good faith effort to resolve the issues prior to contacting or seeking relief from the Court. If dispute is not resolved parties are to request a conference with the Court by contacting the Part Clerk. Any discovery motions must be accompanied by a good faith affidavit or affirmation as pursuant to Rule 202.20-f detailing the good faith efforts made to resolve the issues, including the details of an in-person or telephonic conference with opposing counsel as required by the rule. Failure to abide by these directions may result in denial of the discovery motion.

#### G. Summary Judgment Motions.

(1) 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. The motion papers must 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.

(3) All summary judgment motions should include a Statement of Material Facts pursuant to Rule 202.8-g of the Court Rules.

#### I. Motion Papers

(1) Motion papers must comply with Rule 202.8-b of the Court Rules.

(2) The motion sequence number must appear on the notice of motion, affirmations, and affidavits.

(3) To request oral argument on a motion, include the phrase "Oral Argument Requested" in bold and all caps on the notice of motion or on the first page of the opposing papers.

(4) Referring to exhibits and EBT transcripts: 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, any reference of an EBT transcript and

other voluminous exhibits must cite to the exact page and line numbers relied upon rather than merely attaching the entire transcript or "relevant portions.

### **III. Conferences**

A. Conferences will be held in-person in Part 47 unless indicated otherwise.

B. Counsel attending the conferences are expected to be familiar with the case and all outstanding discovery. Counsel must bring the prior conference order or stipulation to the scheduled appearance. Failure to address all outstanding discovery existing at the time of the conference may be deemed a waiver of the right to obtain said discovery.

C. There is no calendar call. When all parties are present, please fill out a stipulation or with dates for completing discovery. Cases will be called in the order the completed stipulations are submitted. Do not leave until the Court has reviewed your completed forms.

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

E. If all parties agree before the conference that disclosure is complete, the conference may be avoided by e-filing the note of issue and certifying that all discovery is complete.

F. Proposed Conference Orders: If the parties can agree to a proposed discovery schedule prior to the conference date, the parties may submit an executed stipulation to the Court via NYSCEF and email to the Part Clerk. The parties may also contact the Part Clerk for a case specific form for all parties to complete. The parties must submit the executed stipulation or form at least two days prior to the scheduled conference. Unless otherwise directed by the court, when all parties are represented by counsel, the parties will not be required to appear for the scheduled conference if the stipulation or form is submitted in advance of the conference date and signed by all parties to the case. The completed form should also address all issues in any pending discovery motions. If a party is *pro se*, all parties must appear for the conference regardless of whether a proposed stipulation or order is submitted.

(1) Please write legibly with a black ball point pen. Press hard. Illegible orders will not be signed.

(2) 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.

(3) In a Preliminary Conference form, all items must be completed or marked "n/a" if not applicable.

(4) Use complete dates, including the correct year. Please remember that some of the dates you are selecting may be in the next calendar year.

(5) Use firm cut-off dates such as "on or before December 31, 2016." Do not use "within 45 days," etc.

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

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

- (1) Two (2) business cards for each attorney.
- (2) 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.
- (3) For jury trials, all counsel shall submit proposed jury charges and verdict sheets, which shall be emailed to the law secretary and opposing counsel simultaneously in Word format.
- (4) Copies of those portions of EBTs intended for use at trial for any purpose.

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.