

Hon. Sabrina Kraus
Supreme Court New York County
60 Centre Street, New York, New York
Part 57 – General IAS/CVA – Room 218
646-386-3195 (part)
646-386-5727 (chambers)

Principal Law Clerk - Tara Szap, Esq., tszap@nycourts.gov

Associate Law Clerk – Michael Heller, Esq., mcheller@nycourts.gov

Part Clerk - Christopher Rodriguez – sfc-part57-clerk@nycourts.gov

Remote Conferences: Tuesday, Wednesday and Thursday 10 am-3 pm via MS Teams

Oral Argument at Judge's discretion

I. Communications with the Court.

- A. For all scheduling matters, please call the Part Clerk for instructions.
- B. A courtesy copy of ANY communication with the court that is filed on NYSCEF must also be emailed to the Law Clerk (tszap@nycourts.gov) as Chambers staff DO NOT receive NYSCEF notifications.
- C. All requests for adjournments must be approved in advance. To make your request for an adjournment, email the Part Clerk and the Law Clerk (tszap@nycourts.gov) at least two days prior to the scheduled appearance with all counsel copied. Alternatively, a request may be made by submitting a stipulation at least two days prior to the scheduled appearance providing the reason for the request. Please email a courtesy copy of the stipulation to the Law Clerks in addition to filing on NYSCEF. An adjournment request has not been granted until you receive a new date from the court.
- D. For motions pending in the Motion Submissions Part (Room 130 at 60 Centre Street), follow that Part's rules regarding adjournments and scheduling.
- E. If a motion has been withdrawn or the case has been settled or otherwise discontinued, please notify the Law Clerk immediately and e-file a stipulation.
- F. To determine whether a decision has been rendered, please check NYSCEF or the Supreme Court Records On-Line Library (SCROLL). All decisions and orders are scanned and available online.
- G. Any calls to Chambers about a pending matter, may be made only with all parties on the line. **There shall be no ex parte communications.**

II. Motion Practice

A. Attorneys appearing before Justice Kraus 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. 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. Discovery disputes are preferred to be resolved through court conference as opposed to motion practice. Counsel must consult with one another in a good faith effort to resolve all disputes about disclosure. If counsel are unable to resolve any disclosure dispute in this fashion, counsel requesting the conference shall email the Law Clerk, with all parties copied, briefly outlining the nature of the dispute and requesting a virtual conference.

E. Motions to Renew/Reargue **MUST** be made by **Order to Show Cause**.

F. Summary Judgment Motions. All summary judgment motions must be made no later than 90 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 may be denied, even if your adversary does not object.

(1) 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.

G. 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) 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."

(3) Statement of Material Facts – each motion for summary judgment and opposition must include a separate, short and concise statement, in numbered paragraphs, of the material facts as to which the moving party contends there is no genuine issue to be tried, in accordance with NYCRR 22 §202.8-g. Failure to do so may result in denial of the motion

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 without court approval may result in serious penalties.
- D. Conference Orders: In IAS actions, proposed preliminary, compliance and the status conference orders, and in CVA actions, proposed First Compliance Stipulation and Order and Follow Up Compliance Conference Orders should be submitted in advance via NYSCEF, with a courtesy copy to the Law Clerk (tszap@nycourts.gov) regarding outstanding discovery.

IV. Trial Rules

A. Upon the first pretrial conference 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) Copies of those portions of EBTs intended for use at trial for any purpose.
- (5) 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.
- (6) Any requests for audio/visual equipment.
- (7) Any requests for interpreters.

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, via NYSCEF and a courtesy copy to the Law Clerks via email, 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 Law Clerk and opposing counsel simultaneously in Word 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. If any party anticipates using PowerPoint during opening statements, the same would have to be served on the court and their adversary in advance of the trial, on a date that will be set by the court at the next conference.

F. Trial dates scheduled by the Court are firm and may only be adjourned for an emergency. 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.

G. ALL TRIALS proceed day to day until completed.