

Hon. Sabrina Kraus
Supreme Court New York County
111 Centre Street, New York, New York
Part 57 – General IAS – Room 1045
646-386-3195

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

Christopher Rodriguez – Part Clerk, 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 and requests for adjournments, please call the Part Clerk for instructions. Please do not call Chambers regarding scheduling matters.
- B. All requests for adjournments must be approved in advance. To make your request for an adjournment, please call the Part Clerk at least two days prior to the scheduled appearance with all counsel on the line. Alternatively, a request may be made by submitting a stipulation two days prior to the scheduled appearance providing the reason for the request. 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- D. If a motion has been withdrawn or the case has been settled or otherwise discontinued, please notify the Part Clerk immediately and e-file a stipulation.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. 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 on online. Please do not call the Court to ask whether a decision has been issued.
- F. 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 motions are strongly discouraged. If a discovery dispute arises, it may be directed to the Part Clerk who will schedule a 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 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 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) 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.

(3) 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 parties should submit a proposed stipulation via NYSCEF regarding outstanding discovery **in advance**.

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.

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 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. 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