

PART 59 RULES

HON. DEBRA A. JAMES IAS Part 59, IAS General Assignment Part, Courtroom 331, 60 Centre Street, Phone: 646-386-3351

IAS Part 59 Email: SFC-Part59@nycourts.gov

IAS Part 59 Clerk Steven Noriega E-Mail: SFC-Part59-Clerk@nycourts.gov

IAS Part 59 Assistant Law Clerk Zahraa Badat, Esq.

IAS Part 59 Principal Court Attorney Edward Liu, Esq.

Oral Argument of Motions by Notice or Order to Show Cause (OSC): Oral arguments will be held via Microsoft Teams, with a link provided by IAS Part Clerk, upon direction of the court, or upon request of counsel by posting on the face of the notice of motion or transmission of a letter request posted on New York State Courts Electronic Filing (NYSCEF) system and transmitted to SFC-Part59-Clerk@nycourts.gov, after the submission of all papers related to the motion.

Preliminary, Compliance and Status Conferences: Upon the direction of the court or upon the request of counsel, a virtual (remote) appearance via Microsoft Teams will be scheduled, with a directive that counsel post on NYSCEF a proposed preliminary/ compliance/status conference order or proposed competing preliminary/compliance/status conference order(s) **at least two days in advance** of the discovery conference date. If the proposed discovery conference order is not in dispute, counsel may consent to waive their appearance via Microsoft Teams for any discovery conference by sending notification to SFC-Part59-Clerk@nycourts.gov.

Pre-Trial Conferences: Scheduled for appearance via Microsoft Teams about one month prior to trial commencement date set forth in the TAP 40 Trial Scheduling Order.

Jury Trials: In advance of trial commencement date, the court will transmit from SFC-Part59@nycourts.gov (or from SFC-Part59-Clerk@nycourt.gov) to all counsel of record and any unrepresented party, Pre-Trial Information Sheet and Stipulation and Order that require, *inter alia*, a statement of undisputed facts, prospective motions in limine, list of exhibits with exhibit designations, and estimate of trial days. Such form with attachments must be completed and returned via SFC-Part59@nycourts.gov at least two days before the date set for the virtual pre-trial conference. Do **not** post such Information Sheet and/or attachments on NYSCEF. The pre-trial conference will be conducted via Microsoft Teams, with links sent by the IAS Part 59 Clerk to the e-mail addresses of all counsel or parties whose appearances are posted on NYSCEF and any trial counsel specified on the completed Pre-Trial Information Sheet and Stipulation and Order. At least one week before the jury trial commencement date, counsel will be directed to appear for remote pre-trial conference via Microsoft Teams, which link will be provided by the Clerk of the Part. Jury trials will take place in courtroom 331, and, at all times, applicable courthouse public safety protocols will be observed. Remote appearances of witness(es) by Microsoft Teams permitted upon request set forth in the Pre-Trial Information Sheet, on a case-by-case basis.

Bench Trials and Hearings: Same Pre-Trial Information Sheet and Stipulation and Order procedures as for jury trials, above. Trials or hearings will take place in courtroom 331. At all times, applicable courthouse public safety protocols will be observed. Remote appearances of witness(es) by Microsoft Teams permitted upon request set forth in the Pre-Trial Information Sheet, on a case-by- case basis.

Motions: After full posting of all papers on NYSCEF/digital Motion Support Office, the motion shall be marked "fully submitted" by the Motions Submissions Clerk unless oral argument is scheduled. Oral argument shall be directed by court or requested by counsel or any unrepresented party by letter posted on NYSCEF and transmitted to SFC-Part59-Clerk@nycourts.gov. All oral arguments will take place via Microsoft Teams, unless otherwise directed. Upon completion of oral argument, the motion will be marked fully submitted. **Counsel or unrepresented parties may submit letter inquiries re: status of determination(s) on fully submitted motion(s) by email, copying all parties, to SFC-Part59@nycourts.gov.**

Adjournments: Counsel shall file a proposed stipulation to be so-ordered in NYSCEF memorializing all parties' consent to an adjournment of the date for submission of proposed discovery conference orders or deadlines thereunder, or to a briefing schedule concerning a proceeding or motion. No adjournment request shall be granted until the court has so-ordered the stipulation.

Stipulations: Written agreements, including but not limited to withdrawal of motions, discontinuance or settlement of actions or proceedings, shall be emailed to SFC-Part59-Clerk@nycourts.gov and posted on NYSCEF.

Disputes Concerning Discovery Conference Orders: **Motions to compel compliance with discovery conference orders or discovery demands are generally disfavored by the court.** If counsel are unable to resolve a discovery dispute through good faith efforts (see Uniform Rule § 202.7 [a]), within any applicable discovery deadline, i.e., in advance/anticipation of any party's failure to meet such deadline, the aggrieved party shall post on NYSCEF a concise message specifically describing the discovery sought (for documents/records, in the form of a spreadsheet/privilege log), and, where best efforts are unsuccessful, post on NYSCEF a letter that requests a conference via Microsoft Teams (i.e., remote) or, in exceptional circumstances (implicating complex legal questions), make motion to compel discovery or for a protective order. Counsel may request rulings on deposition disputes by conference call (646-386-3351), or if the court is unavailable at the time of the examination before trial, by presenting a transcript of pertinent excerpts of such deposition with the next proposed discovery conference order.

Miscellaneous There will be **no ex parte communications** with the court, except in accordance with OSCs seeking relief in accordance with Uniform Rule § 202.7(f). **Under no circumstances should any motion papers, documents or any other correspondence pertaining to a case pending before the court be transmitted to the justice's or any non-judicial staff member's personal courthouse e-mail address.**