

PRACTICE IN THE COMMERCIAL DIVISION, SUFFOLK COUNTY CASES PENDING BEFORE HON. EMILY PINES

Counsel are expected to be familiar with the Commercial Division Rules and comply therewith. The following information is offered as a guide to the practices followed by this Court.

Scheduling:

All questions about scheduling appearances or adjournments should be addressed to the Court's Secretary, Valarie Genchi, at 631-852-3117. Requests for adjournment of matters appearing on a Tuesday calendar should be made by not later than 3:00 p.m. on Friday. Requests made after that will likely not be granted. All requests for adjournments must be made with the agreement of opposing counsel and, if approved, confirmed by letter with copies to all counsel. If consent cannot be obtained, then the requesting counsel must arrange for a conference call with the Court.

Communication with the Court:

1. Counsel may call the Court's Secretary, Valarie Genchi, with respect to the scheduling of appearances and with respect to adjournment applications.
2. Counsel may call Chambers to arrange for a telephone conference with the Court with the Law Secretary, or with Kathryn Coward.
3. Counsel may not contact Chambers on any substantive matter without all opposing counsel on the telephone, except for the purpose of facilitating a conference call.

Motions:

No motion shall be made, except as allowed by Rule 24 of the Commercial Division Rules, without a prior conference with the Court, which conference may be obtained either

by conference call or, upon obtaining permission from Chambers, the submittal of a brief letter application, not exceeding 1 page in length. At the conference the Court will set a schedule for making the motion, opposing it, and, if applicable, for reply.

Motions are to be returnable on Tuesdays. Motions made returnable at any other time, absent prior permission of the Court, will be adjourned by the Part Clerk to the next available Tuesday.

Adjournments are governed by Rule 16(c) of the Commercial Division Rules.

Motions are submitted without oral argument, unless otherwise directed by the Court.

Reply papers are not permitted, unless: (a) the right of reply is obtained by service of a notice of motion in accordance with CPLR 2214[b]; or (b) expressly permitted by the Court. Counsel may submit supplemental citations as allowed by Rule 18 of the Commercial Division Rules. Sur-reply papers, including papers in support of a cross-motion, are not permitted, absent prior permission of the Court. Any unauthorized papers will not be read and will be discarded.

All papers must comply with the applicable provisions of the CPLR and with Rules 16 and 18 of the Commercial Rules. In addition, the font size of text and footnotes must be no smaller than 12 point. Papers which do not comply may be rejected.

All motions for summary judgment shall be accompanied by a Statement of Undisputed Facts Pursuant to Rule 19-a of the Commercial Rules. A motion for summary judgment which lacks such a statement may be rejected. All opposing papers must include a response to the Statement of Undisputed Facts.

No motion papers will be sealed without a prior, or contemporaneous, application for sealing made pursuant to Part 216 of the Rules of the Chief Administrative Judge.

The Court generally does not stay disclosure pending determination of motions to dismiss or motions for summary judgment (made prior to completion of discovery). All dispositive motions shall be made no more than 60 business days after the filing of the Note of Issue.

Discovery Disputes:

With respect to cases already assigned to this Court at the time that a discovery dispute arises, no motion with respect to the dispute shall be made without a prior conference with the Court, which may be obtained by submission of a letter application, not exceeding one (1) page in length. Counsel must obtain permission from Chambers prior to the submission of such letter application.

With respect to cases in which a discovery motion accompanies the Request for Judicial Intervention which leads to the assignment to this Court, no opposition papers shall be served until there has been a prior conference with the Court, which may be obtained by letter application, not exceeding one (1) page in length. The application for a discovery conference may be made by the movant or by the opposing counsel; however, the application must be made within eight (8) days of service of the motion. Counsel must obtain permission from Chambers prior to the submission of a letter application. Failure to request a discovery conference may result in the denial of the motion.

The Court endeavors to resolve discovery disputes promptly, usually by conference, which may be held telephonically or in person. In the event that the dispute is not resolved, the Court will set an expedited briefing schedule. Counsel shall, prior to requesting a conference, meet in person to discuss the issues and endeavor to resolve or limit them, prior to seeking judicial intervention.