

RICHMOND COUNTY SUPREME COURT
PART 10 RULES (CIVIL)
Effective: February 15, 2020

Hon. Ralph J. Porzio
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Staten Island, NY 10301
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GENERAL PART RULES

All calendars will be called at 9:30 a.m.

All adjournments require the prior approval of the Court. All adjournments on the grounds of engagement of counsel shall be granted only in accordance with Part 125 of the Rules of the Chief Administrator of the Courts. Affirmations must be faxed and/or emailed to the Court at least one (1) day prior to the court appearance. A conference call must be held with all counsel and the Court Attorney to choose an adjourn date. Conference calls must be scheduled in advance by emailing mkavanag@nycourts.gov. There will be no phone calls or emails to request adjournments after 4:00P.M. the day prior to the appearance. All counsel must be on the telephone prior to calling chambers.

Adjournments will not be granted for the purpose of settlement or for extensions of time.

All parties must be present for all appearances and conferences unless a party is excused by the Court in advance of the court date. In the event that a party is unavailable or excused, the attorney appearing for that client must have authority to proceed on his or her behalf, or state otherwise on the record.

All papers filed for Part 10 must include a fax number and email address. E-filing is encouraged. Courtesy copies of papers are required. Counsel must provide business cards to the reporter.

MOTIONS

Oral argument is required on all motions and orders to show cause. Counsel must wait for signed copies of orders to show cause or can contact the clerk to arrange for pickup. If E-filed, copies will be made immediately available. Signed copies will only be emailed with express permission of the court.

Counsel are required to file all responsive papers and cross motions at least two (2) days before the return date of the motion or on a schedule provided by the Court.

Summary judgment motions must be made within 60 days of the filing of the Note of Issue.

Any evidentiary or procedural issues shall be brought to the Court's attention by way of a written motion in limine prior to trial.

Any motions to seek or enforce discovery may not be made without prior court approval. Pursuant to the CPLR, after argument of an application, sur-replies, letters or memorandums addressing the substance of the pending application will not be considered without prior permission from the Court.

Motions are heard daily, but dates may be chosen by emailing mkavanag@nycourts.gov to confirm court availability.

SUBPOENAS

Counsel is reminded of their authority to issue subpoenas under applicable law. All Subpoenas submitted to chambers must be on notice unless otherwise instructed by chambers. Subpoenas seeking documents from a state agency or municipality must be served in compliance with CPLR 2307.

PRELIMINARY CONFERENCE

The Preliminary Conference will be held on a date selected by the Court. The party seeking judicial intervention is required to notify the opposing party of the Preliminary Conference date. All conferences will be held in the courtroom. Copies of blank orders will be available and must be completed prior to the commencement of the conference.

A copy of the Bill of Particulars must be filed and served upon all parties prior to the Preliminary Conference.

All depositions must be scheduled within sixty (60) days of the preliminary conference date. A status conference will be held prior to the depositions, within 30-45 days of the preliminary conference. Depositions may be adjourned only with the consent of the Court and counsel.

COMPLIANCE CONFERENCE

Compliance Conferences will be held on a date selected at the Preliminary Conference, after the scheduled depositions. Any failure to comply with Preliminary Conference directives and/or discovery orders, must be addressed prior to the Compliance Conference either by motion or conference call to Chambers.

Parties are to be present at the Compliance Conference, unless the Court excuses their appearance. At the Compliance Conference, settlement conference and trial dates will be selected.

PRE-TRIAL/SETTLEMENT CONFERENCE

The Note of Issue shall be filed prior to the pre-trial conference and in accordance with the Compliance Order. After the Note of Issue is filed, the matter is referred to the Settlement Part.

The Pre-Trial Conference will be scheduled no more than forty-five (45) days before the trial date. (22 NYCRR §202.26(a)).

At the Pre-Trial Conference, counsel shall provide the Court with a list of potential witnesses in the order in which they intend to call them, including expert witnesses, their expertise, and a summary of expected trial testimony.

Any evidentiary or procedural issues shall be brought to the Court's attention by way of a written motion in limine prior to trial commencing.

TRIAL

The Court is to be provided with the following no later than thirty (30) days prior to the first day of trial:

1. Marked pleadings pursuant to CPLR §4102.
2. A list of all proposed exhibits. Plaintiffs will number their exhibits and Defendants will letter their exhibits.
3. A list of documents which counsel may stipulate into evidence.
4. A witness list, expert reports not previously filed and any pre-trial memoranda of law.
5. A copy of depositions intended to be used shall be furnished to the Court.
6. A written list of any issues or facts to which the parties can stipulate in advance of trial. Said stipulation shall be read into the record at the commencement of the trial.
7. Proposed jury charges and proposed verdict sheets.

Counsel are reminded that pursuant to 22 N.Y.C.R.R. §202.16(g) all expert's reports are to be exchanged and filed with the Court sixty (60) days before the date set for trial. Reply reports, if any, shall be exchanged and filed no later than thirty (30) days before said date.

Sanctions and/or costs may be imposed for failure to comply with any Rules set forth herein.

Once a case has been assigned a trial date, it is presumed ready for trial. No consent adjournments will be accepted. Failure to proceed will result in default relief being granted or the action being dismissed. In the event the action is resolved prior to the court date, counsel are expected to notify Chambers immediately. Proposed jury charges and verdict sheets shall be submitted to the Court via email to mkavanag@nycourts.gov prior to commencing the trial.

The Court may direct one or both parties to order the transcript and allocate the costs.

Failure to comply with any of these Court rules shall be addressed appropriately, including the possibility of preclusion and/or sanctions.