

PART 23

HON. WAYNE M. OZZI, J.S.C.
SUPREME COURT-RICHMOND COUNTY
26 CENTRAL AVENUE, COURTROOM 410
STATEN ISLAND, NEW YORK 10301

Chambers: (718) 675-8610
Fax: (212) 952-7210

Courtroom: (718) 675-8612

Law Clerk: Allison File
Part Clerk: Jaclyn Rinaldo
Secretary: Geri Bonarrigo

RULES IN EFFECT DURING THE CURRENT PUBLIC HEALTH RESTRICTIONS

DURING THE COVID-19 IMPOSED HEALTH AND SAFETY RESTRICTIONS, CASES ARE BEING CONFERENCED REMOTELY. YOU WILL RECEIVE NOTIFICATION THROUGH THE NYCSEF E-FILING SYSTEM WHEN YOUR CASE HAS BEEN SCHEDULED FOR A REMOTE CONFERENCE. PLEASE FOLLOW THE INSTRUCTIONS IN THAT NOTICE. YOU WILL BE ASKED TO PREPARE A PROPOSED ORDER OR STIPULATION FOR SUBMISSION TO THE COURT.

THE REQUIRED PRELIMINARY CONFERENCE ORDER FOR THIS PART AND SAMPLE COMPLIANCE CONFERENCE STIPULATIONS FOR COMPLIANCE CONFERENCES ARE ATTACHED. THE PARTIES MAY DRAFT THEIR OWN STIPULATIONS, AS WELL. PURSUANT TO UNIFORM RULE 202-F(b), YOU ARE **REQUIRED** TO CONFER WITH ONE ANOTHER AND, WHERE POSSIBLE, STIPULATE TO TERMS. SUBMIT ANY PROPOSED ORDERS OR STIPULATIONS TO THE COURT AT LEAST 24 HOURS PRIOR TO THE SCHEDULED COURT DATE. PLEASE FEEL FREE TO MODIFY THE SAMPLE ORDERS TO FIT THE SPECIFIC NEEDS OF YOUR CASE. IF THE PARTIES CANNOT REACH AN AGREEMENT AND DRAFT A STIPULATION AND WISH TO HAVE A VIRTUAL CONFERENCE, THEY MUST INFORM THE COURT NO LATER THAN TWO BUSINESS DAYS PRIOR TO THE SCHEDULED CONFERENCE DATE. THE PARTIES MUST SPECIFICALLY IDENTIFY THE ITEMS OF DISPUTE PRIOR TO THE SCHEDULED CONFERENCE, AND SO ADVISE THE COURT. PROPOSED ORDERS OR STIPULATIONS SHOULD BE E-MAILED (NOT E-FILED) TO JRINALDO@NYCOURTS.GOV.

MOTIONS WILL BE DECIDED ON SUBMISSION OF ALL PAPERS DURING THE HEALTH CRISIS. THE PARTIES MAY REQUEST ORAL ARGUMENT BY VIDEO CONFERENCE, AND IF GRANTED, ONE WILL BE SCHEDULED. DO NOT PROVIDE COURTESY COPIES OF PAPERS TO CHAMBERS, UNLESS THE CASE IS NOT E-FILED.

PART 23 RULES (IN EFFECT TO THE EXTENT THEY ARE NOT IN CONFLICT WITH THE RULES IN EFFECT DURING THE CURRENT HEALTH RESTRICTIONS)

ADJOURNMENTS OF MOTIONS AND CONFERENCE

ALL ADJOURNMENTS MUST BE WITH THE PERMISSION OF THE COURT. PLEASE CONTACT JACLYN RINALDO AT 718-675-8612 OR BY EMAIL: JRINALDO@NYCOURTS.GOV TO OBTAIN THE NEXT AVAILABLE MOTION AND/OR CONFERENCE DATE. ONCE THE ADJOURNMENT IS GRANTED, YOU MUST THEN OBTAIN A STIPULATION SIGNED BY ALL PARTIES STATING THAT PERMISSION WAS GRANTED BY THE COURT.

APPEARANCE IS NOT NECESSARY IF THE STIPULATION IS SUBMITTED TO CHAMBERS BY EMAIL OR FAX NO LATER THAN 4:00 P.M. ON THE DAY PRIOR TO THE COURT DATE.

CONFERENCES

Preliminary and compliance conferences are held every Monday and Tuesday in Room 410 at 26 Central Avenue at 10:00 a.m. Copies of blank Orders can be found in the courtroom.

If you are detained, you must call your adversary and the Clerk of the Part to inform them of the approximate time you will arrive at Court. **Default applications for preliminary and compliance conferences will be entertained no earlier than 11:00 a.m.**

Preliminary Conference

(1)(a) A copy of the Bill of Particulars must be filed with the Court prior to the preliminary conference and must be served upon all parties ten (10) days prior to the preliminary conference.

(1)(b) Preliminary conferences will not be adjourned in the event a Bill of Particulars has not been served. In such cases, due dates for the Bill of Particulars must be added to the Preliminary Conference Order.

(2) The examinations before trial are to be held within forty-five (45) days of the date of the Order or as so designated in such Order. If, for any reason, an examination before trial fails to go forward, the Part Clerk is to be notified and the parties shall reschedule.

(3) Compliance conferences shall be scheduled on a Monday or Tuesday within one hundred days of the preliminary conference date.

(4) Check in with the Part Clerk once your adversary has appeared and your Order is complete.

Compliance Conferences

(1) Complete an Order or Stipulation to be So Ordered with all outstanding discovery. Check in with the Part Clerk once your adversary has appeared and your Order or Stipulation is complete.

No adjournments are permitted for any case that is beyond Standards and Goals.

MOTIONS

(1)(a) All motions will be heard and orally argued on Thursdays at 10:00 a.m. All answering papers must be e-filed at least seven (7) business days prior to the appearance date. All reply papers must be e-filed at least three (3) business days before the appearance date.

(1)(b) For cases that are **NOT** e-filed, all answering papers must be filed with the Civil Term Motion Support Office at least seven (7) business days prior to the appearance date and all reply papers must be filed with the Court at least three (3) business days before the appearance date.

(2) No courtesy copies of motion papers are to be filed with Chambers, the Courtroom, or the Civil Term Motion Support Office, except in cases that are **NOT** e-filed.

(3) All motion papers, answering affidavits and reply affidavits must be served on adversaries in accordance with CPLR §2214. No other papers shall be accepted without prior leave of Court.

(4) **All motions require appearances and oral arguments.** Only attorneys with full knowledge of the case and authority may appear for oral argument of motions.

(5) Summary judgment motions must be made within sixty (60) days of the filing of the Note of Issue.

(6) Discovery motions are not permitted without prior Court approval. If the Court has granted approval, attach a copy of the email, letter, or other documentation demonstrating it to the motion papers.

(7) If you are detained, you must call your adversary and the Clerk of the Part to inform them of the approximate time you will arrive at Court.

DO NOT contact Chambers with inquiries about the status of pending motion decisions.

ORDERS TO SHOW CAUSE

Any Orders to Show Cause must comply with the Uniform Civil Rules for Supreme and County Courts Section 202.7(f). Paper copies of all Orders to Show Cause must be delivered to the General Clerk's office for signature. For e-filed cases, Orders to Show Cause will not be reviewed or signed unless paper copies are delivered to the General Clerk's office.

TRIALS

- (1) Prior to trial, counsel shall furnish to the Court marked pleadings pursuant to CPLR 4012.
- (2) Counsel shall pre-mark all exhibits in the order in which they intend to introduce them at trial, and a list of the exhibits shall be provided to the Court prior to trial. Plaintiffs shall number their exhibits and defendants shall letter their exhibits. An exhibit list may be obtained from the Part Clerk. On the day of trial, the exhibits and the list shall be provided to the court reporter who will officially mark them before trial. All hospital records must be date stamped.
- (3) Prior to trial, 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.
- (4) Any potential evidentiary question or procedural or substantive law matter not previously adjudicated shall be brought to the Court's attention and addressed prior to trial by way of a written or oral motion in limine. A written memorandum of law with case citations is strongly encouraged. Citations and copies of relevant court decisions and statutes should be furnished to the Court prior to the commencement of plaintiff's case and when otherwise required by the Court.
- (5) A copy of depositions intended to be used at trial should be furnished to the Court at the commencement of the trial.
- (6) All proposed jury charges and proposed verdict sheets shall be submitted to the Court by email to afire@nycourts.gov and/or gbonarri@nycourts.gov prior to the commencement of the Court's preliminary instructions to the jury. The proposed charges shall be submitted with specific citations to the applicable New York Pattern Jury Instructions and Modifications, if any.

**FAILURE TO COMPLY WITH THESE COURT RULES SHALL BE ADDRESSED
APPROPRIATELY– INCLUDING THE POSSIBILITY OF PRECLUSION**