

COURT NOTICES

AMENDMENT OF RULE

Uniform Rules for the Supreme Court and County Court

Pursuant to the authority vested in me, and upon consultation with and approval by the Administrative Board of the Courts, I hereby add a new Rule 9-a to subdivision (g) of section 202.70 of the Uniform Rules for the Supreme Court and County Court (Rules of Practice for the Commercial Division of the Supreme Court), as follows, effective October 1, 2018:

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Rule 9-a. Immediate Trial or Pre-Trial Evidentiary Hearing. Subject to meeting the requirements of CPLR 2218, 3211(c) or 3212(c), parties are encouraged to demonstrate on a motion to the court when a pre-trial evidentiary hearing or immediate trial may be effective in resolving a factual issue sufficient to effect the disposition of a material part of the case. Motions where a hearing or trial on a material factual issue may be particularly useful in disposition of a material part of a case, include, but are not limited to:

- (a) Dispositive motions to dismiss or motions for summary judgment;*
- (b) Preliminary injunction motions, including but not limited to those instances where the parties are willing to consent to the hearing being on the merits;*
- (c) Spoliation of evidence motions where the issue of spoliation impacts the ultimate outcome of the action;*
- (d) Jurisdictional motions where issues, including application of long arm jurisdiction, may be dispositive;*
- (e) Statute of limitations motions; and*
- (f) Class action certification motions.*

In advance of an immediate trial or evidentiary hearing, the parties may request, if necessary, that the court direct limited expedited discovery targeting the factual issue to be tried.

AMENDMENT OF RULE

Uniform Rules for the Supreme Court and County Court

Pursuant to the authority vested in me, and upon consultation with and approval by the Administrative Board of the Courts, I hereby promulgate a new subdivision (f) of Rule 11-e of subdivision (g) of section 202.70 of the Uniform Rules for the Supreme Court and County Court (Rules of Practice for the Commercial Division of the Supreme Court), as follows (new matter underlined), effective October 1, 2018:

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(f) The parties are encouraged to use the most efficient means to review documents, including electronically stored information (“ESI”), that is consistent with the parties’ disclosure obligations under Article 31 of the CPLR and proportional to the needs of the case. Such means may include technology-assisted review, including predictive coding, in appropriate cases. The parties are encouraged to confer, at the outset of discovery and as needed throughout the discovery period, about technology-assisted review mechanisms they intend to use in document review and production.

AMENDMENT OF RULE

Uniform Rules for the Supreme Court and County Court

Pursuant to the authority vested in me, and upon consultation with and approval by the Administrative Board of the Courts, I hereby

amend, effective October 1, 2018, Rule 17 of subdivision (g) of section 202.70 of the Uniform Rules for the Supreme Court and County Court (Rules of Practice for the Commercial Division of the Supreme Court), as follows:

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Rule 17. Length of Papers. Unless otherwise permitted by the court: (i) briefs or memoranda of law shall be limited to [25 pages] 7,000 words each; (ii) reply memoranda shall be no more than [15 pages] 4,200 words and shall not contain any arguments that do not respond or relate to those made in the memoranda in chief; (iii) affidavits and affirmations shall be limited to [25 pages] 7,000 words each. *The word count shall exclude the caption, table of contents, table of authorities, and signature block. Every brief, memorandum, affirmation, and affidavit shall include, on a page attached to the end of the applicable document, a certification by the counsel who has filed the document describing the number of words in the document. That certification by counsel certifies that the document complies with the word count limit. The counsel certifying compliance may rely on the word count of the word-processing system used to prepare the document.*

