

HON. LYLE E. FRANK
Part 11, General IAS, E-File Part
60 Centre Street, Room 412
New York, NY 10007

Part 11 Clerk: Nicole Miller, SFC-Part11-Clerk@nycourts.gov

Part/Courtroom Telephone: 646-386-3314

Principal Law Clerk: Diana D. Cruz, Esq., dcruz2@nycourts.gov

Assistant Law Clerk: Holly Jordan, Esq., hojordan@nycourts.gov

Chambers Telephone: 646-386-3112

Please DO NOT contact chambers to request adjournments of motions or conferences or with any question regarding appearances.

1. Conferences

All conferences will take place virtually via Microsoft Teams on Tuesdays beginning at 9:30 a.m. Invitations to Microsoft Teams meetings will be sent to counsel of record on NYSCEF.

- a. Parties are encouraged to resolve discovery disputes and enter into discovery stipulations without court intervention to the extent possible. When the parties have agreed, they are to submit a completed proposed stipulation (PC order or CC order) to Diana Cruz via email to dcruz2@nycourts.gov.
- b. If the parties are unable to resolve discovery disputes the parties may request a conference with the court. **DISCOVERY MOTIONS MAY NOT BE FILED WITHOUT FIRST CONFERENCING THE MATTER WITH THE COURT.**
- c. In-camera review of documents: No compliance conference stipulation or order shall direct any party to submit records or other evidence to the Court for an in-camera review without first conferencing the matter with Judge Frank's court attorney, Diana Cruz.

2. Summary Judgment motions: All summary judgment motions must be filed **no later than 60 days** after filing the Note of Issue unless otherwise indicated. The submission of a motion for summary judgment does NOT automatically stay discovery, unless directed by the court.

3. THE PARTIES ARE STRONGLY ENCOURAGED TO STIPULATE TO MATTERS NOT IN DISPUTE IN LIEU OF MOTION PRACTICE, e.g., consolidations, caption amendments etc.

4. **Oral Arguments:** Oral arguments on motions will be held on Wednesday, commencing at 9:30 a.m. **IN PERSON**, unless otherwise indicated. However, not all motions will be scheduled for oral argument. If the Court has not scheduled a motion for oral argument and a party wishes to request oral argument, a letter must be submitted to the Part 11 clerk as well as to all parties on the matter. If upon a review of the request, the Court determines that oral argument is warranted, the parties will be so notified. Motions submitted on default or with no opposition are generally not scheduled for oral argument. Note that oral arguments *may* be scheduled on days other than Wednesdays as the Court's availability allows. Questions regarding appearances should be directed to the part clerk.

Note that arguments are generally not on the record, to the extent the parties wish to have the argument on the record the request must be made to the part clerk at least one day before the scheduled argument.

5. **Adjournments/scheduling**

- a. Adjournments of appearances and scheduling issues, including requests to schedule a preliminary or discovery conference, should be directed to the **part clerk**, unless otherwise directed by the court. A request for an adjournment must be made at least 48 hours in advance, absent exigent circumstances.
 - i. With respect to adjournment on motions, the request must be made to room 130, the motions submission part. Requests for an adjournment more than 60 days from the return date see below.
 - b. Parties seeking an adjournment over 60 days from the original return date of a motion **MUST** include a reason for the request and must be made directly to the part not room 130.
 - c. If a dispute arises concerning a request for an adjournment, the requesting party is to e-mail the principal court attorney with all parties copied. If a matter requires urgent attention, contact chambers using the contact information above.*This does not apply to motions that are pending in the submissions part.
6. Do NOT send courtesy copies of any motion papers, affirmations, or related documents directly to the part or chambers, unless directed to do so.
7. **EX PARTE COMMUNICATIONS ARE STRICTLY PROHIBITED.** Please do not call or e-mail Justice Frank or his staff unless all parties participate in the communication. Additionally, **no correspondence should be uploaded to NYSCEF in expectation of being received by chambers.** If you wish to communicate with chambers or the Part, see the contact information above.

8. **Trials**

- a. Once a trial is assigned to Part 11, the Court shall schedule a Pre-Trial Conference. At the Pre-Trial Conference, counsel is required to serve and submit the following to the extent practicable:
 - i. a witness list, to include any interpreters required;
 - ii. proposed jury instructions in Word format; and
 - iii. proposed jury verdict sheet in Word format.
- b. Motions *in limine* shall be submitted no later than 7 days before the trial date.

9. **Use of Artificial Intelligence (AI) programs**

All submissions with respect to a motion must include a certification by an attorney (or self-represented party) either that no generative artificial intelligence program was used in the drafting of any affidavit, affirmation, or memorandum of law contained within the submission, or that a generative artificial intelligence program was used but all generated text, including citations, quotations, and legal analysis was reviewed for accuracy and approved by an attorney (or the self-represented party). If the certification states a generative artificial intelligence program was used, the program must be identified and the documents which include matter generated by the program must be specified along with which parts of the documents were drafted by the program. One certification pertaining to a party's submission comprised of several such documents shall suffice.