

**HON. DANA M. CATANZARO**  
SUPREME COURT, NEW YORK COUNTY  
Part 37- General IAS, E-File Part  
111 Centre Street, Courtroom 684  
New York, NY 10013

**Part 37 Clerk:** Michael J. Posner/ [sfc-part37-clerk@nycourts.gov](mailto:sfc-part37-clerk@nycourts.gov)

**Part 37 Email:** [sfc-part37@nycourts.gov](mailto:sfc-part37@nycourts.gov)

**Part/Courtroom Telephone:** 646-386-3222

**Principal Law Clerk:** Morgan E. Mueller

**Assistant Law Clerk:** Iman Elshazly

**Chambers Telephone:** 646-386-3181 (only for urgent matters)

*Please DO NOT contact chambers regarding adjournment requests or questions concerning appearances.*

**I. GENERAL/COMMUNICATION WITH THE COURT**

- A.** Parties with matters in Part 37 are expected to familiarize themselves with the Part Rules.
- B. Telephone Calls:** Telephone calls should be made only to the Part Clerk during the business hours of 9:30 a.m. to 12:50 p.m. and 2:15 p.m. to 4:30 p.m. and limited to matters otherwise not explained below. Telephone calls to Chambers are only permitted **in emergency situations** and after being unable to reach the Part Clerk.
- C. Emails:** Unless otherwise instructed, all emails sent to the Court or to the Part Clerk **must** carbon copy (cc) all parties in the action, and the subject line must include the purpose of the email, the index number, and case name. E-mails should also identify the sender and the party the sender represents. E-mails sent to the Court not following these instructions, including *ex-parte* e-mails, **are not permitted and will not receive a response**. Additionally, no correspondence should be uploaded to NYSCEF. If you wish to communicate with chambers or the Part, see contact information above.

**II. CONFERENCES**

**A. Preliminary, Compliance and Status Conferences:**

1. Preliminary, compliance and status conferences are held on Thursdays **IN PERSON** unless otherwise indicated. The parties may submit a proposed conference order at least one day prior to the conference date in lieu of appearing.
  - Proposed orders must be signed by all parties, submitted as an attachment to an email and sent to [sfc-part37-clerk@nycourts.gov](mailto:sfc-part37-clerk@nycourts.gov) with all parties cc'd on the email. *Ex-parte emails are not permitted and will not receive a response.*
  - Do not e-file proposed orders on NYSCEF. The Part Clerk will upload the *signed* orders to NYSCEF.

- Parties who are unable to agree on the terms of an order *shall* appear for an in-person conference on the scheduled conference day.
- The failure to timely submit an order on consent and/or appear for a scheduled appearance may result in the case being dismissed or pleadings being stricken.
- If discovery is complete prior to the note of issue deadline contained in the most recent conference order and plaintiff(s) file(s) the note of issue, no appearance is required.

## 2. Guidelines for PC Orders:

- EBT dates shall be no later than five months from the date of the PC.
- CC shall be six months from the date of the PC.
- Status Conference shall be 6 months from the CC.
- The Note of Issue date shall be 14 months from the date of the PC.

**B. Settlement Conferences:** If the parties wish to conference with the Court, *at any time*, they mail email the Part Clerk to schedule an appearance.

## III. MOTION PRACTICE

**A. Filing Motions:** Part 37 is a mandatory e-filing part. Absent a *pro se* litigant or a showing of undue hardship, all motions must be electronically filed with the General's Clerk Office.

**B. Summary Judgment Motions:** Motions for summary judgment must be filed no later than one hundred and twenty (120) days after the Note of Issue is filed.

**1. Discovery During a Summary Judgment Motion:** Absent good cause, the submission of a motion for summary judgment does NOT automatically stay discovery, unless directed by the Court. A party seeking to stay discovery for good cause must request a conference with the Court by letter. The letter is to be submitted by email and include when the summary judgment motion was filed, the sequence number of the motion and briefly state the reasons why discovery should be stayed.

**C. Discovery Motions:** The Court encourages parties to resolve discovery disputes without motion practice. A party seeking to make a discovery motion must first seek permission from the Court by submitting a letter to [sfc-part37-clerk@nycourts.gov](mailto:sfc-part37-clerk@nycourts.gov), with all parties copied, stating the reason for the anticipated motion (not to exceed two [2] pages in length). In addition, parties requesting to make a discovery motion are to detail the good faith efforts made in advance to resolve the discovery dispute.

**1. Approval to File:** Upon approval by the Court, a discovery motion may be filed. The discovery motion must include an affirmation of good faith and a copy of the letter/email/correspondence from the Court permitting the filing of the motion.

**2. Affirmation of Good Faith:** Parties filing discovery motions must include a separate affirmation of good faith (22 NYCRR §202.7). The affirmation must include the time and dates the parties met and conferred in person, virtually, or had telephone

conversations to resolve the motion issue. Email attempts or communications between the parties are insufficient to satisfy an affirmation of good faith. Discovery motions filed without a showing of good faiths efforts made or attempted to resolve the matter will be denied.

**D. Oral Arguments:** Oral argument on motions will be held on Tuesdays IN PERSON unless otherwise indicated. 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, they must submit a letter to the Part 37 Clerk, copying all parties on the matter. If after reviewing the request, the Court determines that oral argument is warranted, the parties will be notified of an oral argument date. *Motions submitted on default or without opposition are generally not scheduled for oral argument.*

**E. Artificial intelligence (AI) Certification:** Any attorney or party who uses a generative AI tool, as defined in 22 NYCRR 161.2(b), in preparing any paper, as defined in 22 NYCRR 161.2(c), filed in or submitted to this court or served on another party in a case before this court is required to carefully review the paper and independently ensure that it contains no fabricated or fictitious cases, statutes, or other material. By signing such paper, an attorney or party certifies that such a review has been conducted and that the paper contains no such fabricated or fictitious content. If this Court determines that this requirement has not been satisfied, such attorney or party may be subject to sanction or other remedial action.

#### IV. ADJOURNMENT REQUESTS

**A. Adjournment Requests:** Parties requesting an adjournment must e-mail the Part 37 Clerk [sfc-part37-clerk@nycourts.gov](mailto:sfc-part37-clerk@nycourts.gov) no later than 5 p.m. two (2) business days prior to the scheduled appearance date, with all parties cc'd. If the adjournment request tin on consent of all parties, the e-mail should indicate as such. If all parties do not consent to the adjournment, the party seeking the adjournment must set forth good cause for the adjournment request.

#### V. NOTE OF ISSUE

The Note of Issue date given on the Preliminary Conference Order will govern, unless an extension for good cause is requested and granted. An extension of time to file the Note of Issue may be requested via letter, to be So Ordered by the Court. The letter shall be emailed to the Part 37 email ([sfc-part37@nycourts.gov](mailto:sfc-part37@nycourts.gov)) and shall explain why additional time is needed, indicate whether any prior extensions were granted and advise as to whether the request is on consent of all parties.

If necessary, the parties may be directed to file a motion. If discovery is complete, the parties may dispense with a Compliance or Status Conference and file the Note of Issue instead. The failure to file the Note of Issue by a given date or to timely request an extension and/or move for additional time may result in the action being disposed.

## VI. JUDICIAL SUBPOENAS

Parties seeking a judicial subpoena must include the documents for review **and** an attorney affirmation giving the reasons why a judicial subpoena is necessary. The documents must be emailed as attachments to [sfc-part37-clerk@nycourts.gov](mailto:sfc-part37-clerk@nycourts.gov) with only the parties to the action copied.

## VII. ORDERS TO SHOW CAUSE AND SPECIAL PROCEEDINGS

**A. Order to Show Cause:** Pursuant to 22 NYCRR §202.8-d, a motion or special proceeding shall only be initiated by Order to Show Cause, where required by statute, a stay is required or where emergency interim relief is sought. Any proposed Order to Show Cause shall include a provision for the service of responsive papers, with a space reserved for the date and method of service, which will be filled in by the Court. Reply papers are not permitted except by express permission of the Court. Any reply papers submitted without the Court's express permission will not be considered.

1. If a party seeks a temporary restraint in an Order to Show Cause, they **must** comply with 22 NYCRR §202.7-f, providing proof that all parties were notified about the application and the time, date and manner that the application will be presented, or provide a reasonable explanation why such advance notice cannot be provided.
2. All Orders to Show Cause must first be processed by the Ex Parte Motion Office. A movant should first contact the Ex Parte Motion Office to ensure that the Order to Show Cause has been processed and submitted to Chambers before inquiring with the Part Clerk about the status of the Order to Show Cause.

## VIII. TRIALS

**A. Pre-Trial Conference:** Once a trial is assigned to Part 37, the Court shall schedule a Pre-Trial Conference. Parties must be prepared to discuss the case fully, including: their position on liability and damages; prior dispositive decisions; any and all settlement attempts; anticipated pre-trial rulings; the number of witnesses and whether language interpreters or special accommodations will be needed.

**B. Pre-Trial Submissions:** The parties shall serve and submit the following to the Part 37 email ([sfc-part37@nycourts.gov](mailto:sfc-part37@nycourts.gov)) as directed at the Pre-Trial Conference.

1. Witness list (to include any interpreters needed)
2. Proposed jury instructions in Word format with PJI numbers
3. Proposed Jury Verdict Sheets in Word format
4. Copies of all prior dispositive decisions on the case, including but not limited to any appellate decisions and any preclusion decisions
5. All marked pleadings and bills of particulars

**C. Motions in Limine:** Motions in Limine shall be served and filed no later than 5 pm on the next business day following the pre-trial conference with opposition papers served and filed no later than 5pm on the next business day. In addition to filing the Motions in Limine, motion papers and opposition papers (if any) **must also be emailed to the Part 37 email** with all parties copied.