

COURT NOTICES

AMENDMENT OF RULE New York State Supreme Court ERRATUM

Certain rule revisions and new rules derived from the Rules of the Commercial Division were incorporated into the Uniform Rules for the Supreme and County Courts, effective February 1, 2021, as published in the February 10, 2021 issue of the Register. Numbering errors pertaining to section numbers appeared in two rules. Correction of the numbering errors does not impact the substance of any rule change. The following re-publication of the table of contents and pertinent rules contains correct section numbers.

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| Exhibit A: | Commercial Division Rule 1-Appearance by Counsel with Knowledge and Authority amending Uniform Civil Rules Section 202.1- Application of Part; Waiver; Additional rules | Exhibit F: | Commercial Division Rule 8- Consultation Prior to Preliminary and Compliance Conferences as new Uniform Civil Rules Section 202.11 | |
| Exhibit B: | Commercial Division Rule 2- Settlements and Discontinuances amending Uniform Civil Rules Section 202.28- Discontinuance of Actions | Exhibit G: | Commercial Division Rule 11-a- Interrogatories as new Uniform Civil Rules Section 202.20 | New Uniform Rule Section ¹ |
| Exhibit C: | Commercial Division Rule 3- Alternative Dispute Resolution (ADR); Settlement Conference Before a Justice Other Than the Justice Assigned to the Case as new Uniform Civil Rules Section 202.29 | Exhibit H: | Commercial Division Rule 11-b- Privilege Logs as new Uniform Civil Rules Section 202.20-a | New Uniform Rule Section |
| Exhibit D: | Commercial Division Rule 4- Electronic Submission of Papers amending Uniform Civil Rules Section 202.5-a- Filing by facsimile transmission | Exhibit I: | Commercial Division Rule 11-c- Discovery of Electronically Stored Information from Nonparties as new Uniform Civil Rules Section 202.20-j | New Uniform Rule Section |
| Exhibit E: | Commercial Division Rule 6- Form of Papers amending Uniform Civil Rules Section 202.5- Papers Filed in Court | Exhibit J: | Commercial Division Rule 11-d- Limitation on Depositions as new Uniform Civil Rules Section 202.20-b | New Uniform Rule Section |
| | | Exhibit K: | Commercial Division Rule 11-e- Responses to Objections to Document Requests as new Uniform Civil Rules Section 202.20-c | New Uniform Rule Section |
| | | Exhibit L: | Commercial Division Rule 11-f- Depositions of Entities; Identification of Matters as new Uniform Civil Rules Section 202.20-d | New Uniform Rule Section |
| | | Exhibit M: | Commercial Division Rule 13- Adherence to Discovery Schedule, Expert Disclosure as new Uniform Civil Rules Section 202.20-e | New Uniform Rule Section |
| | | Exhibit N: | Commercial Division Rule 14- Disclosure Disputes as new Uniform Civil Rules Section 202.20-f | New Uniform Rule Section |

Court Notices

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| Exhibit O: | Commercial Division Rule 14-a- Rulings at Disclosure Conferences as new Uniform Civil Rules Section 202.20-g | New Uniform Rule Section | Exhibit AA: | Commercial Division Rule 32- Scheduling Witnesses as new Uniform Civil Rules Section 202.37 | |
| Exhibit P: | Commercial Division Rule 15- Adjournments of Conferences amending Uniform Civil Rules Section 202.10 Appearances at Conferences | | Exhibit BB: | Commercial Division Rule 32-a- Direct Testimony by Affidavit as new Uniform Civil Rules Section 202.20-i | New Uniform Rule Section |
| Exhibit Q: | Commercial Division Rule 16- Motions in General as new Uniform Civil Rules Section 202.8-a | | Exhibit CC: | Rule 34- Staggered Court Appearances as new Uniform Civil Rules Section 202.23 | |
| Exhibit R: | Commercial Division Rule 17- Length of Papers as new Uniform Civil Rules Section 202.8-b | | <p>¹Please note “New Uniform Rule Section” indicates new Rule placement as recommended by Counsel’s office. Other new Rules were previously assigned by the Commercial Division Working Group in their recommendations.</p> <p>Regarding Rule 8: Consultation prior to Preliminary and Compliance Conferences.</p> <p>The Uniform Civil Rules for the Supreme Court and the County Court are amended by adding new section 202.11 as follows:</p> <p><i>202.11 Consultation prior to Preliminary and Compliance Conference</i></p> <p><i>Counsel for all parties shall consult prior to a preliminary or compliance conference about (i) resolution of the case, in whole or in part; (ii) discovery, including discovery of electronically stored information, and any other issues to be discussed at the conference, (iii) the use of alternate dispute resolution to resolve all or some issues in the litigation; and (iv) any voluntary and informal exchange of information that the parties agree would help aid early settlement of the case. Counsel shall make a good faith effort to reach agreement on these matters in advance of the conference.</i></p> <p>Regarding Rule 11-c: Discovery of Electronically Stored Information from Nonparties.</p> <p>The Uniform Civil Rules for the Supreme Court and the County Court are amended by adding new section 202.20-j as follows:</p> <p><i>Section 202.20-j. Parties and nonparties should adhere to the Electronically Stored Information (“ESI”) guidelines set forth in Appendix hereto.</i></p> <p>Section V of Appendix A of the Uniform Civil Rules for the Supreme Court and the County Courts is hereby amended as follows:</p> <p>V. The requesting party shall defray the nonparty’s reasonable production expenses in accordance with Rules 3111 and 3122(d) of the CPLR. [Such reasonable production expenses may include the following:]</p> <p>[A. Fees charged by outside counsel and e-discovery consultants;]</p> <p>[B. The costs incurred in connection with the identification, preservation, collection, processing, hosting, use of advanced analytical software applications and other technologies, review for relevance and privilege, preparation of a privilege log (to the extent one is requested), and production;]</p> <p>[C. The cost of disruption to the nonparty’s normal business operations to the extent such cost is quantifiable and warranted by the facts and circumstances; and]</p> <p>[Other costs as may be identified by the nonparty.]</p> | | |
| Exhibit S: | Commercial Division Rule 18- Sur-Reply and Post- Submission Papers as new Uniform Civil Rules Section 202.8- c | | | | |
| Exhibit T: | Commercial Division Rule 19- Orders to Show Cause as new Uniform Civil Rules Section 202.8-d | | | | |
| Exhibit U: | Commercial Division Rule 19-a- Motions for Summary Judgment; Statements of Material Facts as new Uniform Civil Rules Section as 202.8-g | New Uniform Rule Section | | | |
| Exhibit V: | Commercial Division Rule 20- Temporary Restraining Orders as new Uniform Civil Rules Section 202.8-e | | | | |
| Exhibit W: | Commercial Division Rule 22- Oral Argument as new Uniform Civil Rules Section 202.8-f | | | | |
| Exhibit X: | Commercial Division Rule 28- Pre-Marking of Exhibits as new Uniform Civil Rules Section 202.34 | | | | |
| Exhibit Y: | Commercial Division Rule 30- Settlement and Pretrial Conferences amending Uniform Civil Rules Section 202.26- Pre-trial Conferences | | | | |
| Exhibit Z: | Commercial Division Rule 31- Pre-Trial Memoranda, Exhibit Book and Requests for Jury Instructions as new Uniform Civil Rules Section 202.20-h | New Uniform Rule Section | | | |