

Memorandum in Partial Support

COMMITTEE ON CIVIL PRACTICE LAW AND RULES

CPLR #1

January 11, 2019

Via Email: rulecomments@nycourts.gov

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Re: Proposed Adoption of Certain Rules of the Commercial Division in
Other Courts of Civil Jurisdiction

The Committee on Civil Practice Law and Rules studied the proposal of the Unified Court System's Advisory Committee of Civil Practice to adopt certain rules of the Commercial Division in other courts of civil jurisdiction. The proposal included adoption of the following rules of the Commercial Division:

- Rule 3(a) – Appointment of a court-annexed mediator (as amended)
- Rule 3(b) – Settlement conference before a judge not assigned to the case
- Rule 11-a – Limitations on interrogatories
- Rule 11-b – Privilege log (in part)
- Rule 11-d – Limitation on depositions
- Rule 11-e – Responses and objections to document requests (as amended)
- Rule 19-a – Statement of material facts for summary judgment motions
- Rule 20 – Temporary restraining orders
- Rule 34 – Staggered court appearances

With the exception of Rule 19-a, the Committee unanimously approved the proposal at its November 16, 2018.

As to Rule 19-a, a subcommittee was formed to further study the rule and its findings will be presented at the full committee meeting on January 18, 2019, which is after the January 15, 2018 deadline for comment. We, therefore, kindly request that the committee be given until January 28, 2019 to submit its comment concerning Rule 19-a. Kindly advise whether the CPLR Committee could have until January 28, 2019 to submit its comment concerning Rule 19-a. Your professional courtesy is appreciated.

Co-Chairs of the Committee

Souren A. Israelyan

Domenick Napoletano