

The Law Office of Laraine Pacheco

2401 E. Calle Sin COnroversia
Tucson AZ 85718

Telephone: 520 232-0606
Facsimile: 520 219-0870
Email: pacheco18@comcast.net

MEMORANDUM

To: All Counsel in the NYCAL
From: Laraine Pacheco, Special Master
Date: 10/07/09
Re: Revised Summary Judgment Procedures

Effective October 15, 2009, Justice Heitler will be modifying the manner in which summary judgment motions are handled. These revised procedures are designed to make the process more efficient and more compatible with an expedited docket.

Timing of Motions for Summary Judgment

Motions for summary judgment will be set for argument on the return date stated in the papers (within 21 days in accordance with CPLR 3212 and 2214 which governs when opposition papers are due). If either party wishes an adjournment there will be only ONE adjournment of TWO weeks permitted. The motion will then be set for argument on the following Tuesday.

Example:

Defendant brings on a motion for summary judgment and serves it on plaintiff on November 2 with a return date of November 19. The motion will be argued on Tuesday, November 24 at a designated time that will be provided on the return date of the motion. If either party wishes an adjournment, the new return date will be December 3 (2 weeks from the original return date of November 19) and argument will be adjourned until December 8 (the following Tuesday). THERE WILL BE NO FURTHER ADJOURNMENTS.

These revised procedures do not relieve any party of making timely motions for summary judgment as soon as discovery closes in order to have its motions decided before trial.

If you have any questions about these new procedures, please direct them to Tom Schiel.