

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby add a new Rule 11-h to Section 202.70 of the Uniform Rules of the Supreme and County Courts (Rules of the Commercial Division of the Supreme Court), effective July 7, 2025, to read as follows (additions underscored):

Section 202.70. Rules of the Commercial Division of the Supreme Court

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Rule 11-h. Initial Disclosures.

(a) Required Disclosures.

(1) Initial Disclosures.

(A) In General. Except as otherwise stipulated or ordered by the court, a party must, without awaiting a discovery request, provide to the other parties:

(i) the name and, if known, the address and telephone number of each individual that the disclosing party intends to use to support its claims or defenses, unless such use is solely for impeachment, together with a brief description of the information expected to be elicited from such individual;

(ii) a copy of all documents, electronically stored information, or other tangible things referred, but not attached, to in the pleadings; and

(iii) a computation of each category of damages claimed by the disclosing party.

(B) Time for Making Initial Disclosures.

(i) In General. A party must make the initial disclosures within 14 days after the parties' consultation prior to the preliminary conference as required in Rule 8, unless a different time is set by stipulation or court order, or unless a party objects during the preliminary conference that initial disclosures are not appropriate in the action and states the grounds for any objection to production in the proposed discovery plan. In ruling on the objection(s), the court must determine what initial disclosures, if any, are to be made and must set the time for making the initial disclosures.

(ii) For Parties Served or Joined Later. A party that is first served or otherwise joined after the consultation must make the initial disclosures within 30 days after being served or joined, unless a different time is set by stipulation or court order.

(iii) For Disclosures Required by CPLR § 3101(f). All disclosures required by CPLR 3101(f) must be made by the earlier of:

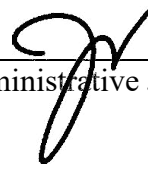
(a) 14 days after the Rule 8 consultation; or

(b) 90 days after service of an answer.

(2) Failure to utilize good faith in making the initial disclosures may result in an award to the non-disclosing party of attorney's fees and costs occasioned by such failure.

(b) Form of Initial Disclosures. Unless otherwise ordered by the court, all initial disclosures under Rule 11-h must be in writing, signed, and served.

(c) Basis for Initial Disclosures; Unacceptable Excuses. A party must make its initial disclosures based on the information then reasonably available to it. A party is not excused from making its initial disclosures because it has not fully investigated the case or because it challenges the sufficiency of another party's initial disclosures or because another party has not made its initial disclosures.



Chief Administrative Judge of the Courts

Date: May 6, 2025

AO/104/2025