

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:

(a) I hereby add a new Appendix E 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 (all language is added):

APPENDIX E: MODEL PRE-TRIAL ORDER

SUPREME COURT OF THE STATE OF NEW YORK
_____ **COUNTY**

PRESENT: _____
Justice
-----X

PLAINTIFF, _____ Plaintiff, **INDEX NO.**

-v-

PRE-TRIAL ORDER

DEFENDANT, _____
Defendant.

-----X

A pretrial conference has been scheduled in this matter for _____. Counsel are instructed to promptly consult the Rules of the Commercial Division as well as the Court's Rules to familiarize themselves with the Court's trial and pre-trial requirements.

It is hereby:

ORDERED that the **bench/jury trial** in this case shall commence on _____;
and it is further

ORDERED that the parties shall participate in a mandatory settlement conference and shall file a joint or separate statement of preferred procedure in compliance with Commercial Division Rule 30(b)(1) on or before _____; and it is further

ORDERED that the parties will serve and file any **motions in limine** on or before _____; and it is further

ORDERED that, if motions **in limine** are made, opposition papers must be served and filed on or before _____. Oral argument on any motion in limine will take place on _____; and it is further

ORDERED that counsel shall consult regarding exhibits and pre-mark **exhibits** as provided in Commercial Division Rule 28 and shall be prepared to discuss at the pretrial conference any exhibits as to which objection has been made; and it is further

ORDERED that counsel shall consult regarding the portions of **deposition testimony** to be offered as provided in Commercial Division Rule 29 and shall provide a list of deposition testimony to be offered by it as to which objection has not been made and identify separately a list of deposition testimony as to which objection has been made, on or before ; and it is further

ORDERED that pursuant to Commercial Division Rule 30(c), the parties shall prepare a **written stipulation of undisputed facts** on or before ____; and it is further

ORDERED that pursuant to Commercial Division Rule 30(d), counsel shall consult regarding **expert testimony** [and prepare a written stipulation as to those aspects of their experts' anticipated testimony that are not in dispute] on or before _____; and it is further

ORDERED that pursuant to Commercial Division Rule 31(a), **pre-trial memoranda** are required and shall be served and filed on or before _____; and it is further

ORDERED that each party shall identify in writing the **witnesses** it intends to call and provide the information required by Commercial Division Rule 32 on or before _____, [and shall separately identify for the Court only a list of the witnesses who may be called solely for rebuttal or with regard to credibility]; and it is further

ORDERED that in accordance with Commercial Division Rule 32-a, the parties shall submit direct testimony of that party's own witnesses via affidavit and shall submit such affidavits to the Court and counsel on or before _____; and it is further

ORDERED that, pursuant to Commercial Division Rules 28 and 31(b), counsel shall submit a copy of **trial exhibits** for each attorney's and the Court's use on or before _____ [add additional details as appropriate regarding the preferred format]; and it is further

ORDERED that, pursuant to Commercial Division Rule 31(c), counsel shall provide proposed case-specific requests to charge and proposed jury interrogatories to the Court on or before _____, and any objections to proposed case-specific requests to charge and proposed jury interrogatories shall be exchanged and provided to the Court on or before _____; and it is further

ORDERED that all of the above submissions are **mandatory** and failure to meet the deadlines in this Order may result in preclusion or other penalties, as provided in Commercial Division Rule 33 and CPLR 3126. The Court notes that this may include rendering a default judgment against the disobedient party, striking pleadings, or dismissing the action.

Counsel are reminded that they may not stipulate to alter or adjourn any of these dates.

HON.
Justice of the Supreme Court

(b) I hereby amend the preamble to Rules 25-33 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 (deletions in ~~strike through~~ and additions underscored):

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

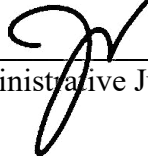
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Preamble to Rules 25-33.

The Commercial Division operates in accordance with a series of well-crafted rules and principles designed to achieve and promote the goals of efficient and cost-effective case management. These rules stress organization, preparation and cooperation as well as the use of innovative techniques where appropriate. Rules 25-33, which address trial preparation and procedure, reflect these important concepts. These trial rules emphasize the importance of pre-trial preparation and remind the practitioner that such preparation is an essential element of successfully litigating and conducting a complex commercial case and trial. Rules 25-33 identify a series of key items that must be addressed or completed before commencing a trial in the Commercial Division and include: accurately estimating the length of the trial so that the court, counsel and parties can properly allocate their time; preparing and communicating to the court motions in limine in advance of the trial date; reviewing, assembling, and pre-marking exhibits; addressing issues that may arise in connection with the use of deposition testimony at trial; agreeing on a schedule for witnesses and the manner in which each witness will testify (including giving consideration to direct testimony by affidavit in a non-jury trial); and preparing and negotiating jury instructions and verdict sheets. The successful completion and efficiency of the trial depends upon counsel adhering to a key component of the Commercial Division rules to meet and confer and resolve issues without the need for court intervention. When there is compliance with the rules, the result is an efficient and cost-effective proceeding that will ensure that the court's time and attention will be used in the manner in which it is intended and avoid unnecessary delay and unintended consequences.

A Model Pretrial Order can be found at Appendix E. It serves as a “tool” for the Court and counsel. It provides guidance while allowing for flexibility to account for the particular case at hand and the rules of the Trial Part.

Date: May 20, 2025



Chief Administrative Judge of the Courts

AO/111/25