

NEW YORK COMMERCIAL DIVISION RULE 9-a

Rule 9-a. Immediate Trial or Pre-Trial Evidentiary Hearing. Subject to meeting the requirements of CPLR 2218, 3211(c) or 3212(c), parties are encouraged to demonstrate on a motion to the court when a pre-trial evidentiary hearing or immediate trial may be effective in resolving a factual issue sufficient to effect the disposition of a material part of the case. Motions where a hearing or trial on a material factual issue may be particularly useful in disposition of a material part of a case, include, but are not limited to:

- (a) Dispositive motions to dismiss or motions for summary judgment;
- (b) Preliminary injunction motions, including but not limited to those instances where the parties are willing to consent to the hearing being on the merits;
- (c) Spoliation of evidence motions where the issue of spoliation impacts the ultimate outcome of the action;
- (d) Jurisdictional motions where issues, including application of long arm jurisdiction, may be dispositive;
- (e) Statute of limitations motions; and
- (f) Class action certification motions.

In advance of an immediate trial or evidentiary hearing, the parties may request, if necessary, that the court direct limited expedited discovery targeting the factual issue to be tried.