

JUSTICE NORMA RUIZ

Part IA-22
Phone (718) 618-1203
Room 401

GENERAL RULES

1. Appearance by Counsel with Knowledge and Authority. Counsel who appear in the Part must be fully familiar with the case in regard to which they appear and fully authorized to enter into agreements, both substantive and procedural on behalf of their clients. Failure to comply with this rule may be regarded as a default and dealt with appropriately. It is important that counsel be on time for all scheduled appearances.

2. Settlements and Discontinuance. If an action is settled, discontinued, or otherwise disposed of, counsel shall immediately inform the Court by submission of a copy of the stipulation or a letter directed to the Clerk of the Part. Filing a stipulation with the County Clerk does not suffice. (See Motion Procedure).

3. Papers and Fax. Papers of any sort sent via fax are not accepted unless directed otherwise by the Court.

4. Information on Cases. Information on all scheduled court appearances can be obtained from the New York Law Journal. The Part Clerk can also provide information about scheduling of cases (trials, conferences, and arguments of motions) in the Part. Counsel who wish to receive a copy of a decision may submit a stamped, self-addressed envelope with their motion papers.

5. Under NO circumstances will Ex-Parte Communications be accepted.

6. Stipulations and Adjournments. The burden is on the parties to inquire as to whether the stipulation was approved by the Court. Information on adjournments can be obtained from the New York Law Journal or the Part Clerk.

7. Failure to Appear at the Call of any Calendar. Failure to appear at the call of any calendar may result in an inquest of dismissal pursuant to 22 NYCRR §202.27.

8. Papers Will Not be Accepted by Chambers. All motion papers, as well as stipulations and requests for adjournments are to be filed in room 217.

MOTION PROCEDURE

Pursuant to fees schedules effective July 14, 2003, all motions, x-motions, and stipulations of discontinuance must be approved by the Clerks in Room 217 before payment of said fees in Room 118 (County Clerk's Office).

Consistent with the Rules of the Supreme Court, Bronx County, as outlined under Motion Procedure:

1. Oral arguments will be held in IA Part 22, Room 602.
2. Oral arguments and appearance by Counsel with knowledge of the case will be required on ALL motions. NO motion is taken on Submission.
3. Order to Show Cause require the appearance of movant on the return date, regardless of a pro se application.

The Court will not consider discovery requests contained within §3211 or §3212 motions. These will be denied, as not appropriately referred to the Part 22 Calendar.

Relief requesting Summary Judgment MAY NOT be brought by Order to Show Cause.

Failure of Counsel with knowledge of the file to appear for oral argument will be considered, by the Court, as a default motion.

Motions may NOT be **adjourned more than twice**. The Motion Support Clerks will be so informed and advised that requests for further adjournments shall not be forwarded to Chambers. Under no circumstances shall the parties communicate with Chambers with a request for further adjournment beyond the permissible two adjournment exemption. Any request for adjournments beyond the permissible two adjournments shall be referred to the Court's Part Clerk.

Motions may be adjourned on consent in the form of a stipulation. The Court will not consider an Ex Parte communication requesting an adjournment; nor will the Court consider an affirmation which reflects an unsuccessful eleventh hour attempt to obtain a consent adjournment by stipulation.

Requests for adjournments MUST be made in advance, by way of a telephone call to the Part Clerk, before the scheduled appearance. The telephone call shall be made as a conference call with all interested attorneys. The Part Clerk will so inform the parties whether the contemplated adjourn date is suitable for the Court's Calendar. If the Part Clerk allows the adjournment, then service MUST appear with a copy of the stipulation of adjournment on the originally scheduled appearance date. If the stipulation is in the form of a fax, the counsel MUST return on the newly agreed upon adjournment date with an "original" stipulation which clearly reflects original signatures of counsel.

No courtesy copies of papers are to be filed with the Courtroom or Chambers, **unless specifically requested** by the Court.

Counsel are reminded that the CPLR does not provide for sur-reply papers or allow the presentation of papers or letters to the Court after submission of a motion. Sur-replies, letters, and the responses to such letters addressed to the substance of a submitted motion will not be considered, and are not to be forwarded to either the Part or Chambers.

TRIALS

Counsel are reminded that pursuant to 22 N.Y.C.R.R. 20216(9), all expert reports are to be exchanged and filed with the Court sixty (60) days before the date set for trial. Reply reports, if any, shall be exchanged and filed no later than thirty (30) days before said date.

Motion in Limine. At the time of assignment to this Part for trial, the parties shall make all motions in Limine that require rulings prior to trial, except those not reasonably anticipated in advance. Failure to timely make such motion in Limine shall result in the motion being deemed waived. Moreover, counsel shall provide the Court with Memorandum of Law in support of the Motion in Limine, with a copy for its adversary.

Trial Rules will be provided to counsel upon the assignment to the Part.

INQUIRIES

All inquiries as to a case or calendar status should, in the first instance, be made to the appropriate clerk's office (see below). The only inquiries to be made directly to the Part should be those inquiries involving the immediate exercise of judicial discretion.

[IAS Motion Support Office: Room 217, (718) 618-1310