

**Justice Cynthia S. Kern**  
N.Y.S. Supreme Court, Bronx County

Effective: 10/10/08  
Submitted to NYLJ  
Part Rules

IA Part 29, Room 314A  
Phone (718) 618-1391

### **Motion Procedure**

1. For all motions made in unassigned and assigned cases, moving and responding papers including stipulations and requests for adjournments are to be filed in the clerk's office (Room 217). Papers will not be accepted in Chambers unless requested.
2. All disclosure motions filed and accepted in the clerk's office assigned to Justice Kern will be heard in a PC/CC part, Room 707, on a rescheduled date.
3. All non-disclosure motions filed and accepted as above, will be deemed submitted on the return date subject to the motion procedure. For non-disclosure motions, oral arguments are not required unless directed otherwise.
4. All stipulations and requests for adjournments filed in the clerks office for all motions will be processed as indicated in the motion procedure printed in the Law Journal.
5. The answering papers will be accepted only on the return date in the clerk's office (Room 217).
6. Courtesy copies should not be submitted, unless requested by the Court.
7. Orders to show cause must comply with Uniform Rule 202.7(d) and be brought to the clerk's office (Room 217) prior to judicial review, signature and fixing of a return date. Appearance requirements for orders to show cause are as indicated in the motion procedure section appearing under "Court Rules" for Bronx County on this site.
8. Proof of service of all orders to show cause must be filed with the Part Clerk in the courtroom (Room 402) on or before the initial return date of the order to show cause. If proof of service is not timely filed, the order to show cause shall be removed from the Court's calendar.
9. Orders to show cause, infant compromises, traverse hearings and framed issue hearings are heard when the calendar is called.
10. An order to show cause requires appearance of counsel.
11. The order to show cause calendar is held on Mondays, at 9:30 a.m., unless directed otherwise

by the Court. Infant compromises, traverse hearings and framed issue hearings are also heard at this time. Only counsel fully familiar with the file and authorized to make binding concessions, settle or try the action shall appear at the call of the calendar.

All proposed infant compromise orders shall contain the following language:

It is further Ordered that the Guardian shall, within thirty days of the deposit of the funds due the infant herein in the above designated bank(s), submit to the Clerk's Office, Room 217, a copy of the Certificate of Deposit issued by said bank.

The attorneys supporting affirmation shall set forth the policy limits of all available insurance.

Failure to appear at the call of the calendar may result in an inquest or dismissal pursuant to Section 202.27 of the Uniform Civil Rules for the Supreme Court and County Court.

12. A movant shall clearly specify the relief sought. Counsel shall use tabs when submitting papers containing Exhibits. If a document to be annexed to an affidavit or affirmation is voluminous and only discrete portions are relevant to the motion, Counsel shall highlight the relevant sections of the document.
13. All papers, including stipulations and requests for adjournments, are to be filed in room 217, unless otherwise directed by the Court.
14. A request for an adjournment must be served on all parties in writing, and may be directed to Chambers for consideration. The Court may schedule a conference for scheduling. No adjournment longer than 30 days shall be granted, except for extraordinary circumstances.
15. Stipulations for adjournments must be filed in room 217 if filed prior to the return date. Thereafter, such stipulations may be sent directly to Chambers.

### **Trials and Hearings**

Matters assigned to the Part will be tried, to the extent possible, in chronological order. Counsel must be fully prepared for trial and possess the bill of particulars, marked pleadings, witness list and exhibit list (see, Trial Rules, J. Kern).

### **Inquiries**

All inquiries as to case or calendar status should, in the first instance, made to the appropriate clerk's office, IAS Motions Support Office Room 217, (718) 590-3722.

The only inquiries to be made directly to Chambers of the Part should be those involving the immediate exercise of judicial discretion.