

Justice Howard H. Sherman  
Supreme Court of the State of New York  
12<sup>th</sup> Judicial District-Bronx County  
851 Grand Concourse  
Bronx, New York 10451

I.A.S. Part 4, Room: 413

Phone: (718) 618-1212, (718) 618-1451  
Courtroom, Chambers

## **1. Motion Procedure**

### **A. Applicable to Notice of Motion and Order to Show Cause**

All papers must comply with CPLR R2101, R2103 and R2214 as well as the applicable provisions of the Court Rules [22 NYCRR Part 202].

Tabs shall be used when submitting exhibits. If an annexed document is voluminous and only discrete portions are relevant, Counsel shall highlight the relevant sections of the document. All cited material shall be viewable without having to remove staples or binding.

Courtesy copies shall not be submitted.

Counsel are advised when submitting proposed orders or judgments to keep proposed orders or proposed judgments separate and apart from motion papers. Proposed orders or judgments incorporated within motion papers will be considered exhibits and treated as such.

Failure to appear at the call of any calendar may result in an inquest or dismissal [22 NYCRR §202.27].

Counsel must advise the Court in writing as soon as practicable of all motions that have been resolved and/or to be withdrawn.

### **B. Motions brought by Notice of Motion**

Motions are returnable five days a week in the Motion Support Office, Room 217. All opposition and reply papers must be submitted at the Motion Support Office on the return date of the motion. Opposition and reply papers will not be accepted prior to the return date.

All non-disclosure motions will be deemed submitted on the return date and forwarded to Chambers. Stipulations of adjournment compliant with Uniform Rule 202.8(e)(1), submitted in Room 217 on the return or adjourned date of a

motion, will be honored and the motion will be adjourned and kept in the Motion Support Office. If a non-stipulated application for adjournment is submitted, the motion and application will be forwarded to Chambers for a ruling. Counsel will be advised of the ruling in writing. Oral applications are not considered.

If oral argument is requested and granted, or directed by the Court, the motion will be adjourned for conference and oral argument in IAS Part 4. Counsel will be advised of the adjourned date in writing.

#### *Disclosure Motions*

No motion for substantive relief shall be joined with an application for discovery relief. Discovery related motions are heard by the Judge presiding in IAS Part 11.

#### *Summary Judgment Motions*

Pursuant to CPLR R3212(a), a motion for summary judgment shall be made no later than sixty days after the filing of the Note of Issue, except with leave of court on good cause shown.

### C. Orders to Show Cause

Orders to Show Cause must comply with Uniform Rule 202.7(d) and be brought to the Motion Support Office from which they are forwarded to Chambers for consideration.

All orders to show cause are returnable on Mondays, except for court holidays, in IAS Part 4 at 9:30 a.m., unless otherwise indicated. Personal appearances are required.

Proof of service must be filed with the Clerk of IAS Part 4 by 9:30 a.m. of the return date. Non-compliance will result in denial of the order to show cause.

Stipulations adjourning an Order to Show Cause shall be filed with the Clerk of IAS Part 4 prior to the call of the calendar.

## **2. Infant Compromises and other Ex Parte applications**

Ex Parte applications are to be submitted to the Motion Support Office. After review of Infant Compromise submissions, Counsel will be notified of the scheduled appearance date by phone.

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 attorney's supporting affirmation shall set forth the policy limits of all available insurance.

### **3. Depositions**

Requests for rulings are to be made to the Ex-Parte Justice, not the IAS assigned Justice.

### **4. Inquiries**

All inquiries should be made to the appropriate clerk's office, not chambers.

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

Faxes to chambers are not permitted unless prior authorization is obtained.

E-mails are not permitted unless prior authorization is obtained.

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