

CIVIL COURT OF THE CITY OF NEW YORK

CHIEF CLERK'S MEMORANDUM  
Subject: Motions for Summary Judgment  
on Calendared Consumer Credit Cases

Class: CCM-202  
Category: GP 20  
Eff. Date: January 6, 2015

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Background

CCM 169 set forth the procedure for establishing calendar status based on the 22 NYCRR 208.10 requirement that a notice of motion specify on its face whether or not the case is on a trial calendar. It has been brought to our attention that motions for summary judgment on Consumer Credit cases that are already on the calendar and have future appearance dates continue to be filed without an indication of the calendar status. Additionally, there have been several instances where the unrepresented court user is confused by multiple court dates and does not appear for a motion when the scheduled date is different than the future hearing date given at the time the answer was filed. In order to avoid confusion and ensure consistent procedure, the following rules are being established.

Procedure

1. Upon receipt of a motion for Summary Judgment in a Consumer Credit matter the clerk is to check the face of the motion as to the calendar status. A calendar status must be provided.

2. If a calendar status is not provided following 22 NYCRR 208.10, the clerk is to return the motion to the person filing it for him/her to provide it. If the filer refuses to indicate status, the clerk is to flag the motion, noting the filer refused to provide calendar status. If the motion comes into the court by mail or is dropped-off in some manner where the clerk has no contact with the filer, the clerk is to check the status and write it on the face of the notice of motion.

3. If the calendar status indicates a future court date exists on the trial/conference calendar, the date the motion is scheduled for must be adjourned to the future trial/conference date. The Clerk must adjourn the motion to the date of the trial/conference and must also:

- Send postcards to all parties indicating that the motion previously scheduled for a different date has been rescheduled to the date of the general hearing, clearly indicating the date, time, Part(s) and room number(s).
- Place an alert in UCMS on the general calendar and the motion calendar noting on the general calendar that the matter is also on the motion calendar, and noting on the motion calendar that the matter is scheduled for general hearing.
- The Clerk must flag the trial card with a CIV-GP-120 (Reviewed by Clerk Checklist), noting that the matter is scheduled for both the general and motion calendar.
- If the matter is not resolved and is adjourned, repeat the calendar alerts to ensure that the motion for summary judgment stays with the case until it is resolved.

Dated 12/4/14

Carol Alt  
Carol Alt  
Chief Clerk