

Supreme Court, Bronx County
851 Grand Concourse Bronx, NY 10451
JUSTICE BIANKA PEREZ – PART 14 RULES (ROOM 704)

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EFFECTIVE MARCH 8, 2021

In compliance with Administrative Order of Justice Doris Gonzalez, Administrative Judge (dated June 24, 2020), and other related statewide Administrative Orders, this Part will conduct matters virtually via Microsoft Teams. **No appearances are required.**

In compliance with 22 NYCRR 202.1, counsels who appear before the Court must be familiar with the case, and be fully prepared and authorized to discuss and resolve the issues which are scheduled to be the subject of the appearance. Counsels are expected to be on time for all scheduled appearances.

I. Discovery Conferences

In compliance with statewide Administrative Orders, the parties are expected to complete outstanding discovery on pending matters using every available technology (including paper discovery, depositions and IMEs, if possible), and must make every effort to resolve discovery disputes without the need for Court intervention (see generally, 22 NYCRR 202.7[c]; Justice Gonzalez Administrative Order dated June 24, 2020; and Administrative Order AO/129/20).

In compliance with 22 NYCRR 202.23, counsel for all parties shall consult prior to a preliminary or compliance conference about (1) resolution of the case, in whole or in part; (2) discovery, and other issues to be discussed at the conference; (3) the use of alternative dispute resolution to resolve all or some of the issues in the litigation; and (4) any voluntary or information exchange of information that could assist with early settlement of the case. Counsels must make a good faith effort to reach agreement on these matters prior to conference.

Effective March 8, 2021, Status/Compliance Conference appearances will be held in the following manner:

On or before the Status/Compliance Conference date:

(1) If the parties agree on all issues relating to outstanding discovery, the parties shall e-file (if the matter is an e-file case) and e-mail a fully executed stipulation to the Judge's Law Clerks Nathaniel (NChiaravalloti@nycourts.gov) and Heidi (hgzman@nycourts.gov). If acceptable, the stipulation will be approved and sent to the Clerk for uploading.

(2) If the parties cannot agree on outstanding discovery issues despite good faith efforts to resolve the dispute without Court intervention, the parties shall confer with one another and come up with an agreeable date and time, and e-mail a request for a virtual conference to Nathaniel

and Heidi at the above addresses. Include the case name, index number, and a brief description of the issue. If applicable, also include a copy of the most recent compliance conference order/stipulation. Please make sure to copy all other parties in the case on any e-mail sent to the Court.

(3) If all parties agree that discovery is complete, the parties shall e-mail a stipulation to NChiaravalloti@nycourts.gov and hguzman@nycourts.gov on or before the scheduled Status/Compliance conference date. The stipulation must certify that all discovery is complete and provide for the filing of the Note of Issue. The Court will provide a date by which the Note of Issue must be filed and the so-ordered stipulation will be scanned and uploaded.

(4) All virtual appearances will be conducted using Microsoft Teams platform.

(5) Requests for EBT rulings must be made before the assigned *ex-parte* Judge and not Part 14.

II. Pre-Trial and Settlement Conferences

A. Pre-Trial Conferences

On or before the designated Pre-trial Conference date, the parties shall e-file (if the matter is an e-file case) and e-mail a notice to the Court (NChiaravalloti@nycourts.gov and hguzman@nycourts.gov) indicating whether the parties (1) are requesting a pre-trial virtual settlement conference before the Judge; (2) are agreeing to binding arbitration, a summary jury trial, or a virtual bench trial, (3) have agreed to settle the matter, including the settlement amount if not confidential; or (4) are advising that none of the above applies, and there are no outstanding pre-trial issues in the matter that require Court intervention/resolution. ***In addition, please disclose the insurance policy limits for the defendant(s).**

If the parties do not contact the Court in advance of the scheduled pre-trial conference date, the pre-trial conference will be administratively adjourned to a future date. Cases where at least one year has elapsed from the NOI filing date will be placed on the STP calendar.

B. Settlement Conferences

Part 14 conducts its settlement conference/ADR calendar virtually. Please adhere to the following guidelines to request a settlement conference:

1. All conferences will be held via Microsoft Teams.
2. Conferences will be held on Tuesdays and Wednesdays.
3. Parties shall confer with one another and come up with an agreeable date and time, and e-mail the request to NChiaravalloti@nycourts.gov and hguzman@nycourts.gov. In the request, please include the case name, index number, the names and contact phone number for the attorneys.
4. Make sure that all parties are included on any e-mail communication to the Court.
5. **Anyone appearing at a settlement conference is expected to be fully familiar with the file, have full authority to resolve the case, and/or immediate access to their client to obtain such authority. Plaintiff(s) and claims representatives should be available by phone at the time of the conference.**

Be advised that additional vertical calendars are being arranged with specific carriers as well as plaintiff's firms. If you have a case inventory that would benefit from a vertical calendar day, please advise the Court at the above e-mails.

III. Motions

A. Summary Judgment.

Summary judgment motions must be filed within sixty (60) days after the filing of the Note of Issue. A summary judgment motion filed in violation of this deadline may be considered by the Court upon a detailed demonstration of good cause (*i.e.* due to the COVID-19 Pandemic) and lack of prejudice.

Motions for summary judgment shall include a statement of the material facts as to which the moving party contends there is no genuine issue to be tried, as set forth in 22 NYCRR 202.8-g (a)-(b).

B. Discovery.

Discovery motions are highly discouraged. Pursuant to 22 NYCRR 202.20-f, discovery disputes should be resolved through informal procedures, such as conferences, to the maximum extent possible.

Prior to the submission of any motions on discovery-related matters, counsels must first seek a conference with the Court to resolve discovery disputes. Prior to seeking a conference with the Court, parties must make good faith efforts to resolve disputes without Court intervention.

Discovery motions shall be supported by an affidavit or affirmation from counsel, as set forth in 22 NYCRR 202.20-f.

C. Adjournment Stipulations and Requests.

Stipulations to adjourn the return date of a motion must be made in writing and submitted to the Court. No more than three stipulated adjournments, for a total period of 60 days, shall be submitted without prior permission of the Court.

Regardless of the agreed upon adjourn date on the parties' stipulation or request, the Court will only adjourn motions for 60 days at a time.

Upon expiration of the first 60 days, parties may stipulate to another 60 day adjournment, up to 3 adjournments. For any further adjournments, the parties must seek leave from the Court to further adjourn the return date if necessary.

Other Guidance on Motion Practice.

All motions will be decided "on submission" unless specifically scheduled for oral argument/conference before the Court via Microsoft Teams. Any party may request oral argument of a motion by letter accompanying the motion papers, pursuant to 22 NYCRR 202.8-f (a).

Where appropriate, proposed orders should be submitted with motions pursuant to 22 NYCRR 202.8-a.

Parties shall abide by the word count limits set forth in 22 NYCRR 202.8-b. The Court may permit oversize submissions upon oral or letter application on notice to all parties.

Please contact the Court immediately if there are any developments in a case that would affect the resolution of a pending motion (i.e., settlement, withdrawal, etc.), pursuant to 22 NYCRR 202.28(a)-(b). Please make sure to copy all other parties in the case on any e-mail sent to the Court.

Chambers does not require working copies of electronically-filed motion papers (see Administrative Order AO/121/20).

IV. Infant Compromise

Once the Infant Compromise Order and necessary documents have been submitted to the Clerk's Office in Room 217, the Court shall review the Order and documents, and shall approve and schedule a hearing. Justice Perez's chambers will schedule a virtual hearing on Microsoft Teams and inform the parties via email. Infant's Compromise Hearings will be held on Mondays and Fridays.

Please note that the infant(s)' appearance will not be waived unless, in the interest of justice, there is a valid reason to do so. Plaintiff's counsel must make all arrangements to have the infant and the parent/natural guardian appear virtually or remotely on the hearing date.