

Supreme Court, Bronx County
851 Grand Concourse Bronx, NY 10451
JUSTICE JOHN A HOWARD-ALGARIN – PART 14 RULES (ROOM 704)

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ALL COURT APPEARANCES IN PART 14 ARE HELD IN-PERSON

In compliance with 22 NYCRR 202.1(f), counsel who appear before the Court must be familiar with the case and be fully prepared and authorized to discuss and resolve all issues that in keeping with the purpose of the appearance. Counsel are expected to be on time for all scheduled appearances.

THE FINAL CALENDAR CALL FOR ALL MORNING SCHEDULED MATTERS IS 10:30AM. Failure to appear at the second call of the calendar may result in dismissal or default per 22 NYCRR 202.27.

All attorneys of record are required to register to their respective matters on NYSCEF.

I. Discovery Conferences:

The parties are expected to complete outstanding discovery on pending matters using all 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 202.11).

In compliance with 22 NYCRR 202.11, 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. Counsel must make a good faith effort to reach agreement on these matters prior to conference.

II. Status & Compliance Conferences.

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 and e-mail a fully executed stipulation to BxSupCiv-IA14@nycourts.gov. If acceptable, the stipulation will be approved and sent to the Clerk for uploading without the need to appear for the scheduled conference. With the exception of preliminary conference orders which require a compliance conference date, all stipulations for compliance and status conferences must include a note of issue date.

(2) If the parties cannot agree on outstanding discovery issues despite good faith efforts to resolve the dispute without Court intervention, the parties shall e-file and/or e-mail a request for a compliance conference to BxSupCiv-IA14@nycourts.gov. Include the case

name, index number, and a brief description of the issue. Please make sure to copy all other parties in the case on any e-mail sent to the Court. **NO DISCOVERY MOTION SHALL BE FILED WITHOUT LEAVE OF THE COURT. LEAVE, IF WARRANTED, SHALL ONLY BE GRANTED AFTER THE MATTER HAS BEEN CONFERENCED WITH THE COURT.** Once leave is granted, discovery motions must be returnable on Tuesdays and Thursdays.

(3) If all parties agree that discovery is complete, the parties shall e-file and e-mail a stipulation to BxSupCiv-IA14@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.

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

III. Pre-Trial and Settlement Conferences.

The Court will not entertain pre-trial and settlement conferences unless all discovery is certified as complete by the parties and a Note of Issue is filed. If parties would like to have the case referred directly to STP, please email BxSupCiv-IA14@nycourts.gov.

Each request must include the case name, index number, and the names and contact phone number for the attorneys. *In addition, please disclose any applicable insurance policy limits. All parties must be included in any communication to the Court.

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 (or carrier) 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 (“blockbuster” conferences) can be arranged with specific carriers and firms. If you have a case inventory that would benefit from a vertical calendar day, please advise the Court via email at BxSupCiv-IA14@nycourts.gov.

IV. Motions:

A. Summary Judgment.

Summary judgment motions must be filed via NYSCEF **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 and lack of prejudice. All motions for summary judgment shall be returnable on a Tuesday or Thursday, at 9:30am.

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. Oral Argument.

Motions will be decided upon being marked “fully submitted.” However, the parties may request oral argument on a motion, which request may be granted at the Court’s discretion (22 NYCRR §202.8-f). If the Court grants oral arguments, the Court will schedule the date for oral argument by a VIRTUAL CONFERENCE VIA MS-TEAMS. Parties will be notified by the Court regarding any appearance for oral argument. If oral argument is scheduled, the parties shall be fully familiar with the arguments advanced in the motion papers.

D. Adjournments: Stipulations and Requests.

Stipulations to adjourn the return date of a motion must be made in writing and submitted to the Court via email. A maximum of three (3) stipulated adjournments may be submitted for a given motion without prior leave of the Court, and no adjournment may exceed sixty (60) days. For any further adjournments, the parties must seek leave from the Court to further adjourn the return date if necessary. Unless otherwise requested by the parties, the Court’s practice is to adjourn motions for 60 days at a time.

E. Orders to Show Cause.

Orders to Show Cause are decided “on submission” unless specifically scheduled for oral argument/conference before the Court. Where appropriate, movant shall submit a proposed Order to expedite relief. Proposed Orders should be e-filed and emailed to the Law Clerks in Word format.

F. Other Guidance on Motion Practice.

Where appropriate, proposed orders should be submitted with motions pursuant to 22 NYCRR 202.8-a, and a courtesy copy emailed to BxSupCiv-IA14@nycourts.gov.

Parties shall abide by the word count limits set forth in 22 NYCRR 202.8-b. The Court may permit oversized 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. 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.

V. Infant’s Compromise Orders.

Once an Infant’s Compromise Order and supporting 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 Howard-Algarin’s chambers will schedule an in-person hearing and inform the parties via email. 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 on the hearing date.

VI. Subpoenas.

All subpoenas that parties are requesting to be So-Ordered shall be uploaded to NYSCEF, with a courtesy copy being emailed to BxSupCiv-IA14@nycourts.gov (Parties should be aware that some providers require notarized HIPAA forms and the parties shall do their due diligence to ascertain whether required). Part 14 does not accept in-person drop-offs to the courtroom.

VII. Notice of Entry

Upon entry of an order or judgment, NYSCEF shall transmit to the email service address a notification of receipt of such entry which SHALL NOT constitute service of notice of entry by any party. A party shall serve notice of entry of an order or judgment (22 NYCRR §202.5-b[h][2])

VIII. Stipulation Of Discontinuance.

If the case has been resolved at any stage of the litigation, the parties are to e-file a Stipulation Discontinuing Action via NYSCEF and submit a copy to the Part at BxSupCiv-IA14@nycourts.gov via email and to nroman@nycourts.gov.

IX. Redaction Rules

Pursuant to 22 NYCRR §202.5(e)(1), the parties shall omit or redact confidential personal information in papers submitted to the Court. Confidential Personal Information (CPI) means: 1. Taxpayer identification number of an individual or entity except for the last 4 digits; 2. The date of birth except for the year of birth; 3. A minor's full name, except for the initials; 4. Financial account numbers including credit and/or debit card numbers, a bank account number or an investment account number, except for the last 4 digits or letters thereof. The parties are on notice that the Court may refuse to accept a paper for non compliance 22 NYCRR §202.5(d)(2). Further the parties shall be aware of the rules outlined in 22 NYCRR 202.5(e)(2) and (3).

X. Miscellaneous.

If any time there is any issue that the attorneys become aware of such as bankruptcy stays, or withdrawal of counsel, it shall be immediately brought to the attention to the Court by letter e-filed via NYSCEF. If a default judgment has been entered against any defendant, the inquest and assessment of damages against such defendant shall be conducted at the time of trial or other disposition of the action against the remaining defendants. Request for deposition rulings shall be made to the ex-parte Judge on duty. If the parties fail cannot contact the ex-parte judge, then they may contact Part 14.