

**Twelfth Judicial District
Supreme Court, Bronx County - Civil Term
I. A. S. PART 2 RULES**

Presiding Justice: Elizabeth A. Taylor

**Courtroom: 710
Telephone: (718) 618-1275**

**Chambers: 6M-13
Telephone: (718) 618-1813**

Unless otherwise directed by the judge, the following is a general list of rules for I. A. S. Part 2.

I. A. S. Part 2 is a “calendar call,” not a “check-in” part. Accordingly, there are no “default times.”

****UNTIL FURTHER NOTICE FROM THIS PART, ALL CALENDARS (WITH THE EXCEPTION OF CERTAIN EMERGENCY APPLICATIONS) WILL BE CONDUCTED IN THE VIRTUAL COURTROOM VIA MICROSOFT TEAMS. THE PARTIES ARE REQUIRED TO OBTAIN THE MICROSOFT TEAMS INVITATION AND THE APPEARANCE TIME FROM THE PART PRIOR TO THE CALENDAR CALL.**

1. **APPEARANCES**

- a. Counsel and *pro se* litigants are directed to appear at 9:30 a.m. for all calendar calls, and at the scheduled time for all trials, hearings, and conferences. Note: times may differ for virtual appearances *via* Microsoft Teams.
- b. Counsel and *pro se* litigants are to be fully familiar with the case and authorized/ready to enter into substantive and procedural agreements.
- c. Minor children are not permitted in the courtroom, except by permission of the judge.
- d. Virtual Courtroom: Without the express permission of the judge, only the litigants and approved witnesses are permitted in the virtual courtroom.
- e. Failure to appear at the call of any calendar may result in default and a ruling pursuant to 22 NYCRR 202.27. Similarly, failure to appear at a calendar call may result in the offending party’s papers not being considered.
- f. Photography or audio/video recording, transmission or broadcasting of any sort, in person or virtual, is strictly prohibited.

2. **ALL SUBMISSIONS**

- a. Represented parties: Each submission, including orders to show cause and notices of motion, must contain the **attorney's name, telephone number, fax number and email address**.
- b. If a party is not represented by an attorney, the party must include **his/her/their name, telephone number and email address or mailing address** on all applications/motions.
- c. **Any e-filed documents which the litigants would like the court to consider shall be separately bound, in accordance with paragraph 5, and bear the New York State Electronic Filing (NYSEF) Confirmation Notice on the back page, facing out.**
- d. Except for certain papers that Motion Support is still receiving during the COVID-19 pandemic, hard copies of applications/motion papers shall be mailed to: Justice Elizabeth A. Taylor, 851 Grand Concourse, Bronx, N.Y. 10451. For motions and orders to show cause, hard copies shall be received in chambers five days prior to the **return date** of the motion/order to show cause.
- e. Failure to comply with these requirements may result in the rejection/denial of the motion/application.

3. **ORDER TO SHOW CAUSE CALENDAR**

- a. Motions are heard on Mondays at 9:30 a.m., except for holidays.
- b. There is one calendar call that is at 9:30 a.m. Failure to appear at the calendar call may result in a default against the non-appearing party.
- c. Proof of service of all orders to show cause must be filed with the Part Clerk by 9:30 a.m. on the return date of the order to show cause.
- d. Virtual appearances: Proof of service of all orders to show cause must be filed prior to the return date as directed in the order to show cause.

4. **ORDERS TO SHOW CAUSE TO WITHDRAW AS COUNSEL**

- a. Orders to show cause seeking to withdraw as counsel must contain the following decretal clause in bold typeface font:

ORDERED, that plaintiff/defendant (name) must appear in court, in person/virtually on the date and at the place indicated above.

- b. Incorporate the following text (select the appropriate options) in the body of the Order to Show Cause:

NOTICE TO PLAINTIFF/DEFENDANT (name of client):

YOUR ATTORNEY DOES NOT WANT TO REPRESENT YOU OR IS PRECLUDED FROM REPRESENTING YOU.

THE COURT WANTS TO PROTECT YOUR RIGHTS, AND TO GIVE YOU AN OPPORTUNITY TO RESPOND TO THE STATEMENTS MADE BY YOUR ATTORNEY IN HIS/HER/THEIR AFFIDAVIT WHICH IS ATTACHED TO THESE PAPERS.

IN ORDER TO FULLY PROTECT YOUR RIGHTS, YOU MUST APPEAR IN PERSON/VIRTUALLY VIA MICROSOFT TEAMS IN COURT AT 851 GRAND CONCOURSE, ROOM 710, AT (leave blank) A.M./P.M. ON (leave blank). AT THAT TIME, YOU MAY OBJECT OR CONSENT TO THE APPLICATION, AND YOU MAY PROVIDE ANY AND ALL INFORMATION WHICH YOU BELIEVE IS IMPORTANT REGARDING THIS APPLICATION.

IF YOUR ATTORNEY IS PERMITTED AND/OR OBLIGATED TO WITHDRAW FROM YOUR CASE, YOU WILL BE REQUIRED TO FIND A NEW ATTORNEY OR REPRESENT YOURSELF IN CONTINUING TO PROSECUTE YOUR CASE/DEFEND YOURSELF IN THIS ACTION/PROCEEDING.

THE MICROSOFT TEAMS CONFERENCE NUMBER AND PHONE CONFERENCE ID FOR THE VIRTUAL APPEARANCE ARE LISTED BELOW.

YOUR FAILURE TO APPEAR MAY RESULT IN YOUR ATTORNEY BEING RELIEVED AS YOUR COUNSEL AND YOU HAVING TO RETAIN NEW COUNSEL OR REPRESENT YOURSELF IN THIS MATTER WITHIN DAYS OF THE ORDER, RELIEVING YOUR ATTORNEY FROM REPRESENTING YOU, BEING SIGNED.

- c. The notice to the client must be in clear type of no less than 12 pitch, bold and uppercase font.
- d. Failure to comply with these requirements may result in the rejection/denial of the motion.

5. **MOTION PRACTICE**

- a. **To avoid unnecessary delay**, please be advised that disclosure motions (excluding pre-action and non-party disclosure) shall not be made in this Part. Accordingly, any motions not properly before this court, including those contained within motions properly before this court, will eventually be denied (not on the merits).

- b. **To avoid decisions that may not be vacated by this court**, the litigants shall advise chambers of pending motions/applications where the parties are trying to settle, the action is stayed or where the matter has been resolved or rendered moot and the motion/application should be withdrawn. Also, see 22 NYCRR 202.28.
- c. If represented by counsel, all motion/application/opposition and response papers submitted shall include an attorney's affirmation in support of/against the motion/application. For example, **affirmation** in support of, **affirmation** in opposition to, and reply **affirmation**.
- d. "An attorney's affirmation fulfills five purposes in summarizing counsel's legal position. It
 - (1) Describes the action;
 - (2) Sets forth the litigation facts of which the attorney has personal knowledge, such as the fact that a notice of appearance and demand for the complaint were served;
 - (3) Acts as a road map to the party's motion or opposition to the motion, summarizing the supporting papers and referring to them as appropriate - for example, 'as more fully set forth in the annexed affidavit of John Smith, he first acquired knowledge of the alleged defect in the goods on June 15, 1991;'
 - (4) Acts as a conduit for getting litigation documents before the court, such as pleadings or deposition [transcripts]; and
 - (5) Describes the relief requested and explains why it is needed" (2PT1 West's McKinney's Forms Civil Practice Law and Rules § 5:18).
- e. **To avoid denial of applications/rejection of papers**, Affirmations in Support of or in Opposition to motions shall be **no more than 10 pages** and Reply Affirmations shall be **no more than five pages**. Parties may (not as an exhibit to motion papers) submit memoranda of law, separately.
- f. An attorney's affirmation must initially indicate: 1) the firm that the attorney is a member or associate of; 2) which party(ies) the firm represents; and 3) what the affirmation is in support of.
- g. **Signatures on affirmations/affidavits must be handwritten**. Electronic/digital signatures will be accepted if the signature on the affidavit/affirmation is notarized. If the signature is not notarized, electronic/digital signatures on affirmations/affidavits will not be accepted unless accompanied by a handwritten signature verifying that the electronic/digital signature is the author's electronic/digital signature.
- h. **To avoid unnecessary delay**, when submitting proposed orders or judgments, do not attach, as an exhibit to the motion papers, the proposed orders/judgments you are requesting be adopted and signed. Proposed

orders or judgments incorporated within motion papers will not be reviewed for adoption.

- i. **All text shall be in Arial or Times New Roman and 12 pitch font. No papers shall be double-sided. All pages and paragraphs are to be numbered.**
- j. **All text (including exhibits) shall be legible and viewable without having to remove staples or binding.**
- k. **All exhibits are to be preceded by a letter or number exhibit tab that protrudes from the stack of paper.**
- l. **All submissions are to be securely bound, to prevent the papers from separating from each other and becoming lost (this may require subdivision of the papers and the divisions shall be labeled in sequence order. For example, "Notice of Motion Exhibits - packet 1 of 2").**
- m. **Unless prior express permission of the judge is obtained, no electronic submissions, including CDs and USBs will be viewed by the court.**
- n. **Exhibits**
 - 1. **Excluding pleadings (unless attorney/*pro se* litigant believes necessary), if an annexed document is more than five pages, counsel/*pro se* litigant shall highlight the relevant sections of the document in support of counsel's/*pro se* litigant's argument and reference them in his/her/their affirmation/affidavit.**
 - 2. **Each page of a transcript shall be on 8 ½" x 11" paper.**
- o. Courtesy copies shall not be submitted, unless requested by the court. Until Motion Support resumes with the collection of all motion/application papers, refer to paragraph 2(c).
- p. Failure to comply with these requirements may result in the delay/denial/rejection of the offending submission.

6. MOTIONS FOR SUMMARY JUDGMENT

- a. All motions for summary judgment must be **served and filed within 120 days** of the filing of the Note of Issue. If an extension of time to serve and file has been granted, the attorney's affirmation/*pro se* litigant's affidavit must clearly reflect such **extension date** and attach a copy of the order granting the extension.
- b. Failure to comply with these requirements may result in the denial of the motion.

7. MOTIONS TO REARGUE/RENEW

- a. Motions to reargue or renew must include separate exhibits of all papers submitted on the original motion and a copy of the court's decision.

- b. Failure to comply with these requirements may result in the denial of the motion.

8. **ADJOURNMENTS**

- a. Requests for and stipulations of adjournment are subject to the final approval of the judge. Motions returnable on the **submit motion** calendar may be adjourned by stipulation up to 60 days from the (original) return date by the Motion Support Office. Requests/stipulations for adjournments after the **submit date**, or where all parties do not stipulate within the time that Motion Support may adjourn the motion, must be approved by the judge. Accordingly, the burden is on the parties to inquire whether the request or stipulation was approved.
- b. Requests/stipulations, on or prior to the **return date**, for adjournment of motions shall be submitted to the Clerk's office (room 217). If the party/counsel requesting an adjournment is unable to obtain a stipulation (signed by all parties), then the party/counsel shall submit a brief written request for an adjournment, including a showing that a good faith effort was made to obtain a stipulation of adjournment for the submission of papers. The request shall be copied to and served upon all parties.
- c. Requests/stipulations shall include a briefing schedule of the papers to be submitted.

9. **DECISIONS/ORDERS**

- a. Any party wishing to receive a courtesy copy of a decision/order, must submit a postage stamped self-addressed envelope with the motion/application papers.

10. **INFANT COMPROMISE ORDERS**

- a. **To avoid delay and ensure all required documentation is submitted**, counsel or *pro se* litigants should obtain an Infant Compromise Order checklist from the Part before submission of a proposed Infant Compromise Order.
- b. Proposed Infant Compromise Orders submitted without the required documentation will delay the process and may eventually be rejected.
- c. Infant Compromise hearings will be scheduled after all requested documents are received.

11. **INTERPRETERS**

- a. Requests for Court Interpreter services shall be made to the Part Clerk, or to Motion Support if the Part Clerk is unavailable, prior to the scheduled date.

12. **TRIALS**

- a. Trials are assigned under the direction of the assigning judge that the parties and witnesses are ready for trial from the time the case is assigned to this Part through the conclusion of the trial. Prior to being assigned, inform the assigning judge if the parties are unable to go forward with trial so that he/she may make the appropriate ruling.
- b. Any pre-trial issues (except those not reasonably anticipated in advance but timely raised), including motions *in limine*, not raised at the first appearance in the Part for trial/conference, may be deemed waived.

Bench Trials

- c. On the first appearance in the Part for trial/conference, counsel/*pro se* litigants shall provide the judge with: 1) two business cards/contact information; 2) all pleadings (complaint, answer, bill of particulars, etc.); 3) motions *in limine*; 4) a witness list; 5) proposed pre-trial charges; 6) a **tentative** proposed verdict sheet (subject to change at the charge conference); 7) **tentative** proposed post-trial charges (subject to change at the charge conference); and 8) any relevant orders pertaining to the case. At the same time, the parties shall inform the judge of: 1) any anticipated scheduling problems; and 2) any special requests, including the use of blackboards or media equipment. The parties shall notify the Part Clerk, as per paragraph 11(a), if a Court Interpreter is needed.

Jury Trials

- d. In addition to paragraph (c) above, the following apply to jury trials.
- e. Unless otherwise directed by the judge, within one day of the trial being assigned to the Part, counsel for each party shall submit to the judge an *ex-parte* one- or two-page summary of the case from his/her/their client's perspective, including the relevant facts that gave rise to the claim(s), damages and any facts that will avoid unnecessary delay. **The judge will not share the summary with opposing counsel.**
- f. If a litigant requests a Pattern Jury Instruction (PJI) be modified, the complete PJI, incorporating the modified language, must be submitted.

13. **COMMUNICATING WITH CHAMBERS**

- a. The litigants may communicate with chambers by mail or telephone. **The parties are not to communicate with chambers via NYSEF.**
- b. *Ex-parte* communications with the Part/chambers are not accepted and will not be considered in matters before the court.
- c. Chambers may use email to communicate with the parties regarding scheduling, sending courtesy copies of orders in certain circumstances, or to make inquiries. However, the parties shall not initiate communications or

expand communication with chambers *via* email as unauthorized communications will not be considered.

- d. Emails and faxes are not accepted unless prior authorization is obtained from the judge's chambers and all parties are copied.
- e. All litigants represented by counsel must communicate with the court through their counsel. Attorneys are to advise their clients not to contact chambers as the court will not communicate with parties who are represented by counsel.

14. **INQUIRIES**

- a. Information on scheduled court appearances can be obtained from the New York Law Journal and eCourts. If there remain questions regarding court appearances after reviewing the New York Law Journal and eCourts, please contact the Part Clerk or Motion Support in room 217.
- b. Information on submitted motions/applications can be obtained from eCourts at <https://iapps.courts.state.ny.us/webcivil/FCASMain>. After checking eCourts, inquiries regarding the status of motions/applications submitted to Justice Taylor may be made to chambers.
- c. Copies of decisions or filed documents may be obtained from New York State Courts Electronic Filing (NYSEF) at <https://iapps.courts.state.ny.us/nysef/HomePage> or, for non e-file cases, at the Bronx County Clerk's website at <http://bronxcountyclerkinfo.com/law/UI/User/lne.aspx>.