

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

Presiding Justice: Elizabeth A. Taylor

**Courtroom: 710
Trial/Motion Support: 217**

**Courtroom: (718) 618-1275
Trial/Motion Support: (718) 618-1310**

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 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 times for all trials, hearings, and conferences. Note: times may differ for virtual appearances *via* Microsoft Teams. **To avoid a possible default, make sure that you are aware of whether you must appear virtually or in person.**
- b. Counsel and *pro se* litigants are to be fully familiar with the cases and authorized/ready to enter substantive and procedural agreements.
- c. Minor children are not permitted in the actual courtroom/virtual courtroom without the permission of the judge.

d. **Virtual Courtroom:**

On the day of your virtual appearance, wait in the virtual lobby for the Part Clerk to admit you to the virtual courtroom to avoid being held in default. From the virtual courtroom, the Part Clerk will admit you to the virtual bench when your case is called.

In the virtual courtroom, the parties are to conduct themselves in the same manner required in the actual courtroom or they will be removed from the session and held in default.

Unless express permission is given by Judge Taylor, all people in the virtual courtroom must turn on their video or they may be removed from the session and held in default. For security purposes, the court must be aware of who is in the actual or virtual courtroom.

- e. Failure to appear at the call of any calendar may result in a 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 the actual courtroom or virtual courtroom is strictly prohibited. Failure to comply may result in a finding of contempt.

2. ALL SUBMISSIONS

- a. The movant shall specify, in the notice of motion, notice of petition and order to show cause, the exact relief sought and the authority for the requested relief. See also 22 NYCRR 202.8-a; CPLR 2214(a).
- b. Represented parties: Each submission, including orders to show cause and motion papers, must contain the **attorney's name, telephone number, fax number and email address**. Note: if the court requires an appearance, the court may notify the parties/attorneys *via* NYSCEF or the information provided on the submissions. See also CPLR 2101(d)
- c. 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/motion papers. CPLR 2101(d).
- d. If oral argument is requested, the party shall indicate "Oral Argument Requested" on the top right of the Notice of Motion, Affirmation in Opposition, or Reply, and follow-up with the court to determine whether oral argument will be held. The court will determine, on a case-by-case basis, whether oral argument will be heard.
- e. To avoid any unnecessary delay, the Word/WordPerfect format of all proposed orders, including orders to show cause and infant's compromise orders, for Judge Taylor's approval, shall be emailed to bronx-scet@nycourts.gov.
- f. **Any e-filed documents, which the litigants would like the court to consider, shall be separately bound in accordance with paragraph 7, and bear the New York State Courts Electronic Filing (NYSCEF) Confirmation Notice on the back page, facing out.**
- g. Except for certain papers that the Motion Support Clerk are still processing, paper copies of **e-filed** applications/motion papers shall be mailed to Justice Elizabeth A. Taylor at 851 Grand Concourse, Bronx, N.Y. 10451, **OR** brought to the Part **or** Motion Support (room 217). The hard copies shall be received **prior to the return date** of the motion/order to show cause/application. **Within the attorney's affirmation or pro-se affidavit, counsel/the pro-se litigant shall affirm whether the papers mailed are an exact duplicate of the papers filed. TO GUARANTEE THAT ALL PAPERS ARE CONSIDERED ON AN E-FILED MOTION/APPLICATION, E-FILERS SHALL ENSURE THAT ALL PAPERS ARE FILED WITHIN THE RESPECTIVE MOTION SEQUENCE NUMBER FOLDER ON NYSCEF.**
- h. Failure to comply with these requirements may result in the denial of the motion/order to show cause/application or rejection of the offending submission.

3. ORDERS TO SHOW CAUSE

- a. Proposed orders to show cause must clearly indicate whether the appearances shall be **in person or virtual**. Unless directed by statute or ordinance, Judge Taylor will determine whether a motion will be heard by Order to Show Cause or Notice of Motion/Petition.
- b. The top left side of the first page of the Order to Show Cause, shall include the movant's/movant's counsel's telephone number, fax number and email address. Failure to include either the telephone number, fax number or email address may result in the movant not receiving a courtesy copy of the order.

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

- a. When other motions are pending against a client, orders to show cause to be relieved as counsel for that client will generally be denied with leave to re-make the motion when no other motions are pending.
- b. Orders to show cause seeking to withdraw as counsel must contain the following decretal clause (select the appropriate options), in bold typeface font:

ORDERED, that plaintiff/defendant (name of client) must appear in court, in person/virtually (select the correct platform after verified as per paragraph 3a), on the date, time and at the place indicated below.

- c. 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 AT 851 GRAND CONCOURSE, ROOM 710/VIRTUALLY VIA MICROSOFT TEAMS IN THE VIRTUAL COURTROOM, ON (leave enough space for the court to insert the date) AT (leave enough space for the court to insert the time). 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 MEETING ID AND PASSCODE 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.

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

5. **DISCLOSURE**

- a. All disclosure motions on actions assigned to Judge Taylor shall be addressed to the DCM Part.

6. **REQUESTS FOR INJUNCTIVE RELIEF**

- a. **Ex-parte Temporary Restraining Orders:** Until the Clerk's office resumes with scheduling TRO appearances before the court on orders to show cause where *ex-parte* temporary restraining orders (TRO) are requested, movants **shall** contact the Part, **prior to filing orders to show cause**, to obtain the date, time and Microsoft Teams invitation to notify the other parties that an order to show cause with a temporary restraining order will be filed after they have had an opportunity to appear and contest the TRO application. Prior to the appearance on the TRO application, movants shall file said notice of the TRO appearance with the Microsoft Teams invitation and proof of service of such notice on the parties. **Movants are not to file their orders to show cause until after the TRO appearance.**
- b. For applications seeking immediate or preliminary injunctive relief, movants shall attach copies of the Summons and Complaint/Petition commencing the underlying action/proceeding.
- c. Failure to comply, may result in the striking of the *ex-parte* TRO application and/or rejection/denial of the motion/application.

7. **MOTION PRACTICE**

- a. Any motions not properly before this court, including those contained within motions properly before this court, will be denied as they are before the court in error.
- b. Unless express permission is given by Judge Taylor, **do not email or fax applications/motion papers, as they will not be considered.**
- c. **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. See also 22 NYCRR 202.28.
- d. 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.**
- e. An attorney's affirmation must 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 (motion, opposition, etc.).
- f. "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[d]).

- g. **Sur-replies**/further affirmations will **not** be accepted unless specifically requested by Judge Taylor.
- h. **Motions Generally**: The moving party shall include within the motion, copies of all pleadings, all orders dismissing the action against a party or adding a party, and any notices/stipulations of discontinuance.
- i. **Statements of Material Facts**: All motions and oppositions must be accompanied by an attorney’s affirmation (an affidavit if the party is *pro se*) with numbered paragraphs of alleged **undisputed and disputed material facts**. The numbered paragraphs in the moving party’s affirmation/affidavit of material facts will be **deemed admitted** unless specifically controverted by a corresponding numbered paragraph in the opposing party’s affirmation/affidavit of material facts. Each material fact must be followed by citation to evidence submitted in support of or in opposition to the motion.
- j. **Signatures on affirmations/affidavits must be handwritten**. Electronic/digital signatures will be accepted **if** the signatures on the affidavits/affirmations are notarized. An unnotarized affirmation/affidavit with an electronic/digital signature will not be accepted, **unless** accompanied by an affirmation/affidavit with a handwritten signature, verifying that the electronic/digital signature is the author’s electronic/digital signature.
- k. **Memorandum of law** is solely used to educate the court on the law and is not part of the record (*see Petralia v New York State Dept. of Labor*, 191 AD3d 1466 [4th Dept 2021], *rearg denied*, 193 AD3d 1442 [4th Dept 2021], and *appeal dismissed*, 37 NY3d 1036 [2021], *reconsideration denied*, 37 NY3d 1138 [2022]).
- l. **To avoid denial of applications/rejection of papers**, Affirmations in Support of or Affirmations in Opposition to motions shall be **no more than 10 pages** and Reply Affirmations shall be **no more than five pages**. Parties may submit memoranda of law. However, memoranda of law shall be filed as separate documents. **Submissions of memoranda of law as exhibits to motion papers may result in the submissions not being considered**.
- m. **To avoid unnecessary delay**, when submitting proposed orders or judgments for signature, do not attach them as exhibits to the motion papers. Proposed orders or judgments incorporated within motion papers will not be reviewed for adoption.
- n. **All text shall be in Arial or Times New Roman and 12 pitch fonts. No papers shall be double-sided. All pages and paragraphs are to be numbered.**
- o. **All text (including exhibits) shall be legible and viewable without having to remove staples or bindings.**
- p. **All exhibits are to be preceded by a letter or number exhibit tab that protrudes from the stack of paper.**
- q. **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”).**

- r. **The court will not view/consider USBs, CDs, etc. unless prior express permission of the judge is obtained and: 1) they are viewed at an arranged Microsoft Teams conference; and 2) the parties file and submit a so-ordered stipulation as to what was reviewed at the session with the court.**
- s. **Exhibits:**
 - 1. **Excluding pleadings, if an exhibit is more than five pages, counsel/pro se litigants shall highlight the relevant sections of the document in support of his/her/their argument(s) and reference them in his/her/their affirmation/affidavit. Failure to comply, may result in the exhibit not being reviewed.**
 - 2. **Each page of a transcript shall be on 8 ½” x 11” paper.**
- t. **Until Motion Support resumes** with the collection of all motion/application papers, refer to paragraph 2(g).
- u. **Motions for Summary Judgment:** All motions for summary judgment must be **served on all parties and filed within 120 days** of the filing of the Note of Issue. If an extension of time to serve and file a summary judgment motion 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.
- v. **Motions to Reargue/Renew:** Motions to reargue or renew must include separate exhibits of all papers submitted on the original motion and a copy of the court’s underlying decision. To avoid missing deadlines to appeal, be sure to make the motion before the correct justice. For example, movant should indicate on the right side of the caption on the Notice of Motion page, under the index number, language such as “Refer Reargue/Renew Motion to Justice X,” and immediately follow-up to make sure that the motion is before the correct justice.
- w. **Motions for Leave to Amend:** On any motion/application/stipulation to be so-ordered to amend, supplement or correct pleadings, the affirmation/letter in support shall affirm/indicate how the current caption should read, and note all previous amendments, discontinuances and orders affecting the caption.
- x. Failure to comply with these requirements may result in the denial of the motion or rejection of the offending submission.

8. **ADJOURNMENTS**

- a. **Submit Motion Calendar:**
 - 1. **Clerk Adjournment:** Only when all parties submit a **stipulation(s) prior to the return date** set forth in a motion, the Motion Support Clerk may adjourn the motion for an aggregate period of up to 60 days from the return date of the motion.
 - 2. **Court Approval Required:** Where the parties do not submit a stipulation of adjournment as per paragraph 8(a)(1), all stipulations and requests for adjournments **must** be approved by the court. Parties seeking an adjournment from the court, must submit a stipulation to adjourn from all parties. If a party is unable to obtain a stipulation from all parties, the party/counsel must, in a brief letter to the court, explain the reason for the request and must demonstrate the good faith efforts used to obtain consent for the adjournment. The letter shall be served upon all parties.

Failure to comply, will result in papers filed after the “**submit date**” not being considered on the motion/application.

3. Beyond the above authorized adjournments by the Motion Support Clerk, no motion shall be adjourned unless the Part Clerk, Principal Law Clerk or Paralegal has conveyed the court’s approval of the adjournment.
 4. The burden is on the parties to inquire whether their requests or stipulations of adjournment were approved.
- b. **Orders to Show Cause:** No order to show cause shall be adjourned unless the Part Clerk, Principal Law Clerk or Paralegal has conveyed the court’s approval of an adjournment. **It is the movant’s burden, on all adjournments, to notify all parties of adjournments in writing and to file proof of service of such notice, unless the court notified all parties at an appearance or on a conference call.**
 - c. All stipulations/requests to adjourn motions/applications shall include a briefing schedule of the papers to be submitted, including a date(s) when the hard copies are to be mailed/delivered as per paragraph 2(g).
 - d. Failure to comply with these requirements may result in the denial of the request for an adjournment.

9. DECISIONS/ORDERS

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

10. INFANT’S COMPROMISE ORDERS

- a. **To avoid unnecessary delay and ensure all required documentation is submitted,** counsel or *pro se* litigants should obtain an Infant’s Compromise checklist from the Part before submission of a proposed Infant’s Compromise Order.
- b. Proposed infant’s compromise orders submitted without the required documentation will delay the process and may eventually be rejected.
- c. There shall be one proposed Infant’s Compromise Order, with supporting papers, per infant.
- d. If documents are missing or incomplete on the first submission of the proposed Infant’s Compromise Order, all supporting and amended documents previously filed must be **re-filed** together, in consecutive order, before the Infant’s Compromise Order will be signed.
- e. Infant’s Compromise hearings will be scheduled after all requested documents are received.
- f. Failure to submit the requested documents may result in the rejection of the application with leave to re-make the application upon submission of the requested documentation.

11. INTERPRETERS

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

12. TRIALS

- a. Trials are ordered 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. If you are not ready for trial, prior to being assigned, inform the assigning judge so that he/she/they 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, may be deemed waived.

Bench Trials

- c. On the first appearance in the Part, 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 to the trial of 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), when a Court Interpreter will be needed.

Jury Trials

- d. In addition to paragraph 12(c), the following applies to jury trials:
 1. 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, defenses and any facts that will avoid unnecessary delay. **Judge Taylor will not share the summary with the opposing counsel/party(ies).**
 2. 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 NYSCEF or email, unless express permission is given by Judge Taylor.** Therefore, if litigants want filed communications to be reviewed by the court, they must contact the Part and arrange to fax the communications as per paragraph 13(d). If you do not receive an answer in the Part, you may call Motion Support and the call will be forwarded to chambers accordingly.
- b. *Ex-parte* communications with the Part/chambers are prohibited and will not be considered in matters before the court.
- c. Emails and faxes will not be reviewed unless prior authorization is obtained from the Part Clerk, Principal Law Clerk or Paralegal and all parties are copied on the communication. Counsel/*pro se* litigants are to call to confirm that their authorized emails and faxes are received.

- d. Chambers may email 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 communications with chambers via email as unauthorized communications will not be considered.**
- e. All litigants represented by counsel must communicate with the court through their counsel. **Attorneys are to advise their clients not to contact chambers or the Part as the court will not communicate with parties who are represented by counsel.**
- f. **Counsel shall inform their non-attorney staff that when communicating with chambers or the Part, they shall identify themselves and make clear that they are not attorneys.**

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 the Motion Support Clerk 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 may be made to chambers.
- c. Copies of decisions for e-filed documents may be obtained from New York State Courts Electronic Filing (NYSCEF) at <https://iapps.courts.state.ny.us/nyscef/HomePage> or, for non e-filed cases, at the Bronx County Clerk's website at <http://bronxcountyclerkinfo.com/law/UI/User/lne.aspx>.

Note: It is incumbent on the litigants to be familiar with the rules of the Part, including any amendments (see *Appleyard v Tigges*, 171 AD3d 534, 536 [1st Dept 2019]).