

IA Part 22 Court Rules

**Justice Norma Ruiz
Phone (718) 618-1203
Room 403**

GENERAL RULES

In addition to the "Court Notes," the following rules apply to IAS Part 22

1. **Appearances by Counsel with Knowledge and Authority.**

Counsel who appear in the Part must be fully familiar with the case in regard to which they appear and fully authorized to enter into agreements, both substantive and procedural on behalf of their clients. Failure to comply with this rule may be regarded as a default and dealt with appropriately. It is important that counsel be on time for all scheduled appearances.

2. **Settlements and Discontinuance.**

If an action is settled, discontinued or otherwise disposed, counsel shall immediately inform the court by submission of a copy of the stipulation or a letter directed to the Clerk of the Part. Filing a stipulation with the County Clerk does not suffice. (See Motion Procedure)

3. **Papers and Fax.**

Papers of any sort sent via fax are not accepted unless directed otherwise by the Court.

4. **Information On Cases.**

Information on all scheduled court appearances can be obtained from the New York Law Journal. The Part Clerk can also provide information about scheduling of cases (trials, conferences, and arguments of motions) in the Part. Counsel who wish to receive a copy of a decision may submit a stamped, self-addressed envelope with their motion papers.

5. **Under no circumstances will Ex-Parte Communications be accepted.**

6. **Stipulations of Adjournments.**

The burden is on the parties to inquire as to whether the stipulation was approved by the Court. Information on adjournments can be obtained from the New York Law Journal or the Part

Clerk.

7. **Failure to Appear at the Call of any Calendar.** Failure to appear at the call of any calendar may result in an inquest or dismissal pursuant to 22 NYCRR §202.27.

8. **Papers Will not be Accepted by Chambers.** All motion papers, as well as stipulations and request for adjournments, are to be filed in room 217.

Motion Procedures

1. Moving papers are to be filed in the clerk's office in Room 217. (All motions seeking discovery must be directed to the Compliance Conference Part, as no issues of discovery will be entertained by this IA part).

2. All parties seeking or filing a request for adjournment must insure that such request has been granted prior to the scheduled date in order to avoid a default determination being entered. All requests for adjournments prior to the scheduled date must be made in writing, ***oral applications will not be entertained.*** No exceptions.

3. Opposition papers must be served on adversaries in conformity with C.P.L.R. provisions, however, **reply papers may be filed in Court on the date of oral argument, if not previously filed in the clerk's office, courtesy copies should not be provided to the Court** (those received will be rejected, unless specifically requested by the Court).

4. Counsel are reminded that the CPLR does not provide for sur-reply papers or allow the presentation of papers or letters to the Court after submission of a motion. Sur-replies, letters, and the responses to such letters addressed to the substance of a submitted motion will not be considered, and are not to be forwarded to either the Part or Chambers.

5. (A) All papers with a thickness of two or more inches must be properly bound (i.e. Appellate Binding, Velo Binding) to ensure that the papers will not fall apart.

(B) In addition **all papers** must have an index to exhibits and exhibits shall be tabbed . **If papers are not properly bound, indexed and tabbed**

they will be rejected and not considered by the court.

6. All parties appearing on a motion (including coverage and per diem counsel) should have familiarity with the case and the moving papers sufficient to engage in substantive oral argument on the issues raised in the motion papers.

7. All motions must be orally argued before the court. On the date of oral argument, parties shall sign in with the part clerk at 9:30 a.m. There will be a last call of the calendar at 11:30 a.m. If a party fails to appear by the last call of calendar, the court may, at its discretion issue an adverse order against the defaulting party. Motions for Summary Judgment shall be made pursuant to CPLR guidelines and no later than 120 days from filing of the Note of Issue.

8. As with all matters, Orders to Show cause must comply with Uniform Rule 202.7(d) and be brought to the clerk's office (Room 217) prior to judicial review, signature and fixing of a return date. Appearance is required, Movant(s) on an Orders to Show Cause who fail to appear for oral argument **will be similarly denied for failure to appear. No exceptions.**

SETTLEMENT CONFERENCE CALENDAR

In keeping with the “**Presumptive Alternative Dispute Resolution**” systemwide initiative, launched by Chief Judge Janet DiFiore and Chief Administrative Judge Lawrence Marks, this Court will set matters down for settlement conferences to be held on the *second* and *fourth* Mondays of the month. Four cases will be scheduled for the morning session at 9:30 a.m. and four cases will be scheduled in the afternoon at 2:00 p.m.

Counsel are expected to appear in the part **promptly** at the appointed hour, have knowledge of the facts of the case, bring working copies of relevant medical records, have the authority to settle with access to the insurance adjuster, as well as the party, for meaningful settlement discussions. *Counsel shall refrain from covering other matters in other court rooms at the appointed hour. Such practice will not be tolerated. The Court can not allow one party's tardiness to impede the conference time slot for*

other litigants. Such lack of consideration for the Court's scheduling needs may result in sanctions.

Per Diem attorneys **not authorized to settle** will not be permitted to appear. Any appearances by Per Diem attorneys in contravention of this rule may also result in **sanctions** chargeable to the attorney of record for abusing the court's limited resources.

Counsel who have cases on my inventory and are interested in engaging in settlement negotiations, may contact this Court's court attorney, Nathaniel Chiaravalloti via email at: **nchiaravalloti@nycourts.gov**.

TRIALS

Counsel are reminded that pursuant to 22 N.Y.C.R.R. 20216(9), all expert reports are to be exchanged and filed with the Court sixty (60) days before the date set for trial. Reply reports, if any, shall be exchanged and filed no later than thirty(30) days before said date.

Motion in Limine. At the time of assignment to this Part for trial, the parties shall make all motions in Limine that require rulings prior to trial, except for those not reasonably anticipated in advance. Failure to timely make such motion in Limine shall result in the motion being deemed waived. Moreover, counsel shall provide the Court with Memorandum of Law in support of the Motion in Limine, with a copy for its adversary.

Trial Rules will be provided to counsel upon assignment to the Part.

INQUIRIES

1. All inquires as to case or calendar status should, in the first instance, be made by using the official court website at :
nycourts.gov.

After due diligence has occurred further inquiries may be made to the appropriate clerk's office:

IAS Motion Support Office: Room 217, 718 618-1310

2. The **only** inquiries that should be made directly to the Part or to Chambers should be those involving the immediate and substantive exercise of judicial discretion. All parties are directed to utilize Court computer tracking system to inquire about the status of a pending motion.