

JUSTICE JOSEPH E. CAPELLA

Part 23 Court Rules¹

Supreme Court of the State of New York
12th Judicial District-Bronx County
851 Grand Concourse
Bronx, New York 10451

I.A.S. Part 23, Room: 708
Part Phone: (718) 618-1244
Court Attorney: Diomarys Escano, Esq.
Part Clerk: Brendi Santos-Ramirez
Secretary: Carina Coller

EFFECTIVE MONDAY, JANUARY 13, 2020, PART 23 IS NOW LOCATED IN ROOM 708.

MONDAYS ARE RESERVED FOR ORDERS TO SHOW CAUSE, CONFERENCES AND COMPROMISE ORDERS.

EVERY MONDAY HAS A 9:30 AM CALENDAR AND A 2:15 PM CALENDAR.

TUESDAYS THROUGH FRIDAYS ARE RESERVED FOR TRIALS.

Note of Issue

- Note of Issue shall only be filed once discovery is complete, and only after obtaining a Court Order permitting same.

Motion Procedure Generally

- Regardless of whether the action is an E-File or not, hard copies of all motion papers (i.e., notice of motion/order to show cause, affidavits/affirmations in support/opposition/reply, memos of law and exhibits) shall be provided to the Court. (22 NYCRR § 202.5-b(d)(1)(iii).) However, there is no need to provide hard copies of exhibits (e.g., EBT transcripts, hospital and nursing home records) that are voluminous.
- Discovery related notice of motion(s) should only be made after a Compliance Conference has been held.
- Tabs must be used when submitting exhibits with any motion, no exhibit(s) shall be double sided, and all submissions shall be fully and securely bound.
- Counsel must notify the Court as soon as practicable if any submitted motion(s) has been resolved, withdrawn or is moot because the case settled.
- Pursuant to CPLR 3212(a), a motion for summary judgment shall be made no later than sixty (60) days after the filing of the Note of Issue, except with leave of court on good cause shown.
- Decisions can be obtained online at <http://bronxcountyclerkinfo.com>; decisions on e-filed cases can be obtained at <https://iapps.courts.state.ny.us/nyscef/Login>.
- No sur-replies shall be considered absent leave of Court.

¹ These are updated rules as of February 22, 2022.

Motions Brought by Notice of Motion

- Motions are returnable five (5) days a week in the Motion Support Office, Room 217.
- Stipulations of adjournment, compliant with the Uniform Court Rule §202.8(e)(1), submitted in Room 217 on the return or adjourned date of a motion, will be honored and the motion will be adjourned and kept in the Motion Support Office.
- Parties may contact chambers to resolve all applications seeking an adjournment, but this should only be done upon failure to procure an adjournment on consent of all parties.
- Unless requested by the Court, there shall be no oral argument and no personal appearance on any notice of motion seeking summary judgment (CPLR 3212).

Motions Brought by Order to Show Cause

- Orders to Show Cause must comply with Uniform Rule 202.7(d) and be brought to the Orders Department in Room 216. Thereafter, they are forwarded to chambers for consideration.
- All Orders to Show Cause are returnable on Mondays (except for court holidays), in Part 23 at 9:30 AM, unless otherwise indicated. Personal appearances are required.
- Proof of service must be E-Filed or brought to Part 23 on the return date.
- Stipulations adjourning an Order to Show Cause shall be filed with the Part 23 Clerk either prior to or on the return date before the call of the calendar.

Compromise Orders and Other Ex Parte Applications

- Ex Parte applications are to be submitted to the Orders Department in Room 216.
- Upon receipt of a Compromise Order from the Orders Department, the Court shall review same and counsel will be notified by phone as to when to appear. Counsel shall also be notified of any deficiencies in the papers submitted and when appropriate, be given an opportunity to submit additional information to cure the deficiency.
- For infant compromise orders, the infant and his guardian must be present on the date scheduled unless a prior waiver of their appearance has been obtained.

Jury Trials

- Unless the Court requests a copy of the marked pleadings before commencement of the trial, the marked pleading shall be provided to the Court on the first day of trial before opening statements.