

**JUSTICE JOSEPH E. CAPELLA**  
**Part 23 Court Rules<sup>1</sup>**

Supreme Court of the State of New York I.A.S. Part 23, Room: 607

12<sup>th</sup> Judicial District-Bronx County

851 Grand Concourse

Bronx, New York 10451

Part Phone: (718) 618-1201

Principal Law Clerk: Diomarys Escaño, Esq.

Asst. Law Clerk: Genevieve Smith Cocchi, Esq.

Part Clerk: Brendi Santos-Ramirez Administrative

Aide: Carina Coller

EVERY MONDAY HAS A MORNING CALENDAR STARTING AT 9:30 A.M., AND AN AFTERNOON CALENDAR STARTING AT 2:15 P.M.

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**

- Hard copies of all motion papers (e.g, notice of motion, order to show cause, affidavits, affirmations and memos of law), excluding exhibits, shall be provided to the Court. (22 NYCRR § 202.5-b(d)(1)(iii).) There is no need to provide hard copies of the exhibits (e.g., EBT transcripts, hospital and nursing home records).
- Statements of material facts (22 NYCRR § 202.8-g) are NOT required.
- 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.
- No sur-replies shall be considered absent leave of Court.
- 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).

**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.