

HONORABLE VERONICA G. HUMMEL, A.J.S.C.
SUPREME COURT OF THE STATE OF NEW YORK
BRONX COUNTY CIVIL TERM
IAS PART 31 (718-618-1671)
Court Attorney: Steven Konigsberg, Esq. (SKONIGS@NYCOURTS.GOV)
Clerk: Paul Maritato (PMARITAT@NYCOURTS.GOV)

PART 31 RULES (Amended 10/26/20)

In compliance with Administrative Order of Justice Doris Gonzalez, Administrative Judge (dated June 24, 2020), and other related statewide Administrative Orders, this Part will conduct matters before it virtually. **No appearances are required.**

DISCOVERY:

In all cases, the parties shall continually proceed with discovery (including D&I, depositions and IMEs) using every available technology and **must make every effort** to resolve discovery disputes without Court intervention (see 22 NYCRR 202.7[c]; A.O. 06/24/2020). If the parties wish to have a discovery schedule stipulation “so-ordered,” please upload the fully executed stipulation to NYSCEF using the label “*STIPULATION-DISCOVERY (REQUEST TO SO ORDER)*”. The stipulation will be forwarded to the justice; reviewed (possibly modified); “so ordered” and uploaded to NYSCEF.

Compliance and Status conferences:

Compliance and Status conferences will be scheduled on a Wednesday. Attorneys are expected to ascertain any adjourn date and follow the procedures set forth herein while continuing to conduct discovery.

Before the date of the scheduled compliance or status conference:

1. The parties should upload to NYSCEF a mutually agreed to stipulation resolving all outstanding discovery issues (include the corresponding compliance or status conference date), to be reviewed, and “so-ordered”. Please upload under the “*STIPULATION-DISCOVERY (REQUEST TO SO ORDER)*” label. **No appearance is required.** The submitted stipulation is subject to the approval and modification of the court and, unless discovery is completed, the matter will be set down for a further conference to take place on a Wednesday. The so-ordered stipulation will be uploaded to NYSCEF.

Every stipulation/Order submitted pursuant to this section shall begin with the following recitation:

“At a compliance/status [choose appropriate title] conference, held on (insert date) at IAS Part 31, it is hereby agreed and stipulated to by and between the undersigned attorneys for plaintiff(s) and defendant(s)

Adjournments will not be granted absent exigent circumstances and routine stipulations of adjournment will not be honored.

- 2. If before the conference date the parties cannot agree on an outstanding discovery issue** despite good faith efforts to resolve the dispute without Court intervention, ***rather than filing a motion*** upload to NYSCEF a request for a virtual discovery conference under the ***“REQUEST FOR PRE-MOTION CONFERENCE (COMPLIANCE PART)”*** label. Include the case name, index number, the compliance or status conference date, a brief description of the issue, insurance policy limits, and details of the attempts made to resolve the issue between the parties. Include a copy of the most recent compliance conference order/stipulation.

Notwithstanding that there may be a dispute regarding some aspects of discovery, for all discovery not in dispute a stipulation should be uploaded to NYSCEF as per #1 above.

If the request for a pre-motion conference is granted, a virtual conference will be scheduled to take place via Microsoft Teams. **Microsoft Teams is free, and attorneys are expected to be prepared to utilize the service.** A link to FAQ on Microsoft Teams is located at the end of these rules.

- 3. If all parties agree that discovery is complete**, the parties shall upload a stipulation stating the same before the scheduled Compliance/Status conference date to NYSCEF using the label ***“STIPULATION-TRIAL READINESS (REQUEST TO SO-ORDER)”***. The stipulation must certify that all discovery is complete and provide for the filing of the NOI. The Court will “so-order” and provide a date by which the NOI must be filed. The so-ordered stipulation will be processed by the Motion Support Office and uploaded.

4. Request for EBT rulings must be made before the assigned *ex parte* Judge and not Part 31.

PRE-TRIAL, SETTLEMENT CONFERENCES:

Matters that were on the Pre-trial conference calendar when in-person court operations were suspended are being administratively adjourned. Attorneys are responsible to ascertain any new conference date.

Pre-Trial Conferences:

Before the Pre-trial Conference date, the parties shall email to chambers and upload to NYSCEF a stipulation or joint notice to the Court that includes caption, Index number, the Pre-trial conference date and available insurance coverage using the label “STIPULATION-OTHER” and in the “additional documentation field” specify :

- (1) settlement conference request; or
- (2) stipulation of settlement, including the settlement amount; or
- (3) stipulation bench trial; or
- (4) stipulation summary jury trial; or
- (5) stipulation binding arbitration.

If no such stipulation or joint notice is filed with the Court, the matter will be adjourned to a future (Monday or Thursday) Pre-trial calendar date.

If a matter is scheduled for a virtual Pre-trial conference at the parties’ request **or at the Court’s direction**, the parties will receive notice at the email addresses provided by NYSCEF. Participation is required unless waived by chambers. Appearing counsel must be authorized to negotiate settlement and/or to resolve any outstanding discovery issues.

Pursuant to Uniform Rule 202.26, a representative from each office fully familiar with the case and authorized to make binding stipulations must appear, by electronic means, in order to conference and facilitate

Revised October 28, 2020

settlement of the action. Plaintiff(s) and claims representative should be available by phone at the time of the conference.

Counsel for Plaintiff must contact all parties in order to confirm that all counsel are aware of the Pre-trial conference.

THERE WILL BE NO ADJOURNMENTS.

Failure to appear by electronic means may result in the imposition of sanctions and the case may be deemed a default under CPLR 3404 and Uniform Rule 202.27.

Settlement Conferences:

-Part 31 is conducting Pre-trial settlement conferences via Microsoft Teams.

-Conferences are held on Monday and Thursday unless otherwise scheduled.

The Court is available to schedule and conduct settlement conferences in any pre-note or post-note action if the parties agree that such a conference will be of value. If you wish to schedule a settlement conference, please confer with all parties, arrange a mutually agreeable date/time, and upload to NYSCEF a request under the **“LETTER/CORRESPONDENCE TO JUDGE”** label. Please include the case name, index number, and the names and contact cell phone numbers for the attorneys. **As set forth above, anyone appearing at a settlement conference is expected to have full authority to resolve the case and/or immediate access to their client to obtain such authority.**

Recording any Court proceedings, in person or virtual, is strictly prohibited.

Vertical calendars are being arranged with specific carriers as well as plaintiff’s firms. If you have a case inventory that would benefit from a vertical calendar day, please advise Mr. Konigsberg via e-mail.

MOTIONS:

Summary judgment motions must be filed within sixty (60) days after the filing of the Note of Issue. A summary judgment motion filed in violation of this deadline may be considered by the court upon a detailed demonstration of good cause (*i.e.* due to the CoVid Pandemic) and lack of prejudice.

All motions will be decided on submission unless scheduled for virtual oral argument-

conference before the Court. Parties will be notified by the Court if a virtual conference is required. Decisions on motions will be available on NYSCEF.

Please contact the Court immediately by uploading notice or stipulation to NYSCEF if there have been any developments in a case that would affect the resolution of a pending motion (i.e., settlement, withdrawal, etc.). Use the *“STIPULATION WITHDRAWING MOTION”*, *“STIPULATION/DISCONTINUANCE (POST RJI)”*, *“STIPULATION OF DISCONTINUANCE (REQUEST TO SO ORDER)”*, *“LETTER/CORRESPONDENCE TO JUDGE”*, or another appropriate label.

A copy of all substantive submissions must be uploaded to NYSCEF. Please individually upload, identify, and label submissions and exhibits by content (i.e. “plaintiff’s deposition transcript”, “police report dated...”). **Attorneys are considered TO BE ON NOTICE OF ANY AND ALL documents uploaded to NYSCEF, including “Court Notices”, “so ordered stipulations”, or court decisions.**

Please do not call chambers to inquire about a decision or the scheduling of a case. Review NYSCEF and E-courts and, if need be, thereafter, contact the Motion Support Office or the Clerk of the Part. Only call Chambers under exigent circumstances and the preferred mode of communications with Chambers is via NYSCEF.



Joining a Teams
Meeting.docx

Chambers does not require working copies of e- filed motions.