

**SUPREME COURT, BRONX COUNTY - CIVIL
I.A.S. PART 13 – GENERAL RULES
HON. FERNANDO TAPIA**

*Courtroom: 802
Telephone: (718) 618-1391*

*Chambers: 823
Telephone: (718) 618-1771*

Following is a general list of rules for I.A.S. Part 13 (unless otherwise directed by the Part).

Note: Counsel and pro se litigants are directed to appear at 9:30 a.m. for all calendar calls, and at the scheduled time for all trials, hearings and conferences.

1. Motion Papers

Courtesy hard copies (i.e. “Working Copies”) of all motion papers, including stipulations and requests for adjournments, must be submitted to room 217 with proof of e-filing before motion return date. Failure to submit a working copy may result in papers being disregarded, or the denial of the motion without prejudice.

Working Copies shall NOT be submitted to chambers unless otherwise directed by J. Tapia or his staff. They shall be submitted to the Part Clerk or The Motions Support Bureau in room 217. If the case is E-filed, hardcopies must have the "Confirmation of Receipt" attached as proof that the papers were properly E-filed. For documents that are not related to motions before the court, the parties shall submit working copies to the Court, by mail with proof of e-filing.

Contact information for attorneys shall be provided including office phone, email and fax number. All motion papers with attached exhibits must be submitted to the Court with tabs or coversheets that facilitate easy access to documents. Voluminous exhibits shall be numbered or marked in a way that allows for easy identification. Citations must be provided to all exhibits and where they are not provided, parties risk the exhibit or reference to an unidentified exhibit being disregarded.

Requests/stipulations, on or prior to the return date, for adjournment of motions shall be filed in the Clerk’s office (room 217). **Any requests for adjournments past 60 days from the original return date should include affirmation as to the reason for the extended delay.**

2. Adjournments for Scheduled Appearances

Requests for all adjournments for scheduled appearances must be approved, and submission of stipulations of adjournment by the party is not acceptable. Contact chambers or the part clerk to secure an adjournment at the numbers listed above.

3. Disclosure Motions

Disclosure motions (excluding pre-action and non-party disclosure), including those contained within motions properly before this Part, will be denied or referred to the appropriate Part.

4. Notify the Court of any Resolution

Parties shall promptly advise chambers of any settlements of case or when motions or applications are resolved, rendered moot, and when the motion or application is withdrawn. The parties shall also provide notice of all stays in effect on any motions and when the stays are lifted.

5. Structured Settlement Transfers

Transfers of Structured Settlements will not be authorized unless they meet the requirements of The General Obligations Law § 5-1706 Approval of Transfers of structured settlement payment rights. Respondents must present evidence whether documentary, medical, financial or otherwise to the Court demonstrating that the transfer is in their best interest. Such evidence is to be included in the petitioner's motion/order to show cause, if supporting evidence is not provided, the transfer will be denied.

6. Infant Compromise Orders

This Court does not allow disbursements for Infant Compromise Orders. Proposed Infant Compromise submissions must contain medical affidavits of a thorough examination that are less than six months old at the time of the hearing. The attorney's supporting affirmation shall set forth the policy limits of all available insurance. Infant and Guardian must be present at the hearing unless a prior waiver of their appearance has been obtained. In those case where an infant concedes injuries are of such severity and the policy limits is patently insufficient to compensate the infant plaintiff, counsel for infant plaintiff must provide proof of asset background check.

7. Trials

All cases from Special Trial Part are **assumed to be immediately ready for trial**. Trials are expected to proceed continuously without any breaks. Parties and witnesses shall be made available from the time the case is assigned to this Part until it is tried. 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 for trial/conference, will be deemed waived.

8. Settlement of actions that have been assigned to Part 13 from STP

All settlements of actions that have come before the Court on assignment from STP must allocute on the record and the party bringing the action is required to appear.

9. Motions for Summary Judgment

A motion for summary judgment must be served and filed **within (60) sixty days** of the filing of the Note of Issue, except with leave of court on good cause shown.