

Justice Robert T. Johnson

Supreme Court of the State of New York
12th Judicial District – Bronx County

I.A.S. Part 12, Room: 414
Phone: Courtroom: (718) 618-1396
Chambers: (718) 618-1401

Procedural and General Matters

Please note that even when Judge Johnson is listed as the assigned Judge online, only certain motions are actually before him. Foreclosure actions, discovery, compliance, and preliminary conferences, for example, are sent to different Parts. Before appearing or contacting chambers regarding cases assigned to Judge Johnson in E-File, **please confirm that he is the appropriate Judge** for your instant matter. Please contact the Clerk's Office/Motion Support with any questions.

For all motions made in unassigned and assigned cases, moving and responding papers including stipulations and requests for adjournments are to be filed in the Clerk's Office (Room 217). Papers will not be accepted in Chambers unless requested; all requested hard copies should be delivered to the IA-12 Part Clerk in Courtroom 414. If this is not possible, delivery may be made to court attorneys Alice Tien and Mackenzie Brennan via email (see addresses below). Please do not report to Chambers in-person seeking to meet with the Judge or court attorneys without a request from the Court or scheduled appointment.

Stipulations for adjournments must be brought to the Court Part in Courtroom 414 if filed after the initial return date.

The answering papers will be accepted only on the return date in the clerk's office (Room 217). As the Judge does not receive notifications when papers are e-filed, courtesy copies of all e-file motions should be provided to the Court, and brought to Courtroom 414.

Proof of service of all orders to show cause must be filed with the IA-12 Part Clerk in Courtroom 414 on or before the return date of the order to show cause. If proof of service is not timely filed, the OSC will be removed from the Court's calendar.

Orders to Show Cause, Infant's Compromises, Traverse Hearings, and Framed Issue Hearings are heard at 9:30 am unless otherwise calendared.

With regard to Infant's Compromise and Wrongful Death Compromise Orders, do not deduct expenses for legal research, travel, parking, postage, calendar watch, e-law, per diems or interest on lawyer loans.

Summary judgment motions may be made within 120 days of the filing of the Note of Issue
All subpoenas for cases in this part must be submitted to the part clerk. Absent a compelling need set forth in a brief affidavit or conversation with the Court, do not submit subpoenas returnable to the Court before the case is scheduled for trial.

An order to show cause requires appearance of counsel. Unless otherwise specified, motion return dates do not require appearance of counsel.

A movant shall clearly specify the relief sought. Counsel shall use tabs when submitting papers containing Exhibits. If a document to be annexed to an affidavit or affirmation is voluminous and only discrete portions are relevant to the motion, Counsel shall highlight the relevant sections of the document.

A request for an adjournment must be served on all parties in writing, and may be directed to Chambers for consideration. Adjournment requests in E-File cases must provide courtesy copies to courtroom 414. No adjournment longer than 30 days shall be granted, except for extraordinary circumstances.

This court works with attorneys on appearance conflicts and scheduling problems.

Parties must provide a courtesy copy to the court of all Stipulations for adjournment, Notices of Discontinuance or Withdrawals. All Stipulations, Notices of Discontinuance and Withdrawals must include the signatures of all relevant parties. This pertains to both E-file and non- E-file motions.

Duly note the court will not entertain ex parte communication in any form including phone conversation, email, or letter correspondence.

Put cell phones and other electronic devices on vibrate or silent mode while in the courtroom.

The Judge is assigned to all cases in the Bronx requesting the appointment of an Article 81 guardian. This inventory is in addition to a full inventory of general motions. This may result in additional delay in issuing decisions. Please know that, in most instances, we are working on decisions in chronological order of receipt. We appreciate your patience.

Article 81 Guardianship Proceedings

Guardianship hearings will be called promptly at 9:30 A.M. on Tuesdays and Thursdays, except for holidays or when otherwise directed. Since these proceedings are initiated by OSC, adjournments will be granted only under exigent circumstances and with the prior approval of this Court. Requests for adjournments should be made via email cc'ing Alice Tien at

atien@nycourts.gov and Mackenzie Brennan at mbrennan@nycourts.gov and all parties to the proceeding. The Court Evaluator is responsible for notifying all parties to the action at least one day before the scheduled hearing to request an adjournment.

The Court Evaluator must notify the Court ASAP if an Alleged Incapacitated Person requests counsel or wishes to contest the guardianship proceeding. The report of the Court Evaluator must be faxed or e-mailed to the Court at least 24 hours before the scheduled hearing. The Court Evaluator's report is to be released to all other parties only upon approval of the Court. Please note that an Article 81 petition must allege sufficient facts showing need for a guardian before the court will appoint a Court Evaluator and/or counsel for an Alleged Incapacitated Person, or have an Alleged Incapacitated Person brought into court. Please note that after an Order and Judgment appointing a guardian has been issued, future compliance, applications, and other ongoing guardianship issues are assigned to the Guardianship Compliance Part.

Medical Malpractice

Prior 3101(d) exchanges are not a prerequisite to a summary judgment motion or opposition thereto.

Annex hard copies of only those pages of the medical records and depositions to which specific reference is made in the affidavits/affirmations and a disc containing the complete medical records and deposition transcripts you need for a complete record on appeal. For e-filed motions, submit hard copies of only those pages of the medical records and transcripts to which specific reference is made. No discs are required for e-filed motions since all supporting documents have been e-filed.

Counsel for each party shall submit a one or two-page summary of the case from their client's perspective, including the relevant history, diagnosis, treatment, injuries, damages, etc. and explanations and definitions of medical terminology. Email case summaries to Alice Tien at atien@nycourts.gov and Mackenzie Brennan at mbrennan@nycourts.gov prior to the next pre-trial conference for the purpose of making the conferences more productive. You do not have to exchange them with opposing counsel. Indicate if any information that you provide is confidential and not to be disclosed.

Expert affirmations submitted in summary judgment motions should be the first exhibit.

Inquiries

All inquiries regarding status should, in the first instance, be made to the Motions Support Office Room 217, (718) 618-1310.

Inquiries to the Part or chambers should be limited to matters requiring the immediate exercise of judicial discretion.

The part clerk is Barbara Simpson.

No ex-parte communication will be entertained.

No correspondence from non-parties on any motions will be accepted.