

**UPDATED¹ PART 7
CONSOLIDATED OPERATIONS RULES
JUSTICE WILMA GUZMAN
Effective AUGUST 22, 2022
IN-PERSON/REMOTE/VIRTUAL**

Effective August 22, 2022, and in order to continue to provide the essential services and justice to the people of New York State, and in accordance with the message delivered by the Chief Judge that “the New York State courts has returned to normal, full-scale operations including in-person jury trials, hearings and proceedings,” until further notice, the following are the updated Part 7 In-Person, including Remote/Virtual Operational Rules.

Please note that the health and safety of all court users are our primary concern, as such, ALL COURT USERS, remain subject to COVID-related health and safety protocols, including COVID screening, three-foot physical-distancing, and Face coverings.

COMMUNICATIONS:

Part 7 Chambers staff:

Hon. Wilma Guzman via email: wguzman@nycourts.gov.

Irma Pena, Confidential Secretary via email: ipena2@nycourts.gov

Principal Court Attorney, TBA

Chambers Telephone Number: (718) 618-1403

Frances Schiel-Doyle, Court Clerk email address fschiel@nycourts.gov and

Part 7 email address BxSupCiv-IA7@nycourts.gov

Court Room: Telephone Number (718) 618-1288

Facsimile number is (212)419-8442.

ALL “LETTERS/CORRESPONDENCE TO JUDGE” EFILED ON NYSCEF SHALL ALSO BE EMAILED TO CHAMBERS STAFF AS THE COURT DOES NOT AUTOMATICALLY RECEIVE NOTIFICATION OF THE E-FILING OF DOCUMENTS.

Please include all parties in your email.

PLEASE NOTE THIS COURT WILL NOT CONDUCT ANY *EX PARTE* COMMUNICATIONS OR CONFERENCES.

Any communications with Part 7 that are filed on NYSCEF must also be forwarded via email to Irma Pena at ipena2@nycourts.gov or Frances Schiel-Doyle, Court Clerk at fschiel@nycourts.gov, BxSupCiv-IA7@nycourts.gov. Chambers may use email or fax to communicate with the parties regarding scheduling, sending courtesy copies of orders in certain circumstances, or to make inquiries. Do NOT contact Chambers for status of a decision that is pending post-conference or post-oral argument. No information regarding pending decisions will be given to any party.

¹ August 22, 2022

COURTESY COPIES OF MOTION/ORDERS TO SHOW CAUSE AND SUPPORTING DOCUMENTS MAY BE PROVIDED TO THE COURT ON THE ORAL ARGUMENT DATE. PLEASE DO NOT EMAIL COURTESY COPY

REQUESTS FOR ADJOURNMENTS

REQUESTS FOR ADJOURNMENTS WILL NOT BE GRANTED *EX PARTE* OR BY EMAIL.

Adjournments must be requested by a **stipulation signed by all parties, e-filed on NYSCEF and a courtesy copy must be sent to the Court Clerk Frances Schiel-Doyle via email at fschiel@nycourts.gov; BxSupCiv-IA7@nycourts.gov, and Irma Pena ipena2@nycourts.gov.** If parties are unable to stipulate to an adjournment, **the party requesting the adjournment must appear on the record on the return date of the motion or conference to request a new date. There are no exceptions.**

CALENDAR

Until further notice, Part 7's oral argument motion calendar day is Mondays. If the calendar day is a holiday, the oral argument motion calendar day will be moved to Wednesday of that week and will subsequently return to Monday the following week.

PART 7 IS *NOT* A MOTION SUBMISSIONS PART

All motions, Orders to Show Cause, and other submissions marked as "fully submitted" by the Clerk's office shall be scheduled for a further oral argument date by the Court. **All motions will require In-Person appearance in court by movant and all interested parties, unless a stipulation of adjournment is signed by all parties.** Once an "In Person" oral argument date is provided, please refer to either "E- Court"; "E-Law" or your personal notification system for court date and time.

FINAL MOTION/ CALENDAR CALL

The final call for motions and/or calendar call will be at 11:00 A.M, wherein default or dismissal will be entered.

Until further notice all motions scheduled for oral arguments shall be In-Person, unless indicated otherwise by the court. The court shall inform the parties of the oral argument date. Any party who may have an issue appearing in person, **Must** notify the court and adversary, **immediately, via email.**

CONFERENCES

Attorneys who represent litigants in Part 7 and who would like a conference, with consent of all parties, must first try to resolve the matter. If it cannot be resolved the parties should send an email to my principal court attorney, TBA and Irma Pena email ipena2@nycourts.gov and a copy to Frances Schiel-Doyle, court clerk at fschiel@nycourts.gov; BxSupCiv-IA7@nycourts.gov. **A copy of the consent must be attached to the request along with a certification that the parties spoke and tried to resolve the issue before requesting the Court's assistance.**

The email message is to include case name/index no./attorney names/contact info, including emails, case history and summary of the issue(s). In response, I will review the request and where appropriate schedule either an in-person or a remote/virtual conference via Microsoft Teams.

Please be mindful that your adversary may not be equipped to conference at this time because we are all dealing with changes and challenges to our personal and work lives. The Court will ONLY entertain requests made on consent of all parties.

ATTORNEYS APPEARING AT ALL CONFERENCES MUST BE FULLY PREPARED TO PROCEED, AND BE FAMILIAR WITH THE FACTS, THE PROCEEDINGS. If another attorney is appearing for the attorney of record, they must be prepared to handle the proceedings with authority to act on behalf of the client. Attorneys who are appearing for the attorney of record must be prepared to proceed.

APPEARANCES - VIA MICROSOFT TEAMS CONFERENCES

IF A CONFERENCE IS SCHEDULED VIA TEAMS a Microsoft Teams link will be furnished by the Part 7 court staff.

NOTE: Any Microsoft Teams links provided from any Judge/Part and the related details (date & time) overrides any ELaw date. Please call the Clerk's Office to confirm if the ELaw date is for a conference. Please do NOT call the Judge, Chambers or the clerk of Part 7 asking for confirmation. Do NOT rely on ELaw for conference dates. Presently, ELaw dates are for control/administrative purposes only.

The only way to obtain a Microsoft Teams link for a conference is to request per the Judge's part rules or your adversary has made the request. As a reminder, when requesting any conference be certain to include email contact for all parties.

Counsel and *pro se* litigants are directed to appear at the time specified in the Teams link and are to be fully familiar with the case and authorized and ready to enter into substantive and procedural agreements. Failure to appear at any conference or oral argument may result in default and a ruling pursuant to 22 NYCRR 202.27. Similarly, failure to appear at calendar call may result in the offending party's papers not being considered.

PHOTOGRAPHY, AUDIO/VIDEO RECORDING, TRANSMISSION OR BROADCASTING OF ANY SORT, IN PERSON OR VIRTUAL, IS STRICTLY PROHIBITED.

STIPULATION

Please be sure to email Ipena2@nycourts.gov; Frances Schiel-Doyle, court clerk at fschiel@nycourts.gov and BxSupCiv-IA7@nycourts.gov any stipulation reached and E-filed. Proposed stipulations to be So Ordered should also be emailed to chambers staff as the Court does not automatically receive notification of the e-filing of documents.

MOTIONS

To avoid unnecessary delay, please be advised that disclosure motions (excluding pre-action and non-party disclosure) shall not be made in this Part. Accordingly, any motions not properly before this Court, including those contained within motions properly before this Court, will eventually be denied (not on the merits). **To avoid decisions that may not be vacated by this Court**, the litigants shall advise Chambers of pending motions/applications where the parties are trying to settle, the action is stayed or where the matter has been resolved or rendered moot, and the motion/application should be withdrawn.

1. ALL motions filed as of February 1, 2021, must comport with the new UCC rules particularly:
 - a. Must adhere to page limits
 - b. Must provide a summary
2. **Parties must include email addresses on all motion papers as well as telephone numbers where they can be reached.**
3. **Summary judgment motions shall be made within 60 days after the filing of the note of issue.**
4. All text shall be in Arial or Times New Roman and font size shall be 12 point. No papers shall be double sided, and all pages and paragraphs shall be numbered.
5. All text shall be legible and viewable without having to remove staples or binding.
6. All exhibits are to be preceded by a number or letter exhibit tab that protrudes from the stack of paper.
7. All submissions are to be securely bound to prevent papers from separating.

Unless prior express permission of Judge Guzman is obtained, NO ELECTRONIC SUBMISSIONS, INCLUDING CD'S AND USB'S, WILL BE VIEWED BY THE COURT. **ANY SUBMISSIONS OF ANY TYPE THAT APPEAR VIA CLICKABLE LINK SHALL NOT BE CONSIDERED**

New E-Filed Motions:

As a result of the motion being automatically designated as “Fully Submitted” on the return date, all counsels appearing in an action, shall:

1. File opposition, if any, to the motion on or before the return date.
2. File reply, if any, to the motion on or before the return date.
3. **ADJOURNMENTS WILL NOT BE GIVEN BY EMAIL OR PHONE.** As stated above, adjournments will only be granted by stipulations signed by all parties. Any other adjournments must be requested on the day of the conference or oral arguments on the record directly to the Judge. If you have a signed stipulation of adjournment, it must be filed on NYSCEF with a courtesy copy, by email to Principal Court Attorney TBA and Irma Pena, Confidential Secretary at ipena2@nycourts.gov, or Frances Schiel-Doyle, court clerk at fschiel@nycourts.gov and BxSupCiv-IA7@nycourts.gov.

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4.

ORDERS TO SHOW CAUSE

All OSCs must contain a fax number and email addresses for all parties. On Orders to Show Cause for the Sale of a Structured Settlement and Annuity, the full name of the payee must appear in the caption and in the body of the motion. Any Order to Show Cause received where initials are used for the payee who is not an infant will be declined to be signed.

HEARINGS AND TRIALS

Trials are assigned under the direction of the Special Trial Part (STP) judge. Parties and witnesses assigned to Part 7 for trial must be ready to proceed from the time the case is assigned to this Part through the conclusions of the trial. Prior to being assigned, inform the assigning judge if the parties are unable to go forward with trial so that he/she may make the appropriate ruling. 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/conferences may be deemed waived.

In an effort to streamline the hearing/trial and avoid delay, the parties must provide the following to the Court and each other, at least two (2) business days prior the hearing/trial if possible:

1. Two business cards/contact information including email and cell phone numbers
2. All pleadings (complaint, answer, bill of particulars, etc.)
3. Witness list
4. Motions *in limine*

5. Tentative proposed verdict sheet and proposed post-trial charges
6. List of proposed exhibits
7. Separate Stipulation containing the list of Exhibits to be entered into evidence on consent
8. Any relevant orders pertaining to the case
9. Request for interpreter, specifying what language
10. Any special requests, including the use of media equipment, blackboards or other trial tools
11. **For jury trials, within one day of the trial being assigned to Part 7, counsel for each party shall submit to the judge a one- or two-page summary of the relevant facts, as well as any facts that give rise to the claim, damages, and any facts that will avoid unnecessary delay. The judge will not share the summary with opposing counsel.**
12. If a litigant request a Pattern Jury Instruction (PJI) be modified, the complete PJI, incorporating the modified changes, must be submitted.

Please note, the parties **must** discuss all proposed Exhibits and attempt to Stipulate to Exhibits into evidence prior to the hearing/trial. If the parties need assistance with Stipulating to certain items, please contact the Court Attorney prior to the hearing/trial.

All documents must be clear, legible and in a format that is readily accessible (pdf, jpeg). The top page of your Exhibits must also be clearly labeled and paginated (i.e Defendants Exhibit "A" for ID, Plaintiff's Exhibit #1 for ID).

ALL PARTIES AND WITNESSES MUST APPEAR. If your witnesses appear via video conference and are using the same device to attend the hearing/trial, please inform them that they cannot be in the same room as another witness while testifying unless that witness is your client.

Please run a Microsoft Teams test prior to the hearing.

Should the parties settle or resolve the matter prior to the Court date please notify the Court immediately.

INFANT COMPROMISE

Once the Infant Compromise Order and necessary documents have been submitted to the Clerk's Office in Room 217, same shall be forwarded to Chambers. Upon review of the Infant Compromise Order and documents attached by the Court and the Court shall approve and schedule a hearing.

Justice Guzman's chambers shall schedule either In-Person or a remote/virtual hearing date and inform the parties via email. Please note that, if a remote/virtual hearing is scheduled, Microsoft Teams is the platform which can be used for the remote/virtual hearings and conferences.

NOTE: To avoid delay and ensure that all required documentation is submitted, counsel or *pro se* litigants should obtain an Infant Compromise Order checklist from the Part before submission of a proposed Infant Compromise Order. Proposed Infant Compromise Orders without the required documentation will delay the process and may eventually be rejected.

PLEASE NOTE THE INFANT’S APPEARANCE WILL NOT BE WAIVED. Plaintiff’s counsel must make all arrangements to have the infant and parent/natural guardian appear in person or remotely/virtually on the hearing date.

NOTE: Proof of identity of the guardian appearing at the hearing must be furnished to the Court either prior to or on the date of the hearing.

STRUCTURED SETTLEMENT HEARINGS

After the Order to Show Cause is signed, the Court shall schedule the matter for either an in- person or a remote/virtual hearing date. Please note that, if a remote/virtual hearing is scheduled, Microsoft Teams is the platform which will be used for the remote/virtual hearings and conferences. The Petitioner must provide an email address for the payee. All parties must appear.

FRAMED ISSUE HEARINGS AND TRAVERSE HEARINGS

All parties to appear for a *Traverse*/Framed Issue hearing must contact Chambers to confirm their attendance at least one day prior to the hearing by calling chambers to confirm their attendance. **If one or more parties fail to confirm their attendance for the hearing, the hearing will be re-scheduled for another date as the court deems appropriate.**

The Court will schedule the matter for either an in-person or a remote/virtual hearing date and inform the parties. Please note that, if a remote/virtual hearing is scheduled, Microsoft Teams is the platform which will be used for the remote/virtual hearings and conferences. All parties must appear.

INTERPRETERS

Requests for Court interpreter services shall be made to the Part Clerk, or to Motion Support if the Part Clerk is unavailable, prior to the scheduled date.

These rules will remain in effect until further notice.