

Supreme Court, Bronx County
851 Grand Concourse
Bronx, New York 10451
PARTS 3 and 33 RULES (Room 707)

Justice Mitchell J. Danziger, Presiding
Principal Law Clerk: Matthew P. Raso, Esq.
Administrative Assistant: Julie Rodriguez
Part Clerk: Ramon Medina

Chambers: Room 828
Phone (718) 618-1650
Fax: (212) 884-8911
Court Room: (718) 618-1207

I. Motions on Submission

1. Motions on submission shall be made returnable in the motion submission part, room 217, on Mondays through Fridays.
2. All motion papers shall be filed in room 217 on or before 4:30 p.m. on the motion return date. Motion papers must be one sided and all exhibits must be clearly separated and labeled with exhibit tabs. Motion papers must be securely bound by staple in the upper left hand corner or by metal two-hole binder with stopper at the center, top of the papers.
3. Motions for Summary Judgment must be made within 120 days of the Filing of the Note of Issue.
4. **Adjournments on Consent:** In the event a party is not prepared for the submission of a motion on the initial return date, adjournments *on consent* of all parties shall be:
 - a. made by written stipulation, signed by all parties appearing in the action;
 - b. submitted to room 217 prior to 4:30 p.m. on the motion return date; *and*
 - c. faxed to chambers prior to 4:30 p.m. on the motion return date.
5. **Applications for Adjournments:** In the event a party is not prepared for the submission of a motion on the initial return date, and all parties do not consent to the adjournment, a *request* for an adjournment shall be:
 - a. made by attorney affirmation;
 - b. submitted to room 217 prior to 4:30 p.m. on the motion return date with proof of service on all parties; *and*
 - c. faxed to chambers prior to 4:30 p.m. on the motion return date and simultaneously faxed to all parties, with proof of service on all parties.
6. **Restrictions Applicable to Adjournments of Dispositive Motions made in Actions where Note of Issue has been Filed:** In actions where a Note of Issue has been filed, any dispositive motion must be fully submitted within 45 days of the original return date. The Court will not permit any adjournment(s) on such a motion that is longer than 45 days from the original return date, unless exigent circumstances are presented to the Court. This restriction applies to adjournments made on consent and granted by the Court in accordance with these rules. During any 45 day adjournment, all responsive papers, including cross-

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motions, opposition, and reply, must be served in accordance with the CPLR and filed with the Court. In other words, the Court will not permit a 45 day adjournment for opposition, and then any further adjournments for reply. Any papers served in violation of the time periods set forth by CPLR §2214 and CPLR §2103(b), shall not be accepted by the Court.

7. **Motions in E-File Cases:** Courtesy hard copies (i.e. “Working Copies”) of all motion papers, including stipulations and requests for adjournments, shall be submitted to room 217 with proof of e-filing on or before 4:30p.m. on the motion return date. Working Copies shall be one sided and all exhibits must be clearly separated and labeled with exhibit tabs. Working Copies must be securely bound by staple in the upper left hand corner or by metal two-hole binder with stopper at the center, top of the papers. E-Filed motions that are submitted without working copies shall be automatically denied without prejudice. *This rule applies to any and all papers the parties wish the court to consider in E-file cases. 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.*
8. **Successive motions** for summary judgment will not be entertained without movant making a showing of newly discovered evidence or other sufficient justification.
9. **Withdrawal of Submitted Motions:** Movant’s attorney shall submit a letter or stipulation by fax to chambers, indicating (a) when the motion was marked submitted and (2) that the motion is withdrawn. Upon the settlement or discontinuance of a matter after a motion has been submitted, the parties shall advise the Court in writing of the settlement/discontinuance, and the date upon which the motion was submitted, and whether the motion is being withdrawn.
10. **Oral Argument:** The parties will be contacted by chambers in the event oral arguments are required on a submitted motion.
11. **Discovery Motions** will be automatically and initially adjourned to the Discovery Motion Calendar on Thursdays by the Court.
12. Failure to comply with the above rules may result in the denial of the motion and may negatively effect deadlines set forth by the CPLR and case law for making dispositive motions (e.g. CPLR §3212[a])

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II. In Camera Inspections:

1. In camera inspections shall be directed by Court Order only resulting from a motion, preliminary conference, or compliance conference.
2. In camera inspections shall be held on Wednesdays and Fridays at 10:00 a.m. and shall be scheduled by the parties with the Principal Law Clerk, prior to the Court signing any order.
3. The party opposing the disclosure shall serve a privilege log on the party seeking disclosure at least ten (10) days prior to the inspection date and shall provide the Court with a copy of the privilege log, with proof of service, on the date of the inspection.
4. All documents presented to the Court for inspection shall be unredacted and bates stamped.
5. The privilege log shall provide the name and index number of the matter and the following informational columns:
 - a. The bates stamp number;
 - b. A description of the document(s); *and*
 - c. Legal arguments regarding the discoverability of the item.
6. Any adjournment of an in camera inspection, whether on consent of the parties or by request of one party, must be submitted in writing by fax to chambers no later than two business days prior to the inspection and simultaneously faxed to all parties. Untimely applications for adjournments of the scheduled inspection may result in the Court issuing costs or other sanctions against the offending party.
7. Upon the completion of the Court's in camera inspection, the parties shall agree upon a date for a compliance conference or a status conference, which shall be included in the order resolving the inspection.

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III. Pre-Note Discovery Conferences

1. Preliminary Conferences (“PCs”) & Compliance Conferences (“CCs”) are held on Tuesdays for non-police cases and on Wednesdays for police cases (please note that cases involving a motor vehicle accident with a police vehicle are considered “non-police cases.”)
 - a. Attorneys appearing at PCs & CCs must be familiar with the facts of the matter and must be able to agree to discovery dates and deadlines. Plaintiffs’ attorneys are encouraged to bring a copy of the complaint and the Bill of Particulars if applicable.
 - b. **The attorneys for all parties shall first conference the matter, in its entirety, without the Court.**
 - i. If, after discussing each and every applicable section of the PC or CC order form, the parties require the Court’s intervention, the parties shall complete the part “**Request for Court Intervention During P.C.’s and C.C.’s**” form, that is available in the part.
 - ii. The completed form shall be delivered to the Clerk or the Court Officer, who will, in turn, advise the Court of the parties’ request for intervention. Attorneys may not approach the bench, or the Law Clerk, with oral requests for intervention. Arguments will be heard in the order in which the requests are submitted.
 - iii. The Court will hear arguments **once** for each Request for Intervention. In the event the handling attorney needs to discuss the issues raised on the Request for Intervention with a supervisor, said supervisor must be present at the time the Court hears arguments.
 - iv. In the event additional issues are uncovered after the Court’s initial intervention, the parties may submit a second request for intervention, which will be addressed, only after all initial requests in every matter on the calendar, have been entertained.
 - v. The Court shall retain all completed Request for Court Intervention during PC and CC. forms.
 - vi. Parties seeking an adjournment of the conference only, shall advise the Clerk or Court Officer of the application orally and need not complete the Request for Court Intervention Form.
 - c. Any proposed in-camera inspection made must be approved by the Court or the Principal Law Clerk before the PC or CC order is signed.
 - d. PC Orders must include a date for a CC to be held within five (5) months of the PC. If the parties do not include a CC date in accordance with this rule, the Court will set the matter down for a CC within 5 months of the PC.
 - e. CC Orders must include a date for a Note of Issue/Status Conference to take place within five (5) months of the CC. The NOI/Status conferences shall take place on

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Mondays (for non-police cases) and Wednesdays (for police cases) of every month
at 9:30 a.m. in room 707.

2. NOI/STATUS CONFERENCES shall be held on Mondays for non-police cases. The first status conference in non-police cases shall be held at 2:15 p.m. while any subsequent status conference shall be held at 9:30 a.m. All status conference in police cases shall be held on Wednesdays at 9:30 a.m.
 - a. All parties must appear for this conference. The parties shall bring copies of the PC and CC orders to the NOI/STATUS Conference. Appearing attorneys must possess specific knowledge of the status of the discovery items set forth in the PC and CC orders, and must be able to clearly articulate what items remain outstanding and the need any potential motion practice in light of outstanding discovery.
 - b. If discovery is complete, the parties shall advise of the Court of the same and execute a stipulation acknowledging that all discovery is complete. The Court shall set a short deadline for the filing of the NOI and one further NOI/Status Conference.
 - c. If discovery is not complete, the parties shall enter into a so-ordered stipulation setting forth the manner in which outstanding discovery shall be completed and deadlines for the same. The stipulation shall be subject to the approval of the Court. The matter shall also be set down for a further NOI/Status Conference. Parties must bring copies of any prior NOI/Status Conference so-ordered stipulations to each and every NOI/Status Conference appearance.
 - d. Based upon the procedural history of the matter and in the event PC, CC, and/or NOI/Status Conference Orders have been violated, the Court may set deadlines for making dispositive motions and/or provide for the imposition of sanctions set forth in CPLR §3126.
 - e. The parties need not move or stipulate to extend the NOI. Any such request may be made at the NOI/Status Conference appearance and shall be based upon good cause.

IV. Post-Note Settlement Conferences

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1. Attorneys appearing at settlement conferences must be familiar with the facts of the matter and must have authority to settle the matter on their own or by calling a supervisor from the conference. Attorneys must engage in good faith settlement negotiations.
2. In the event the Court finds that the Note of Issue is incorrect in some material way, the Court may strike the Note of Issue pursuant to 22 NYCRR 202.21(e).
3. Final Settlement Conferences shall generally be held on Fridays. In the event the case does not settle on the final conference date, the Court shall issue an order, signed and acknowledged by all party attorneys, setting the matter down for a trial ready date which shall be *binding* as to all parties. The trial date shall be upheld, unless extraordinary circumstances are established. Any adjournments of a Final Settlement Conference must be *requested* in person before the Court, unless all parties sign a stipulation adjourning the matter to another Friday for Final Conference to Court at least two business days in advance. The Court may still require an appearance on the initial final conference date despite a stipulation being submitted.
4. Final Trial-Ready Conferences shall generally be held on Mondays. All parties must be ready to proceed to trial on this date. Any adjournments of a Trial-Ready Matter must be requested in person before the Court, unless all parties sign a stipulation setting the trial down for certain trial date, on a Monday, and submit the same to Court at least two business days in advance. The Court may still require an appearance on the initial trial date despite a stipulation being submitted.
5. Conferences of all New York City Transit Authority cases (including final settlement conferences and trial-ready conferences) shall be held on Tuesdays only.
6. In the event a party does not appear at a scheduled post Note of Issue conference, or is not ready to proceed, the Court may take appropriate action in accordance 22 NYCRR §202.27, which may include dismissing the matter or granting judgment by default.

V. Pre-Note Settlement Conferences

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1. Plaintiffs' attorneys may request a pre-note settlement conference by filling out a sign-up sheet located in the courtroom. Separate sign-up sheets are available for police cases, non-police cases, and cases involving the New York City Transit Authority.
2. There are specific requirements for types of cases that may be conferenced in the pre-note settlement program and said requirements are set forth with the sign-up sheets located in the courtroom. Plaintiffs' attorneys must read the requirements prior to signing up for a pre-note conference. If the defendants consent to a pre-note conference, the matter will be set down for the same.
3. Pre-note settlement conferences will generally be held at 2:15 p.m. on various days of the week depending on the municipal defendant.