

**Hon. Dawn Jimenez-Salta**  
**Supreme Court of the State of New York**  
**County of Bronx**  
**Part 27**

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**EFFECTIVE IMMEDIATELY AND UNTIL FURTHER NOTICE THERE WILL BE NO  
PERSONAL APPEARANCE FOR THE MOTION CALENDAR**

***INQUIRIES***

Do not call chambers to ask a substantive and/or procedural legal question. Chambers staff is not permitted to provide guidance or advice to attorneys or litigants. Ex-parte communications are strictly prohibited. Opposing counsel must be copied on all e-mails to chambers.

If you have e-filed a document on NYSCEF that requires the attention of the Court, please notify chambers.

**All e-mail correspondence from the Court will be sent to the e-mail service address of record for each participant in the case/proceeding.** It is the responsibility of counsel to ensure that this e-mail address is accurate and up to date. This address can be modified by request made to the NYSCEF E-Filing Resource Center.

Until further notice, chambers is not accepting working copies for e-filed motions.

All inquiries regarding discovery conferences or disclosure-related motions should be directed to Part 11.

***MOTION CALENDARS***

Part 27 motions are heard every Wednesday and Thursday. All motions will be decided on submission unless scheduled for a virtual oral argument or conference. **All papers, including reply papers, must be e-filed at least two (2) business days prior to the return date of the motion.**

Counsel for the movant must contact chambers via e-mail when all papers on the motion have been submitted. Opposing counsel must be copied on the e-mail. If opposing counsel declines to oppose the motion, opposing counsel must e-file an affirmation stating such. If the movant declines to submit a reply, the movant must e-file an affirmation stating such.

Motions on the calendar may be withdrawn by submission of a stipulation signed by all parties. If a matter is settled, discontinued or otherwise disposed of, the movant shall immediately inform the Court in writing at least two (2) business days prior to the return date of the motion.

The Court will entertain oral argument in its discretion when it is deemed necessary. If the Court entertains oral argument, counsel will be advised of the time and date via e-mail. Oral argument will be conducted via Microsoft Teams or by teleconference. Counsel will be provided with a dial-in number and link to join by computer via e-mail prior to the oral argument.

### **Motions**

For cases subject to e-filing via NYSCEF, all motion papers and submissions must be e-filed. Unrepresented litigants must also electronically file their papers in matters subject to e-filing after creating an account in accordance with the instructions at [NYSCEF Unrepresented Litigants](#).

For non-NYSCEF cases, all motions must be filed with the County Clerk. A copy of the motion papers with proof of filing must be e-mailed in PDF format to chambers prior to the return date of the motion. Opposing counsel must be copied on the e-mail.

The first page of every motion submission (notice of motion, opposition, reply, etc.) must reflect the motion sequence number in the upper-right corner below the index number. All motion papers should include a direct telephone number for the handling attorney and an e-mail address.

Motion papers must be served on adversaries per CPLR 2214 unless stipulated or ordered otherwise.

### **Motions for Summary Judgment**

Pursuant to CPLR 3212(a), motions for summary judgment shall be made no later than one hundred twenty (120) days after filing of the note of issue, except with leave of court on good cause shown.

### **Adjournments**

Applications for adjournments must be made **at least two (2) business days prior to the return date**. Adjournments may be made by written stipulation signed by all parties. The fully executed stipulation must be e-filed. Counsel must confirm the availability of the selected adjourn date with chambers before filing the stipulation. Please notify chambers via e-mail when the fully executed stipulation is e-filed.

For non-NYSCEF cases, the fully executed stipulation must be e-mailed to [hpeck@nycourts.gov](mailto:hpeck@nycourts.gov) or [jlorenzo@nycourts.gov](mailto:jlorenzo@nycourts.gov).

Only three adjournments are permitted by stipulation upon consent of all parties. If there is opposition to the application, counsel must contact chambers prior to the return date of the motion for a ruling on the application.

### **Defaults**

Pursuant to Uniform Rule 202.27, the Court has discretion in addressing a calendar default. When appropriate, among other possible sanctions, an action may be dismissed or judgment entered for the failure of a party to submit opposition papers or request an adjournment prior to the return date of the motion. Vacatur of the Court's order requires both a reasonable excuse for the default and a showing of merit.

***EX PARTE APPLICATIONS***

Orders to Show Cause must comply with Uniform Rule 202.7(d). Proof of service must be filed at least two (2) business days prior to the return date of the order to show cause.

Any application for temporary injunctive relief shall contain an affirmation demonstrating there will be significant prejudice to the party seeking the restraining order by giving notice. In the absence of a showing of significant prejudice, an affirmation must demonstrate that a good faith effort has been made to notify the party against whom the restraining order is sought in accordance with Uniform Rule 202.7.

***SUBPOENAS***

Counsel are reminded of their authority to issue subpoenas under applicable law. Subpoenas seeking documents from a state agency or municipality must be served in compliance with CPLR 2307.

***INFANT COMPROMISE ORDERS***

Infant compromise petitions must comply with CPLR 1207, 1208 and Uniform Rule 202.67. Counsel will be notified by letter of any deficiencies in the papers and, when appropriate, be given an opportunity to cure the deficiency or submit supplemental papers.