

**HONORABLE DESMOND A. GREEN**  
**Administrative Judge of the**  
**Thirteenth Judicial District**  
**Supreme Court: Richmond County**  
**26 Central Ave - Courtroom 440**  
**Staten Island, New York 10301**  
**718- 675-8630/Fax 718-442-5364**  
**RESIDENTIAL FORECLOSURE PART RULES**  
**(RFP)**

*To the extent dictated by the Covid19 Pandemic and Court Protocol thereto, until further notice, while all judges and staff are working in the courthouse in-person, appearances by attorneys and litigants for general proceedings regarding conferences, motions, etc in Parts 5, FCP and RFP, will take place remotely via Microsoft Teams unless an in-person appearance is directed by the judge.*

*Kindly direct Queries/Questions related to scheduling of specific cases and or the calendars to the clerk at 718 675-8632. For Email: [RichRFP@nycourts.gov](mailto:RichRFP@nycourts.gov)*

**Motions**

- (1) RFP Motions shall be heard every Wednesday promptly at 9:30 a.m.
- (2) **Courtesy copies of all e-filed motions are MANDATORY and must be filed in the Clerk's Office or Courtroom at least one week prior to the return date of the motion; courtesy copies SHALL NOT be sent to Chambers. NO courtesy copies of motion papers are to be filed unless the motion is e-filed.**
- (3) Motion papers, answering affidavits and reply affidavits must be served on adversaries as per CPLR Section 2214.
- (4) All Opposed Motions require appearances. Parties requesting oral argument must notify by 12noon on the Monday prior to the appearance date of the case via Email to the court ([RichRFP@nycourts.gov](mailto:RichRFP@nycourts.gov)) with copy thereon to all parties.

Courtesy copies of all motions and cross-motions, including all supporting and opposing documentation, must be submitted to the Court within five (5) days of the return date of the motion (except any reply documents which may be submitted on the return date). **Failure to submit properly bound and tabbed courtesy copies before the return date may result in the Court denying any motion or cross-motion with prejudice.**

4a) The court reserves the right to orally grant unopposed motions. Requests for all adjournments must be made within three (3) days prior to the appearance date.

Adjournments are only granted after prior approval from the Court AND consent of all parties by stipulation. Such stipulation and Efile confirmation to be faxed to the Foreclosure Department at 718 442-5364.

5a) The court will not entertain oral applications for adjournments made on the return date of the motion. Applications for adjournments made on a motion's return date shall be denied.

- (5) Discovery motions are not permitted without prior Court approval.
- (6) If you are detained, you must call your adversary to inform him/her of the approximate time you will arrive at Court, and then call the Foreclosure Department at 718-675-8632.
- (7) Where the parties reach a settlement and the loan is modified or otherwise settled, the plaintiff shall file a Stipulation of Discontinuance or cancellation by plaintiff, in accordance with CPLR § 6514(d) and (e), within 60 days of the case being marked settled. Where the plaintiff fails to discontinue the action within 60 days, this court will deem the case abandoned under CPLR § 3404 from the date the settlement was reported to the court. Such settlement must be reported to the court in writing.
- (8) No appearance required for motions of discontinuance or stipulations of discontinuance. Thus, if a conference has been scheduled and discontinuance has been properly filed with the court, party need only notify the court showing that the matter has been discontinued.

### **Motion Submissions – Format**

All motions filed in residential foreclosure cases are now taken on submission and;

The opposing party shall set forth, in a single document, each paragraph of the moving party's statement of material facts. Directly below each paragraph, the opposing party shall denote whether that fact is disputed or undisputed. If the fact is disputed, the opposing party must include a citation to record evidence with a pin cite that supports the dispute. Any explanation

must also include a citation to the record evidence with a pin cite. Opposing parties may include additional facts in supplemental paragraphs after responding to each of the movant's statements of material fact. However, note that responsive statements of material fact without citation and pin cite to record evidence may be disregarded.

All filed motions shall have, annexed to it, a proposed order deciding the motion submitted for the court's consideration. The Court may direct the prevailing party to submit a new proposed order by uploading the same to the e-filing system if the annexed proposed order does not adequately reflect the Court's ruling within seven days of the ruling on the motion on notice to all other parties. If a litigant does not provide a specific objection to the submitted order within seven days of its receipt by the Court, the Court may sign the proposed order. If a litigant files a timely objection to the substance of the proposed order, the Court may direct further proceedings on the issue at its discretion.

**All proposed orders must be submitted in Word format.**

### **Orders To Show Cause**

Any Orders To Show Cause must comply with the Uniform Civil Rules for Supreme and County Courts section 202.7(f);

[u]pon application for an order to show cause or motion for a preliminary injunction seeking a temporary restraining order, the application shall contain, in addition to other information requested by this section, an affirmation demonstrating there will be significant prejudice to the party seeking the restraining order by the giving of notice. In the absence of a showing of significant prejudice, the affirmation must demonstrate that a good faith effort has been made to notify the party against whom the temporary restraining order is sought of the time and place that the application will be made in a manner sufficient to permit the party an opportunity to appear in response to the application. This subdivision shall not be applicable to orders to show cause or motions in special proceedings brought under Article 7 of the Real Property Actions and Proceedings Law.

### **Amendments of Orders**

Regarding any requests for changes, corrections, amendments of prior orders, movant must file an amended order directly with the Richmond Supreme Clerks' Office. In Efiled cases, it would be filed through Efile and a hard working copy presented to the Richmond Supreme Clerk's Office.

### **Correspondence to the Court**

All documents including letters and other correspondence to the court must be Efiled in Efile cases along with courtesy copy to chambers by Email, facsimile or USPS.