

**SUPREME COURT, CIVIL BRANCH
NEW YORK COUNTY**

**PROTOCOL CONCERNING ASSIGNMENT
OF CITY CASES**

Cases in which the City of New York or agencies or personnel thereof are parties are assigned as follows.

The filer of a Request for Judicial Intervention (“RJI”) in a case in which the City, a City agency, or a City official is named as a party will identify thereon the kind of case at issue. This designation, together with whether the Corporation Counsel’s Office appears for the City or not, will determine the assignment of City cases, which is done at random by computer among Justices assigned to the category of case involved. If the representation of the City is unclear at the time the RJI is filed and an incorrect assignment is initially made as a result, the case will be reassigned in accordance with what follows.

The Court operates three “City Parts,” which were created many years ago to minimize administrative difficulties. The inventory of these Parts consists primarily of personal injury actions against the City of New York in which the Tort Division of the Corporation Counsel’s Office represents the City.

(1) Tort Actions Generally (Other than Medical Malpractice Actions): Where the RJI identifies a case as a tort action against the City, a non-mayoral agency or a non-City entity indemnified by the City (other than medical malpractice actions) and the Corporation Counsel is designated as appearing for the City, the agency, or the entity, the case will be assigned at random to a Justice in one of the City Parts. In any instance in which a non-medical malpractice tort action against the City does not involve representation by the Corporation Counsel’s Office (usually the Tort Division), the case will be assigned at random to a General Assignment Part. If a tort case in which the Corporation Counsel’s Office (Tort Division) does not appear is inadvertently assigned to a City Part, the case will be reassigned at random to a General Assignment Part. A tort case that properly proceeds in a City Part will be reassigned at random to a General Assignment Part should the City or other entity represented by the Corporation Counsel’s Office (Tort Division) cease to be a party at any time due to decision of the court, settlement, discontinuance, etc. Conversely, if in a non-City tort action not involving medical malpractice the City or other entity is added as a party at any time and is represented by the Corporation Counsel’s Office (Tort Division), the case will be reassigned to a City Part.

(2) Medical Malpractice Cases: If a medical malpractice action is brought against the New York City Health and Hospitals Corporation or one of its hospitals or other facilities or indemnified affiliates, whether the City appears through outside counsel or through the Corporation Counsel’s Office, the case will be assigned at random to a Justice in a Medical Malpractice Part.

(3) Special Proceedings: Special proceedings against the City of New York, its agencies or

officials or employees thereof are assigned at random among all the Justices of the court who are listed in the court's computer as eligible to receive special proceedings. Justices eligible to receive special proceedings include many General Assignment Justices and others outside the City Parts, as well as the City Part Justices. However, there are two exceptions to this assignment principle: proceedings seeking leave to file a late notice of claim and pre-action discovery are assigned at random to a Justice of a City Part. These two proceedings are potential precursors of tort actions against the City and any such actions that involve the Tort Division will be assigned to the City Parts.

(4) Commercial Cases: Actions brought by or against the City or a City agency in which the filer designates the case on the RJI as a commercial matter and submits a Commercial Division Addendum to the RJI and a copy of the pleadings will be assigned in the first instance at random to a Justice of the Commercial Division, provided that the amount in controversy, as determined by the clerk, meets or exceeds the monetary threshold of the Division. If the amount falls below the threshold, the clerk will assign the case at random to a General Assignment Part. The Division Justice may transfer out of the Division matters found by the Justice not to belong in the Division, subject to review by the Administrative Judge upon application. See Uniform Rule 202.70 (f). Commercial cases that are transferred out of the Commercial Division by a Justice thereof shall be assigned at random to a General Assignment Part regardless of who appears for the City. If a City case is assigned to a Justice outside the Division in accordance with a non-commercial designation on the RJI and a party believes that the matter belongs in the Commercial Division, an application for a transfer into the Division may be made to the Administrative Judge. See Uniform Rule 202.70 (e).

(5) Transit Cases: Cases against the New York City Transit Authority, including those in which the City is a named party, are assigned to a single Transit Part.

(6) Tax Certiorari and Condemnation Matters: Tax certiorari and condemnation matters are assigned to two Justices designated to handle such matters. Tax certiorari matters are assigned by block number, with one Justice handling cases involving even-numbered blocks and the other odd-numbered blocks. Cases are assigned in this way to assure continuity of judicial assignment with regard to blocks over a period of years inasmuch as the parties frequently deal simultaneously with cases involving multiple years for the same property.

(7) Nuisance Abatement, Forfeiture and Certain Insurance Coverage Cases: Nuisance abatement cases commenced by the City shall be assigned at random to one of a group of five Justices designated by the Administrative Judge. The filer of the Request for Judicial Intervention should designate the case under "Other Matters" as "Other: Nuisance Abatement." Forfeiture cases commenced by the New York City Police Department shall be assigned to a single Part designated by the Administrative Judge. Actions seeking a declaratory judgment regarding insurance coverage with respect to a tort action shall be assigned at random to a General Assignment Part. If, however, the declaratory judgment action concerns an underlying tort case that has already been assigned to a City Part, the action will be assigned to the Justice presiding over the tort case; the filer of the RJI must designate the declaratory judgment action as a "related case" on the RJI. If an underlying tort

action against the City is commenced after a declaratory judgment action, the Justice assigned to the latter may transfer the case to the City Part to which the former case is assigned.

(8) Other Matters: Other City cases, such as those designated on the RJI as “Other Real Property” or certain “Other Matters,” including actions against the City or City officials or employees seeking declaratory or injunctive relief, will be assigned at random to a General Assignment Part or City Part Justice regardless of who appears for the City.

The attached sets out these case assignment procedures in chart form. All assignments are made at random among the Justices assigned to particular case groups except for tax certiorari/condemnation, forfeiture and Transit cases.

CITY CASE ASSIGNMENT PROCEDURES

City Parts

Tort cases (Corp Counsel (Tort Div.) appearing)

Declaratory judgment actions regarding City tort cases (Related cases)

City “Other Real Property” (RJI category)

City “Other Matters” (RJI category), including declaratory judgment and injunction actions against City

Late notice and pre-action discovery proceedings

Transit Part

All transit cases (including where City is party)

Tax Cert/Condemnation

Assigned to one of two designated Justices

Commercial Division

Commercial cases accepted by the Division or allowed by the AJ

Med Mal Parts

Med mal cases against the City

Forfeiture

Assigned to one designated Justice

General Assignment Parts

Tort case (Corp Counsel (Tort Div.) not appearing)

Commercial cases (non-Division or transferred out)

City “Other Real Property” (RJI category)

City “Other Matters” (RJI category), including declaratory judgment and injunction actions against City

All Justices Designated in the Computer As Open Therefor

Special proceedings (except late notice and pre-action discovery matters)

Nuisance Abatement

Assigned to one of five designated Justices