

**RESOLUTION PART RULES
HON. KAREN MAY BACDAYAN – PART T, ROOM 503
EFFECTIVE March 2, 2026**

Courtroom phone: 347-404-9253 (Part Clerk)
Courtroom email: KI-Housing-503@nycourts.gov

Court Attorneys: Joshua Kiel, Esq.- email: Jkiel@nycourts.gov
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I. APPEARANCES IN GENERAL

- Attorneys appearing before the court must be thoroughly familiar with the procedural posture and facts of the case.
- **All appearances are presumptively in person**, *unless* a prior arrangement has been made with the court’s approval, or an order has been issued by the court pursuant to a formal ADA request.
- **For those with dispensation to appear virtually**, the Microsoft Teams link for Part T, Room 503 is: <https://notify.nycourts.gov/meet/agggms>
- All parties and attorneys must check in with court personnel upon arrival in the courtroom. If an attorney has not checked in by default time, even if their client has, their case will be dismissed, defaulted, marked off calendar, or adjourned in the court’s discretion at default time. (See below.) For litigants who have checked in but have not returned after a reasonable time, efforts will be made to locate the parties in the courthouse before a default is taken.

II. EMAILING THE COURT – KI-HOUSING-503@nycourts.gov

- **If you are emailing the court about information available in these rules, the email may not be answered.**
- All emails to the court **must contain in the subject line the caption of the case, the index number of the case, and the next court appearance date and time of the case.**
- *Ex parte* communications of any kind are strictly prohibited.

III. DEFAULTS – GENERAL

- The **morning default** time is **one hour after the scheduled court appearance.**
- The **afternoon default** time is **3:15 p.m.**
- If either a respondent or petitioner is left waiting in the courtroom for **more than two hours** without returning, **the party who has not returned may be defaulted.**

IV. DEFAULTS FOR RESPONDENT’S FAILURE TO APPEAR AFTER ANSWERING - NONPAYMENTS

- **If a petitioner does not have a printed zero-balance breakdown in court with all extraneous non-rent charges removed when seeking a default, petitioner will obtain a possessory judgment only.** If the petitioner has a zero-balance breakdown with all extraneous

fees removed in court and the petition has not been satisfied, a judgment will enter for the petition amount minus the amounts paid post- petition.

V. ATTORNEY DEFAULTS

- Attorneys who are defaulted for any reason may file an **order to show cause** (not a motion on notice) to vacate their default pursuant to **CPLR 5015**, demonstrating a reasonable excuse, and a **meritorious claim supported by documents in authenticated or certified form which support petitioner's prima facie case uploaded as separate exhibits.**

VI. INQUESTS

- **Until further notice all inquests are in person in the courtroom.**
- Inquests are not heard the first time a case is on. Notices are sent stating an adjourn date for the inquest. **Inquests are marked final the second time they are adjourned at the Petitioner's request. If Petitioner is not ready for inquest on the date of the third adjournment, the proceeding will be dismissed without prejudice.**
- The court will not schedule an inquest if a review reveals the affidavit of service of the notice of petition and petition is defective. The case will be adjourned once, and if the respondent still does not appear, the case will be dismissed without prejudice.
- A case scheduled for an inquest hearing at a specified time will be heard then or later at the court's discretion. If the party (and attorney if represented by counsel) that has requested the inquest is not fully prepared to go forward at the time the inquest is scheduled, the case may be dismissed, adjourned, or marked off calendar at the court's discretion.

VII. ADJOURNMENTS

- Any stipulations filed on NYSCEF or left in the courtroom **without consulting the court** that specify an adjournment date **will be given a date convenient for the court without consulting the parties unless the stipulation specifies that certain dates are not available for the parties.**

VIII. AFFIRMATIONS OF OTHERWISE ENGAGEMENT

- Attorney affirmations of otherwise engagement **must be in the form required by 9 NYCRR § 125.1 (engagement of counsel), or provide a compelling and documented excuse for being unable to appear, or the attorney will be held in default.**
- **Affirmations of otherwise engagement must be filed on NYSCEF. DO NOT CALL THE COURT.**

IX. ORAL MOTIONS TO AMEND THE PETITION TO INCLUDE SUBSEQUENTLY ACCRUING ARREARS

- **Unless a respondent declines to go through intake, the court will not amend the petition on the first appearance date ("new part") to include subsequently accruing arrears.**

X. MOTIONS – FILING, BRIEFING, AND ARGUMENT

- If the parties intend to engage in motion practice, **both parties must speak to the court regarding a briefing order.** Stipulations containing a briefing schedule left in the part or filed on NYSCEF without approval from the judge will not be accepted and may be changed in the court's discretion.
- Until further notice, motions to restore and for other relief may be filed by order to show cause due to administrative delays.
- Motions must be omnibus unless procedurally not practical, and no further motions will be permitted. This means that the moving party shall request all relief available at the time of filing, even if in the alternative. This rule serves to promote judicial efficiency and avoids delays cause by piecemeal motion practice. For example, a pre-answer motion to dismiss should request, in the alternative, leave to serve an answer or an amended answer (with same attached) in the event the motion is not granted.
- After a briefing schedule has been set, **an email must be sent to the court at kbacdaya@nycourts.gov and also to the other party(ies) informing the court that motion, opposition, or reply papers have been filed on NYSCEF.** This email address is to be used for no other purpose, unless the correspondence is initiated by the court, which correspondence will include all parties.
- After a briefing order has been set, the parties may not alter the return date or the schedule unless on written consent with the approval of the court, or with leave of the court. **A party must preserve their right to cross-move at the time the briefing order is entered and build the time needed into a briefing schedule.**
- **DO NOT SUBMIT A SINGLE PDF with affirmations and exhibits included for papers submitted on a motion.** Each e-filed document must have its own, respective document number (e.g., Doc # 15, Notice of Motion; Doc #16, Memorandum of Law; Doc #17, Attorney Affirmation; Doc #18, Affidavit; Doc #19, Exhibit A; and Doc #20, Exhibit B). For the convenience of the court, if the motion is supported by a memorandum of law, the memorandum should precede the attorney affirmation and attached exhibits.
- **If any discrepancy arises between the relief sought in the notice of motion and the relief sought in the supporting papers, the NOTICE OF MOTION CONTROLS.**
- Oral argument is required unless the court decides to take the motion on submission.
- **Once motions reach oral argument, the court will not allow any further submissions.** Letters to the court after oral argument or full submission about a pending, fully submitted motion will be rejected unless there has been a change in the law or the court requests such a submission.
- **BRIEFING SCHEDULES MARKED FINAL ARE FINAL, AND A PARTY MAY BE HELD IN DEFAULT OR SENT TO TRIAL WITHOUT FURTHER MOTION PRACTICE.**

XI. STIPULATIONS

- All proposed stipulations of settlement must be submitted for review by the court. For in person appearances, parties must remain in the courthouse and available to the part until a proposed stipulation has been reviewed and “so ordered.” Failure to remain available until a stipulation has been reviewed and “so ordered” may result in adjournment of the case.
- **All stipulations must settle or otherwise dispose of any pending motions.** For example, “the motion is adjourned,” or “petitioner’s motion is settled as follows.” If there is a pending motion that the parties do not address, the court will write into the stipulation that all pending

motions have been settled and failure to address a pending motion will be deemed to be the parties' consent to the above.

- **Discontinuance stipulations must vacate any existing judgment and/or warrant, or the court will do so by fiat.**
- Any "Jane Does" or "John Does" must be addressed in every stipulation.
- **In all nonpayment cases, petitioners must provide a hard copy of a breakdown with a zero balance for review by the court. Breakdowns may not be emailed to the court. Late and legal fees must be removed from any stipulation. If no zero-balance breakdown is provided for an initial settlement, the court will not so order the stipulation, and the case will be adjourned to the court's next available date or marked off calendar.**
- If repairs are an issue, a list of alleged repairs, access times and dates, and completion dates must be included or alleged repairs will be added by the court if the tenant raises repairs during allocation and repairs were listed in a prior stipulation or raised in the Answer. **Workers must arrive no later than 11:00 a.m.**
- If during allocation, the tenant indicates s/he does not receive written receipts for payments in person, the court will ask petitioner to add, or add on its own accord if petitioner is not available in the courtroom, that receipts will be provided as is required by RPL 235-e.
- Post-eviction stipulations must maintain all stays from the post-eviction order to show cause, including stays against renovations and alternations, not just re-letting. Post-eviction stipulations will be deemed to include these terms if not specifically addressed.
- Every stipulation consenting to a judgment **must contain an EED. Any stipulations containing a first-time judgment that do not contain an EED will receive an earliest execution date of the day after the last possible default (e.g. when staying execution dependent on a series of payments, the EED will be the day after the last payment is due), unless the parties have agreed otherwise.** No service of a marshal's notice prior to the EED is allowed unless specifically stated by the court or agreed between two attorneys.

XII. PRE-TRIAL CONFERENCES

- All pre-trial conferences are conducted in person and the parties are sent directly to the trial part upon completion of the conference. **A case will NOT be sent to trial unless petitioner has a *zero-balance breakdown in the courtroom* and, for rent stabilized tenancies, *a current lease was in effect at the time the proceeding was commenced.***
- **Cases sent to trial are deemed trial ready. No further motion practice will be permitted in the resolution part. If a motion suitable for disposition in a resolution part is made in the trial part and returned to Part T for disposition, the motion will be denied as untimely.**

These rules are subject to change without notice.