

CIVIL COURT OF THE CITY OF NEW YORK

Civil Court Directive

Subject: Orders to Show Cause,
Motions and Restorations
in PA-1 Cases in New York County

Class: DRP-155
Category: GP-10
Eff. Date: Oct. 10, 2000

=====

BACKGROUND:

Under the current system, motions by Order to Show Cause or otherwise, affecting PA-1 cases, are processed by the Special Term Clerk's Office, placed on the Special Term Part I calendar and are disposed of without any coordination with the PA-1 cases. This process creates confusion and results in adjournments and repeated court appearances on different dates and in different courtrooms with resultant trial delays.

Consolidation of all motion practice (i.e., discovery motions, motions to compel disclosure, summary judgment motions and applications for Orders to Show Cause to vacate defaults, etc.) into the PA-1 Part will achieve greater judicial control over the PA-1 cases and simplify pre-trial activity.

This Directive would foster more effective case management, potentially result in early dispositions and settlements of claims, generate productive and uncomplicated motion practice and eliminate dilatory, frivolous motions.

DIRECTIVE:

Effective with the start of Term 11, October 10, 2000, a Motion made, an application for an Order to Show Cause or a request for restoration is to be assigned to the PA-1 Part, to be made returnable in the PA-1 Part, Monday through Friday, and is to be placed on the 11:00 A.M. Motion Calendar. Applications for Orders to Show Cause will be processed by the Clerk's Office and will be submitted to the Judge presiding in the PA-1 Part for signature.

The Judge presiding in the PA-1 Part on the return date is to review the case with the aim of settling the Motion or Order to Show Cause. Simple or frivolous motions can be disposed of with alacrity and void needless delay. Pre-trial discovery, where needed, can be monitored and the PA-1 Judge can be assured of scheduling firm dates for trial. The PA-1 Judge shall also review and sign subpoenas, where appropriate, to ensure the availability of files and witnesses to the court on the trial dates.

The Chief Clerk is directed to provide the staff with procedures to implement this Directive.

Dated: October 2, 2000

Fern Fisher-Brandveen
Administrative Judge

CIVIL COURT OF THE CITY OF NEW YORK

Civil Court Directive

Subject: Orders to Show Cause,
Motions and Restorations
in PA-1 Cases in New York County

Class: DRP-155
Category: GP-10
Eff. Date: Oct. 10, 2000

=====

In accordance with the Directive of the Administrative Judge, following are the procedures are to be performed by the Clerks regarding Orders to Show Cause, Motions and Restorations in PA-1 Cases in New York County.

PROCEDURES:

Effective with the start of Term 11, October 10, 2000:

1. A Motion made, an application for an Order to Show Cause or a request for restoration is to be:
 - a. assigned to the PA-1 Part,
 - b. made returnable in the PA-1 Part, Monday through Friday, and
 - c. placed on the 11:00 AM Motion Calendar.

2. Applications for Orders to Show Cause processed by the Clerk's Office will be submitted to the Judge presiding in the PA-1 Part for signature.

Dated: October 2, 2000

Jack Baer
Chief Clerk