

CIVIL COURT OF THE CITY OF NEW YORK

DIRECTIVES AND PROCEDURES

Subject: "Off Calendar" Marking

Class: DRP - 181

Category: GP-40, LT-10

Eff. Date: February 4, 2008

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BACKGROUND

Some judges have been using the "Off Calendar" marking as a disposition when an action cannot go forward on the scheduled court date. A case marked off the calendar is still active, however, our case management system considers it disposed and no longer tracks the case. In addition, when an active case is not maintained on a calendar the court loses the ability to monitor the proceedings.

Upon joinder of issue in a non payment proceeding or upon the filing of a holdover petition, the action is placed on the court's calendar. This process allows the court to monitor and control these actions. The practice of using the disposition of Off Calendar defeats this ability and instead causes the loss of control over pending cases that should be monitored by the court.

Similarly in civil actions where one party is self represented the action is placed on the court's calendar. In these actions, again, using the disposition of Off Calendar defeats the ability to monitor actions and causes us to lose control over pending cases.

To clarify our policy on using the Off Calendar marking, we are instituting the following rules.

DIRECTIVE

In any summary proceeding when the action cannot go forward, the case should be dismissed, withdrawn or adjourned with a control date set.

In any Civil action in which one party is self represented when the action cannot go forward, the case should be dismissed, withdrawn or adjourned with a control date set.

In Civil actions where the filing of a Notice of Trial/ Inquest has placed an action on the calendar and a Judge determines that the calendared action is not ready to proceed to trial/inquest, the action should be dismissed, adjourned or the Notice of Trial/Inquest withdrawn or vacated and the action stricken from the calendar. Since CPLR § 3404 uses stricken and off calendar synonymously, we can continue to use the disposition of Off Calendar that appears in our case management systems to indicate that the Notice of Trial/Inquest has been vacated and the action stricken from the calendar.

A sample order form marking an action stricken from the calendar is attached.

Date 2/04/08

/s/

Fern Fisher
Administrative Judge