

**Twelfth Judicial District  
Supreme Court, Bronx County - Civil Term  
I.A.S. PART 2 RULES**

**Presiding Judge: Elizabeth A. Taylor**

**Courtroom: 710  
Telephone: (718) 618-1275**

**Chambers: 531  
Telephone: (718) 618-1813**

**Unless otherwise directed by the judge, the following is a general list of the rules for I.A.S. Part 2 (and its sub parts).**

**I.A.S. PART 2 IS A “CALENDAR CALL,” NOT A “CHECK-IN” PART (ACCORDINGLY, THERE ARE NO “DEFAULT” TIMES).**

**1. APPEARANCES**

Counsel and *pro se* litigants are directed to appear at 9:30 a.m. for all calendar calls, and at the scheduled time for all trials, hearings and conferences. Counsel and *pro se* litigants are to be fully familiar with the case and authorized to enter into agreements, both substantive and procedural. Failure to appear at the call of any calendar, may result in inquest or dismissal pursuant to 22 NYCRR 202.27.

2. Minor children are not permitted in the courtroom, except by permission of the judge.

**3. ORDER TO SHOW CAUSE CALENDAR**

Motions are heard on Mondays at 9:30 a.m., except for holidays.

There is one calendar call that is at 9:30 a.m. Failure to appear at the calendar call, may result in a default against the respective party.

Proof of service of all orders to show cause must be filed with the Part Clerk by 9:30 a.m. on the return date of the order to show cause.

**4. Orders to Show Cause to Withdraw as Counsel**

- a) Orders to Show Cause must contain the following decretal clause:

**ORDERED, that plaintiff/defendant (name) \_\_\_\_\_ must appear in court, in person on the date and at the place indicated above.**

b) Incorporate the following text into the body of the Order to Show Cause:

**NOTICE TO PLAINTIFF/DEFENDANT (name) \_\_\_\_\_:**

**YOUR ATTORNEY DOES NOT WANT TO REPRESENT YOU, OR IS PRECLUDED FROM REPRESENTING YOU.**

**THE COURT WANTS TO PROTECT YOUR RIGHTS, AND TO GIVE YOU AN OPPORTUNITY TO RESPOND TO THE STATEMENTS MADE BY YOUR ATTORNEY IN HIS/HER AFFIDAVIT WHICH IS ATTACHED TO THESE PAPERS.**

**IN ORDER TO FULLY PROTECT YOUR RIGHTS, YOU MUST APPEAR IN COURT AT 851 GRAND CONCOURSE, ROOM 710, AT 9:30 A.M. ON \_\_\_\_\_. AT THAT TIME, YOU MAY OBJECT OR CONSENT TO THE APPLICATION, AND YOU MAY PROVIDE ANY AND ALL INFORMATION WHICH YOU BELIEVE IS IMPORTANT REGARDING THIS APPLICATION.**

**IF YOUR ATTORNEY IS PERMITTED AND/OR OBLIGATED TO WITHDRAW FROM YOUR CASE, YOU WILL BE REQUIRED TO FIND A NEW ATTORNEY OR REPRESENT YOURSELF IN CONTINUING TO PROSECUTE YOUR CASE/DEFEND YOURSELF IN THIS ACTION.**

Failure to comply with the requirements of this section, may result in the rejection/denial of the motion (without prejudice).

5. **MOTION PRACTICE**

Disclosure motions (excluding pre-action, non-party disclosure and cases assigned to the S&GEP), including those contained within motions properly before this Part, will be denied with leave to renew in the appropriate Part.

6. **To avoid unnecessary decisions that may not be vacated, the parties shall advise Chambers of pending motions or applications where the matter has been resolved, rendered moot and the motion or application should be withdrawn. Also, prior to a motion being submitted and while the motion is pending, the parties shall advise Chambers if the action has been stayed.**

7. All text shall be in Arial or Times New Roman font and 12 pitch. No papers shall be double-sided. All motion papers are to be numbered and all paragraphs are to be numbered. All exhibits are to be preceded by a letter or number exhibit tab that protrudes from the stack of paper. If an annexed document is voluminous and only discrete portions are relevant, counsel shall highlight the relevant sections of the document. All text shall be viewable without having to remove staples or binding. Further, all submissions are to be securely bound, so as to prevent the papers from separating from each other and becoming lost (this may require subdivision of the papers and the divisions shall be labeled in

sequence order). Failure to comply with these requirements, may result in the rejection of the offending submission.

8. To avoid any further delay, when submitting proposed orders or judgments, please keep the proposed orders or judgments separate from the motion papers. Proposed orders or judgments incorporated within motion papers will not be adopted and signed.
9. Courtesy copies shall not be submitted, unless requested by the court.

10. **Motions for Summary Judgment**

All motions for summary judgment must be **served and filed within 120 days** of the filing of the Note of Issue. If an extension of time to file is authorized by the court, the Attorney's Affirmation/*Pro se* litigant's Affidavit must clearly reflect the **extension date** and attach a copy of the order granting the extension.

11. **Motions to Reargue/Renew**

All motions to reargue or renew must include an exhibit with all papers submitted on the original motion and a copy of the court's decision. Failure to comply with these requirements, may result in the denial of the motion with leave to renew.

12. **ADJOURNMENTS**

Requests for and stipulations of adjournment are subject to the final approval of the judge. Therefore, the burden is on the parties to inquire as to whether the request or stipulation was approved by the judge.

13. Requests/stipulations, on or prior to the return date, for adjournment of motions shall be filed in the Clerk's office (room 217). If the party/counsel requesting an adjournment after the return date is unable to obtain a stipulation (signed by all parties), then the party/counsel shall make a brief written request for an adjournment, including a showing that a good faith effort to obtain a stipulation was made. The request shall be copied and served upon all parties.

14. **DECISIONS/ORDERS**

Any party wishing to receive a courtesy copy of a decision, must submit a postage stamped self-addressed envelope with the motion papers/application.

15. **INFANT COMPROMISE ORDERS**

Before submission of an Infant's Compromise Order, counsel or *pro se* litigants shall obtain from Chambers an Infant Compromise Checklist to ensure the submission of all necessary information and documentation.

Infant Compromise Orders sent to Chambers without the required documentation will delay the process and will eventually be rejected, if not corrected within the given time period.

Infant Compromise hearings will be scheduled, after all documents are received.

16. **INTERPRETERS**

Requests for court Interpreter Services shall be made to the judge and the Part Clerk on the day the trial is assigned to the Part, or two weeks before the hearing is scheduled.

17. **TRIALS**

Trials are assigned to this Part under the direction from the assigning judge that the parties and witnesses be ready for trial from the time the case is assigned to the Part until it is ready to be tried. Generally, cases will be tried from the oldest index number to the newest index number.

18. Any pre-trial issues (except those not reasonably anticipated in advance but timely raised), including motions *in limine*, not raised at the first appearance in the Part for trial/conference, **will be deemed waived**.

19. **Jury Trial**

On the first appearance in the Part for trial/conference, counsel/*pro se* litigants shall provide the judge with: 1) two business cards; 2) all pleadings (complaint, answer, bill of particulars, etc.); 3) motions *in limine*; 4) a witness list; 5) proposed pre-trial charges; 6) tentative proposed verdict sheet (subject to change at the charge conference); 7) tentative proposed post-trial charges (subject to change at the charge conference); and 8) any relevant orders pertaining to the case. At the same time, the parties shall inform the judge of: 1) the need for an interpreter (language and for which witness); 2) any anticipated scheduling problems; and 3) any special requests, including the use of blackboards or media equipment.

20. If a Pattern Jury Instruction is being modified, the complete PJI, incorporating the modified language, must be submitted.
21. Unless otherwise directed by the judge, within one day of the trial being assigned to the Part, counsel for each party shall submit to the judge an *ex-parte* one or two page summary of the case from their client's perspective, including the relevant facts that gave rise to the claim(s), damages and any facts that will educate the judge and avoid any unnecessary delay. The judge will not share the summary with opposing counsel.

22. **Bench Trial**

On the first appearance in the Part for trial/conference, counsel/*pro se litigants* shall provide the judge with: 1) two business cards; 2) all pleadings (complaint, answer, bill of particulars, etc.); 3) motions *in limine*; 4) a witness list; 5) any relevant orders pertaining to the case; and 6) (for counsel only) proposed findings of facts. At the same time, the parties shall inform the judge of: 1) the need for an interpreter (language and for which witness); 2) any anticipated scheduling problems; and 3) any special requests, including the use of blackboards or media equipment.

23. **COMMUNICATION**

Unless the judge directs otherwise, communications with the Part or Chambers generally will not be considered in applications/matters before the court.

24. Emails are not accepted, unless prior authorization is obtained and all parties are copied.
25. Faxes are not accepted, unless prior authorization is obtained and all parties are copied.
26. All litigants who are represented by counsel must communicate with Chambers through their counsel. Therefore, counsel are to advise their clients not to contact Chambers as the court will not communicate with parties who are represented by counsel.

27. **INQUIRIES**

Information on all scheduled court appearances can be obtained from the New York Law Journal and eCourts. If there remain questions regarding court appearances after reviewing the New York Law Journal and eCourts, please contact the Part Clerk.

28. Information on submitted motions can be obtained from eCourts at <https://iapps.courts.state.ny.us/webcivil/FCASMain>. After checking eCourts, inquiries regarding the status of motions submitted to the judge may be made to Chambers. Inquiries regarding all other applications submitted to the judge, may be made to Chambers.
29. Copies of decisions or filed documents may be obtained from the Bronx County Clerk's website at <http://bronxcountyclerkinfo.com/law/UI/User/Ine.aspx>.

30. **COURTROOM PROCEDURE FOR THE STANDARDS & GOALS CALENDAR**

Cases (where no Note of Issue has been filed) that are joined for trial with cases assigned to this calendar, will also be assigned to this calendar.

31. This is a "calendar call," and not a check-in part. **The calendar call is at 10:00 a.m. (exception: *Cadichon* dismissal calendar call is at 2:15 p.m.). At 9:30 a.m., the court will hear "ready cases" (see below).**
32. Failure to appear when your case is called, may result in sanctions including: 1) a default pursuant to 22 NYCRR 202.27; and 2) a disclosure or waiver of disclosure order and a demand to resume prosecution pursuant to CPLR 3216(b)(3).

**TO AVOID HAVING TO RETURN AT 2:15 P.M. TO COMPLETE THE CALENDAR, PLEASE READ THE FOLLOWING PROCEDURE, AS IT WILL ANSWER 99% OF ALL QUESTIONS.**

33. **Courtesy Copies of Orders**

Please place the calendar number in the top right corner of all orders and stipulations.

34. If you would like courtesy copies of the orders/stipulations, indicate, in the designated area, the desired number of copies on the forms. The requested courtesy copies will be placed in the “**Today’s Orders**” basket for pick-up the same day. If the courtesy copies are not collected by the end of the calendar day, they will be placed in the “**Prior Orders**” basket in calendar number order (please keep them in calendar number and date order) and will be discarded by the end of business each Friday.

35. **APPEARANCE PROCEDURES**

A case will remain on the calendar until either: 1) the **entire** action is settled, discontinued or dismissed per order; or 2) a Note of Issue is filed and a stipulation (“So-Ordered Stipulation-FD”) is submitted to the court, indicating that disclosure is complete. Otherwise, the following procedure will apply until the case is resolved as per categories 1 or 2.

36. **First Appearance** (First phase in this part)

At this appearance, the relevant 90-day demand (will be served on plaintiff at the appearance or by mail) **AND** the relevant disclosure order must be completed.

37. **The Note of Issue date will be 90 days from the scheduled first appearance, and the date will not be extended. Generally, the case will be adjourned (to monitor disclosure) to a date after disclosure is scheduled to be complete and before the Note of Issue must be filed. Failure to comply with the disclosure order, will result in the appropriate sanctions.**

38. **Second Appearance** (Second phase in this part)

This is the appearance before the Note of Issue must be filed. The court will determine sanctions for failure to comply with disclosure. Also, **if the Note of Issue has not been filed by this appearance, the plaintiff(s) will be served (if not in person, by mail) with a “Cadichon Notice of Dismissal,” and the case will be given a one week adjournment (a date after the Note of Issue must be filed) to the 2:15 p.m. calendar (to afford the plaintiff(s) an opportunity to file the Note of Issue PRIOR to, and to submit proof of filing at the “Cadichon Dismissal Calendar.”)**

39. **Third Appearance** (Third phase in this part)

At this appearance, the case **WILL** be dismissed unless: 1) the Note of Issue is filed; **AND** 2) a “So-Ordered Stipulation-FD,” indicating that disclosure is complete, is signed by all parties; or 3) the court determines that there are extraordinary circumstances.

40. **CALENDAR CALL**

Prior to the calendar call, the court will address “**ready**” cases: 1) where the **entire** action is settled, discontinued or otherwise disposed of; and 2) where the parties have completed the relevant order forms. If and when no cases are “ready,” the court will call (or resume the call) of the calendar.

41. **“Ready” Cases**

1) ***Settlements, discontinuances, dismissals per orders or other dispositions:***

If the action has been settled, dismissed per order or discontinued as to **ALL** parties, please line-up along the wall near the window and wait for the court to call your case. If the **ENTIRE** case is settled or discontinued, please submit a stipulation or a letter (or stipulation form) from the plaintiff(s), indicating that the case has been settled or discontinued).

42. 2) ***Cases not disposed of as per the above (#1):*** If all parties have completed the relevant part forms or are unable to agree and need court intervention, line-up in the center aisle and wait for the court to call your case (these cases will be called as follows: a) cases in which the forms have been completed; and then b) cases in which the attorneys/parties are not in agreement and need assistance from the court).

43. **FORMS TO BE COMPLETED AT THE FIRST APPEARANCE**

**(SEE ALL FORMS ON THE TABLES WITH THE ACCOMPANYING SIGNS)**

44. 1) If the Note of Issue has been filed, have proof of filing and a completed “So-Ordered Stipulation - FD,” indicating that disclosure is complete or what disclosure is outstanding (**Note: No case will be removed from the calendar, unless: 1) a Note of Issue is filed; and 2) a “So-Ordered Stipulation - FD” indicates that disclosure is complete/or the court issues an order to that effect.**

45. 2) **If a Note of Issue has not been filed AND a 90-Day Demand has not been issued by Judge Taylor, each case must have the relevant:**

46. a) Completed disclosure order/“So-Ordered Stipulation-FD,” indicating that there is no outstanding disclosure; and

47. b) 90-Day Demand.
48. 2A) **One of the following disclosure orders:**
- 1) Completed Preliminary Conference Order, **ONLY** if a Preliminary Conference was **never** held (rare - ask court prior to use of **PC form**)
  49. 2) Completed Compliance Conference Order, **ONLY** if a Compliance Conference was **never** held (rare - ask court prior to use of **CC form**)
  50. 3) Completed "So-Ordered Stipulation - FD," if a Preliminary Conference and a Compliance Conference were held. **This form is used to indicate the current status of disclosure (either there is no outstanding disclosure or there is outstanding disclosure).**

**and**

51. 2B) **One of the following 90-Day Demand orders:**
- 1) **Form A:** Where PC was held **more than 15 months** ago (both sides present)
  - 2) **Form B:** Where PC was held **less than 15 months** ago (both sides present)
  - 3) **Form C:** Where plaintiff(s) is/are not present and defendant(s) is/are present
  - 4) **Form D:** Where defendant(s) is/are not present and plaintiff(s) is/are present.

52. **FORMS TO BE COMPLETED AT EACH SUBSEQUENT APPEARANCE**

At the first appearance (unless PC and CC were held) and **each subsequent appearance** until the entire action is settled, discontinued or dismissed, a "So-Ordered Stipulation-FD" **MUST** be completed, indicating the status of disclosure.

**Failure to comply with the rules set forth herein will be addressed accordingly.**

Note: changes may be made upon appropriate notice.