

HON. MYRNA SOCORRO, J.S.C.
I.A. PART 33 RULES (CITY/TRANSIT PART - rev 12/17/2024) *
Supreme Court of the State of New York
12th Judicial District - Bronx County
851 Grand Concourse
Bronx, New York 10451

Courtroom #708

Part Clerk: Marlenny Rivera

Part Email: BxSupCiv-IA33@nycourts.gov

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Chambers #843

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* These Part Rules are applicable only to Part 33 inventory involving City of New York and Transit. If you have a pending case before this Court from IA-9 please see those Part rules.

** See the rules below as to communications to chambers staff.

NOTE THAT EMAILS AS PROVIDED FOR BELOW ARE TO BE FOLLOWED AS TO THE RESPECTIVE ISSUES.

It should be noted that all appearances are **IN PERSON** unless otherwise stated below.

A. GENERAL RULES

1. IA Part 33 is an e-filing part. Accordingly, all documents shall be e-filed via NYSCEF. If a party is self represented they must contact the Bronx County Clerk's Office in Room 118. The parties are not to provide "working copies" unless directed to do so.
2.
 - a) Any pro se party must ensure that their address and contact information is kept current with the Clerk's Office.
 - b) The parties are reminded that they must file their appropriate appearances via NYSCEF and request e-track of their case. Attorneys are reminded to review CPLR §321 as to Consent to Change Attorney forms required to be filed in any action. Further, the parties are to have their email addresses current within NYSCEF, as it

is the responsibility of each filing user to monitor that address and promptly notify the Resource Center in the event of a change of email address or mailing address (22 NYCRR §202.5-b[f][2][I]).

3. Counsel/Pro Se parties are expected to maintain professionalism at all times when interacting with each other and the Court.
4. There shall be no ex parte communications with Chambers. Further, having your support staff (e.g., paralegal or assistant) contact chambers unless provided for herein, is considered an ex parte communication. Any questions regarding calendar shall be directed to the Part Clerk. Any emails that you do send as provided for below are to include all parties cc'd on the email.
5. If communicating with your adversary, do not include the Court on any emails regarding scheduling discovery, depositions or on any email between the parties unless you have the express permission from the Court to do so.
6. Any forms you may need, check the NYS Courts website, or contact the Clerk's Office to see if such forms are available.
7. Failure to appear at any Compliance Conference or Status Conference may result in an inquest or dismissal marking (22 NYCRR §202.27) or if movant fails to appear on motion, denial of motion.
8. Any party requesting an ADA accommodation, please visit the OCA website for information and guidance.
9. If you are aware that there is a need for an interpreter of any language, please communicate a request for an interpreter as soon as known via email to the part at : **BxSupCiv-IA33@nycourts.gov**, but not less than ten (10) calendar days before the appearance.
10. Counsel having any conflict in appearance must have another attorney in their firm appear and that attorney must be aware of all the facets of the appearance (22 NYCRR 202.1[f]). In the event that an attorney cannot appear with knowledge of the case, the attorney of record must provide the Court with a written Affirmation of Engagement pursuant to Part 125 Uniform Rules for the Engagement of Counsel. The parties are not to engage the Court of their conflict by email or telephone call unless due to an exigent and emergency situation. Affidavits of Engagement must be filed via NYSCEF, following Part 125 Uniform Rules and a copy sent to the part via email at : **BxSupCiv-IA33@nycourts.gov**
11. Counsel shall also comply with Part 130 rules.
12. During settlement conferences, pursuant to 22 NYCRR §202.26, an attorney fully familiar with the case and authorized to make binding stipulations must appear and must engage in good faith settlement negotiations. Parties and claims representatives must be readily available by telephone at the time of the conference.

13. The parties shall periodically check the rules of the Part to see if they have been updated as it will be the attorneys responsibility to keep up to date with same.
14. The parties are to comply with redaction rules (see Section “O” below)
15. Appearances are at 10:00 A.M., unless specified by the Court otherwise. Default time is taken at 11:30 A.M.

B. REQUEST FOR JUDICIAL INTERVENTION (RJI)

A party must file an RJI when requesting a Preliminary Conference/Case Scheduling Order (“PC/CSO”); and if no PC/CSO has yet been requested, then the RJI must be filed for any motion practice.

C. PRELIMINARY CONFERENCE/CASE SCHEDULING ORDER (PC/CSO)

1. Self Represented/Pro Se Plaintiff

Any case involving a self represented Plaintiff, the Preliminary Conference will be held **IN PERSON**. The self represented Plaintiff is to e-file the RJI and Request for Preliminary Conference, except that if it is not an e-file case, it is to be filed in Room 118. After filing, the self represented party can then email the Clerk to request a Preliminary Conference date.

2. Plaintiff(s) represented by counsel

If the plaintiff(s) is/are represented by counsel, no appearances required for a Preliminary Conference. A Case Scheduling Order (CSO) will be issued automatically by the Court on the PC date and uploaded to NYSCEF thereafter. It is strongly urged that no preliminary conference should be requested without plaintiff having responded to a Bill of Particulars by the requesting defendants

3. Within the Preliminary Conference/Case Scheduling Order, the Court will schedule an initial Compliance Conference date.

D. COMPLIANCE CONFERENCE

1. Compliance Conferences, all parties are required to appear and are held **IN PERSON** as follows:

MONDAYS @ 10:00 A.M. for all Transit cases;
TUESDAYS @ 10:00 A.M. for all City cases

2. At your Compliance Conference, your matter will be given a Status Conference Date/NOI date. It is the parties responsibility to keep track of their calendar dates as the parties are unlikely going to receive notices of future dates unless the Court posts a notice via NYSCEF on rescheduled dates or new dates are posted on e-track.

3.
 - a) If you need an adjournment of your Compliance Conference, please file the appropriate Affirmation of Engagement as stated above in Part A - Section 10 above.
 - b) If the parties enter into a Stipulation to Adjourn the Compliance Conference, the Stipulation will need to be “So Ordered” by the Court. The Stipulation must be filed via NYSCEF at least 48 hours prior to the scheduled date and time, and a copy is to be sent to the part email: lbeato@nycourts.gov and bruiz@nycourts.gov
 - c) No adjournments will be granted that adjourn a matter for more than 30 days. If more than 30 days is required, the parties are to provide a written explanation of why more than 30 days is necessary. The parties should be aware that any date selected by the parties may be changed by the Court due to the needs of the Court.
4. Adjournments Not on Consent: In the event that a party does not consent to an adjournment of the motion, a request for an adjournment shall be:
 - a) made by attorney affirmation;
 - b) submitted to NYSCEF prior to the motion return date AND emailed to the part at: BxSupCiv-IA33@nycourts.gov AND to chambers by emailing: lbeato@nycourts.gov and bruiz@nycourts.gov AND emailed to opposing counsel
 - c) opposing counsel shall promptly respond stating why they oppose the request for adjournment
5. Parties are reminded to adhere to the Uniform Court Rules §202-20(e) - Adherence to Discovery Schedule; §202.20-f Disclosure Disputes; §202.20-g Rulings at Disclosure Conferences; and §202.10 Appearance at Conferences.
6. Failure to appear in person at your scheduled Compliance Conference may result in your matter being marked off. See Part A - Section 7 above.
7. Counsel for all parties shall consult with each other prior to a Compliance Conference about resolution of the case, in whole or in part; discovery and other issues to be discussed at conference; use of alternate dispute resolutions (ADR) to resolve all or some of the issues in the litigation; and any voluntary or information exchange that could assist in early settlement of the case. Counsel must make a good faith effort to reach agreement on these matters prior to conference.
8. Counsel attending the Compliance Conference must be fully familiar with the case and the status of discovery. Counsel must bring Bill of Particulars, previous orders in the case (if any), and a list of outstanding discovery demands. All counsel and parties must be prepared and authorized to enter into binding stipulations regarding disclosure and disposition of the case.

E. STATUS CONFERENCE

1. Status Conferences all parties are required to appear and are held **IN PERSON** as follows:

Mondays - **Transit @ 10:00 A.M.**
Tuesday - **Police cases @ 10:00 A.M.**

2. Your Status Conference date is also your Note of Issue date. If discovery is not complete by the Status Conference date, you will receive a new Status Conference/NOI date.

3. a) If you need an adjournment of your Status Conference, please file the appropriate Affirmation of Engagement as stated above in Part A - Section 10 above.

b) If the parties enter into a Stipulation to Adjourn the Status Conference, the Stipulation will need to be "So Ordered" by the Court. The Stipulation must be filed via NYSCEF at least 48 hours prior to the scheduled date and time, and a copy is to be sent to the part email: lbeato@nycourts.gov and bruiz@nycourts.gov

c) No adjournments will be granted that adjourn a matter for more than 30 days. If more than 30 days is required, the parties are to provide a written explanation of why more than 30 days is necessary. The parties should be aware that any date selected by the parties may be changed by the Court due to the needs of the Court.

If the parties enter into a Stipulation to Adjourn the Compliance Conference, the request cannot be for more than thirty (30) days, unless the Court "So Orders" otherwise. The Stipulation must be filed via NYSCEF, and a copy is to be sent to the part email: lbeato@nycourts.gov and bruiz@nycourts.gov

4. Parties are reminded to adhere to the Uniform Court Rules §202-20(e) - Adherence to Discovery Schedule; §202.20-f Disclosure Disputes; §202.20-g Rulings at Disclosure Conferences; and §202.10 Appearance at Conferences.

5. Failure to appear in person at your scheduled Status Conference may result in your matter being marked off. See Part A - Section 7 above.

6. Counsel for all parties shall consult with each other prior to a Status Conference about resolution of the case, in whole or in part; discovery and other issues to be discussed at conference; use of alternate dispute resolutions (ADR) to resolve all or some of the issues in the litigation; and any voluntary or information exchange that could assist in early settlement of the case. Counsel must make a good faith effort to reach agreement on these matters prior to conference.

7. Counsel attending the Status Conference must be fully familiar with the case and the status of discovery. Counsel must bring Bill of Particulars, previous orders in the case (if any), and a list of outstanding discovery demands. All counsel and parties must be prepared and authorized to enter into binding stipulations regarding disclosure and disposition of the case.

F. NOTE OF ISSUE (NOI) (22 NYCRR §202.21)

The final Compliance or Status Conference Order will provide for the “on or before” date of the filing of the NOI. You do not need to have the Court’s permission to comply with the filing of the NOI by the due date. However, the Court’s preferable method is that the parties stipulate in writing that all discovery is complete and that the NOI may be filed in order to avoid any motion practice. Notwithstanding, the parties are to be aware of rule set in 22 NYCRR §202.21(e) as to vacating Note of Issue. Once the NOI is filed, the parties are responsible for filing any summary judgments they wish to pursue within the time periods designated within these Part rules

G. PRE-NOTE SETTLEMENT CONFERENCE

Any party may request a Pre-Note Settlement Conference by emailing the Part at : **BxSupCiv-IA33@nycourts.gov** to request one a Pre-Note Settlement Conference. The email shall contain a brief summary of the facts of the case, any relevant procedural or motion history, information regarding prior negotiations, a demand, and all parties must be cc’d on the email.

H. POST-NOTE SETTLEMENT CONFERENCE

1. Attorneys appearing at Settlement Conferences must be familiar with the facets of the case and must have authority to settle the matter on their own or by calling a supervisor from the conference. Attorneys must engage in good faith settlement negotiations.
2. Schedules of Post-Note Settlement Conferences are:
 - a) The first and second (1st and 2nd) Mondays of the month - Post-Note Settlement Conferences involving NYPD
 - b) The fourth (4th) Monday of the month - Post-Note Settlement Conferences involving Transit
3. In the event a party does not appear at scheduled post Note of Issue Settlement Conference, or is not ready to proceed, the Court may take appropriate action in accordance with 22 NYCRR §202.27, which may include dismissing the matter or granting judgment by default.
4. In the event that the case does not settle, and all summary judgments, if any, have been decided, then the matter will be scheduled for a Pre-Trial conference, and at the conference the parties will be advised as to referral to the Trial Assignment Part.

I. IN-CAMERA INSPECTIONS

1. In-camera inspections shall be directed by Court Order only resulting from a motion, Preliminary Conference, Compliance Conference or Status Conference.
2. In-camera inspections will be held virtually with the Principal Law Clerk, prior to the Court signing any order.

3. The party opposing the disclosure shall serve a privilege log on the party seeking disclosure at least seven (7) days prior to the inspection date and shall provide the Court with a copy of the privilege log, with proof of service , on the date of inspection.
4. All documents presented to the Court for inspection shall be unredacted and bates stamped. If the documents to be inspected are less than 100 pages, you may email the documents to the Principal Law Clerk at lbeato@nycourts.gov . Documents that are 100 pages or more must be brought to chambers at least seven (7) days prior to Room 843.
5. The privilege log shall provide the name and index number of the matter and the following informational columns:
 - a) the bates stamp number; and
 - b) a description of the document(s); and
 - c) legal arguments regarding the discoverability of the item.
6. Any adjournment of an in-camera inspection, whether on consent of the parties or by request of one party, must be submitted in writing by email to lbeato@nycourts.gov and copy to the Part email: BxSupCiv-IA33@nycourts.gov no later than two business days prior to the inspection. Untimely applications for adjournments of the scheduled inspection may result in the Court issuing costs or other sanctions against the offending party.
7. Upon the completion of the Court’s in-camera inspection, the parties shall agree upon a date for compliance conference or a status conference, which shall be included in the order resolving the inspection.

J. MOTIONS

1. All motions are to be noticed, ordered, or stipulated to **Thursdays at 10:00 A.M.** and require **IN PERSON** appearances.
2. Notice of motions must be served in accordance with CPLR. All papers served must comply with the time requirements of CPLR and 22 NYCRR §202.7. Although all motions will be returnable to Part IA-33, it should be noticed for Room 217. Any papers served in violation of the time periods set forth by CPLR §2214 and CPLR §2103(b), shall not be accepted by the Court, and therefore will not be considered by the Court.
3. Each exhibit in the motion papers shall be e-filed separately and each exhibit shall be labeled with a title of identification. (E.g., Exhibit “A” - Deposition of plaintiff - January 1st, 2015”).
4. It is the parties responsibility to confirm that any exhibits that they have e-filed are complete prior to the motion being marked submitted. If upon review by the Court it is determined that an exhibit is incomplete, the Court may deny the motion.

5. If at any point while a motion is pending that parties wish to withdraw their motion, a Stipulation to Withdraw Motion (motion sequence number should be included) or a letter by movant should be e-filed via NYSCEF and a copy to chambers by sending same to lbeato@nycourts.gov and bruiz@nycourts.gov. Please include your adversary on the communication.
6. The parties are reminded to comply with the rules as to formatting of motions and supporting documents (22 NYCRR §202.8-b).
7. No motion for substantive relief shall be joined with any application for discovery.
8. No sur-replies or post-sur replies, including correspondence, will be permitted without express written permission from the Court (22 NYCRR §202.8-c). Any party seeking leave to do so shall request a conference with the Court within 24 hours of receipt of the Reply. Said request shall be made by letter submitted via NYSCEF **AND** an email to the Part at BxSupCiv-IA33@nycourts.gov and a copy to LBeato@nycourts.gov marked of “High Importance”. In no event shall this request be made after 24 hours after receipt of the Reply, or on the eve of or at the IN PERSON appearance date. If the request is timely received as noted herein, the Court will schedule a **VIRTUAL CONFERENCE** with the parties via MS-Teams. If a party cannot attend said virtual appearance due to a conflict they shall have an attorney at their firm or a per diem appear. It will be that attorney unable to appear and having an attorney at their firm or a per diem appear responsibility to forward the invitation for the MS-Teams virtual conference.
9. **Adjournments of motions**
 - a) **Parties Stipulate:** Stipulations to adjourn a motion, must be made in writing and submitted via NYSCEF and to the part via email at : lbeato@nycourts.gov and bruiz@nycourts.gov at least 48 hours prior to the scheduled date and time. No motion will be adjourned for a) more than 60 days; or b) more than 3 times not to exceed a cumulative of 60 days. With any Stipulation to adjourn a motion, the parties must stipulate as to the due dates of any opposition, cross motions, opposition to cross motions, and replies, all to be filed within the sixty (60) days of the original return date of the motion. The parties are to be aware that the motion must be adjourned to a **Thursday**. Further, the parties should be aware that any date selected by the parties may be changed by the Court due to the needs of the Court, however, the briefing schedule will remain as stipulated by the parties. All Stipulations to adjourn must be approved by the Court. If the parties do not comply with the Part Rules as to adjournment of motions, the Stipulation to Adjourn may be denied.
 - b) **Parties Do Not Stipulate:** In the event that a party does not consent to an adjournment of the motion, a request for an adjournment shall be:
 - [i] made by attorney affirmation;
 - [ii] submitted to NYSCEF prior to the motion return date and emailed to chambers: lbeato@nycourts.gov and bruiz@nycourts.gov AND emailed to

opposing counsel

- [iii] opposing counsel shall promptly respond prior to the appearance stating why they oppose the request for adjournment

10. **Discovery Motions**

- a) Discovery motions are highly discouraged (22 NYCRR §202.20-f), as discovery disputes should be resolved through good faith efforts to resolve without Court intervention. However, you do not need the Court's permission to make a motion. Please follow the Uniform Court Rules and the CPLR as to discovery motions and good faith requirements.
- b) Parties **MUST** bring a copy of their discovery motions and their responsive papers to the Court on the return date of the motion **IN PERSON**.

11. **Motion for Leave to Renew or Reargue**

Any motion to reargue or renew shall be in compliance with CPLR §2221(d) and (e) and shall be noticed for a Thursday at 10:00 A.M. **IN PERSON**

12. **Summary Judgment**

- a) Summary Judgment motions **MUST** be e-filed via NYSCEF **within ninety (90) days after the filing of the NOI**. The motions return date shall be scheduled on a Thursday at 10:00 A.M. (except for court holidays) and requires an **IN PERSON** appearance.
- b) The Court does not require a Statement of Facts as outlined in §202.8-g.
- c) If a movant or opponent is submitting a Brief/Memorandum of Law in support of their motion or opposition, then the Affirmation in Support or Opposition shall not repeat the legal arguments.
- d) **Successive motions** for summary judgment will not be entertained without movant making a showing of newly discovered evidence or other sufficient justification.

13. **Oral Arguments**

Oral arguments on any motion may be scheduled by the Court at the discretion of the Court (22 NYCRR §202.8-f). If the Court grants oral arguments, the Court will schedule the date for oral argument by a **VIRTUAL CONFERENCE VIA MS-TEAMS. RECORDING OF ANY VIRTUAL COURT PROCEEDINGS, IS STRICTLY PROHIBITED**

14. **Order to Show Cause**

- a) All Orders to Show Cause must comply with 22 NYCRR §202.7(d) and must be e-filed via NYSCEF. Once filed, the requesting party of an OSC is to send an email to the Part at **BxSupCiv-IA33@nycourts.gov** which alerts the Court to the filing of an OSC. However, any case involving a self represented/pro se who needs to file an Order to Show Cause shall do so in the Clerk's Office.

- b) All proposed OSCs must include a decretal paragraph for service provisions of the OSC that includes the names and addresses of all parties and must provide for the various alternate ways of service which the Court will then designate and order. OSCs will be made returnable at 10:00 A.M. (except for Court holidays) and require an **IN PERSON** appearance. Failure to appear on time by the movant may result in denial of the motion for non-appearance
- c) Proof of service by Affidavit of Service along with copies of first class Certificates of Mailing; Overnight Airbill; or certified mail receipt shall be included, and e-filed via NYSCEF at least 48 hours prior to the return date of the Order to Show Cause. Failure to submit the affidavits of service as stated herein or as stated in the Order to Show Cause may result in the denial of the application and/or dismissal of the proceeding, where appropriate.
- d) Anyone who files any responsive papers on the day of the Order to Show Cause return date is to bring copies of their responsive papers and exhibits to the IN PERSON appearance.
- e) The parties are advised that the Court will decline to sign an Order to Show if the relief being requested could be sought in a motion or by some other means, or if the parties fail to comply with CPLR §2217.

K. NOTICE OF ENTRY

A party shall serve notice of entry of an order or judgment as required by the CPLR and the Uniform Rules of the Court. Parties are to note that upon entry of an order or judgment, NYSCEF shall transmit to the email service address a notification of receipt of such entry which **SHALL NOT** constitute service of notice of entry by any party.

L. STIPULATION OF DISCONTINUANCE

If the case has been resolved at any stage of the litigation, the parties are to file a Stipulation Discontinuing Action via NYSCEF and submit a copy to the Part at BxSupCiv-IA33@nycourts.gov via email and to Lbeato@nycourts.gov and bruiz@nycourts.gov

M. OTHER ISSUES

- a) If any time there is any issue that the attorneys become aware of, such as a bankruptcy filing, death or guardianship of any party, or withdrawal of counsel or death or suspension of a party's counsel, it shall be immediately brought to the attention of the Court by letter e-filed via NYSCEF and a copy of the letter sent to the Part BxSupCiv-IA33@nycourts.gov
- b) If a default judgment has been entered against any defendant, the inquest and assessment of damages against such defendant shall be conducted at the time of trial or other disposition of the action against the remaining defendants.

- c) Request for deposition rulings may be made to this part by contacting Chambers at (718)618-3093 or to the ex-parte Judge on duty.

N. SUBPOENAS

All subpoenas do not have to be “So Ordered”. However, in the event that a “So Ordered” Subpoena is required, the party requesting same shall make a written request by affirmation as to the relevant facts and procedure and provide an explanation as to why a subpoena is required in lieu of ordinary discovery mechanisms. The request with the fully completed and signed by the attorney subpoena shall be e-filed via NYSCEF, and an email shall be sent to the Part at BxSupCiv-IA33@nycourts.gov with “cc” to adversary that a subpoena has been filed via NYSCEF that the parties are requesting to have “So Ordered”.

If the subpoena is for trial purposes, advise the Court of same in the affirmation and email, and the trial date, if known.

O. REDACTION RULES

Pursuant to 22 NYCRR §202.5(e)(1), the parties shall omit or redact confidential personal information in papers submitted to the Court. Confidential Personal Information (CPI) means:

1. Taxpayer identification number of an individual or entity except for the last 4 digits;
2. The date of birth except for the year of birth
3. A minor’s full name, except for the initials
4. Financial account numbers including credit and/or debit card numbers, a bank account number an investment account number, except for the last 4 digits or letters thereof.

The parties are on notice that the Court may refuse to accept a paper for non compliance 22 NYCRR §202.5(d)(2).