

\*Effective June 27, 2024

## PART 7 RULES

JUSTICE WILMA GUZMAN

Courtroom 624

Bronx County Supreme Court

851 Grand Concourse, Bronx, NY 10451

BxSupCiv-IA7@nycourts.gov

### 1. Communication with Chambers

**A. Letters.** Any communication with the Court shall be by letter filed electronically via NYSCEF or sent to all counsel in non-e-file cases. Letters and/or emails, solely between parties or their counsel and not addressed to the Court, may not be filed on NYSCEF and will not be considered or answered by the Court.

**B. Scheduling Matters.** For questions concerning scheduling and calendar matters, contact the Part 7 Clerk at (718) 618-1288 or BxSupCiv-IA7@nycourts.gov.

**C. Telephone Calls.** Telephone calls to Chambers are permitted only in emergency situations requiring immediate attention. Do not contact Chambers for the status of a pending decision. No information regarding pending decisions will be given to any party.

**D. Requests for Adjournments of Motions and Hearings.** Requests for adjournments or extensions of time must be filed in the form of a stipulation on NYSCEF. Any request for an adjournment of a court appearance shall be made at least 48 hours prior to the scheduled date. Hearings and oral argument on motions are held on Mondays, or in the event of a Monday holiday, on the following Wednesday. Stipulations for adjournments are deemed granted unless counsel is otherwise notified by the Court. If the parties are unable to agree upon the terms of an adjournment of a court appearance, all counsel must appear on the scheduled appearance date.

The failure of any party to appear for a scheduled conference, hearing, or other appearance before the Court will result in sanctions pursuant to 22 NYCRR 202.27.

**E. Ex-Parte communications.** Any ex-parte communication, whether via email or otherwise, will not be considered or answered by the Court.

2. **Emergency Relief.** Any proposed Order to Show Cause that seeks a temporary restraining order or other emergency relief must be filed on NYSCEF and also emailed to the Part 7 Clerk at [BxSupCiv-IA7@nycourts.gov](mailto:BxSupCiv-IA7@nycourts.gov).

### 3. Discovery

**A. Preliminary Conference Orders.** Parties may avoid an appearance by completing and uploading to NYSCEF a Preliminary Conference Stipulation to be So-Ordered by the Court, attached

to these Part Rules. The form must be uploaded as NYSCEF Document: “Preliminary Conference Order (Proposed).” In non-NYSCEF matters, or where a party has opted out of NYSCEF, the completed form must be sent by email to [BxSupCiv-IA7@nycourts.gov](mailto:BxSupCiv-IA7@nycourts.gov). Pursuant to 22 NYCRR §202.19, all disclosure must be completed within 8, 12 or 15 months in expedited, standard and complex cases, respectively.

In the event that the parties fail to upload a preliminary conference stipulation, or upload a preliminary conference stipulation that is not acceptable to the Court, the parties must appear on the preliminary conference date and time.

**B. Compliance Conferences.** No later than 60 days before the date fixed for completion of discovery, an in-person compliance conference shall be held to monitor the progress of discovery, explore potential settlement, and set a deadline for the filing of the note of issue. The parties may avoid an appearance by uploading to NYSCEF, at least three days prior to the conference date, a detailed stipulation to be so-ordered by the Court indicating what discovery remains outstanding, and specific dates by which all parties agree to comply with remaining discovery. A proposed order form is attached to these Part Rules. If counsel is unable to agree, they must appear on the compliance conference date. Compliance conferences are held in-person on Monday afternoons.

**C. Note of Issue.** The deadline for filing the Note of Issue may be extended upon stipulation of all parties, without court approval, for a period not to exceed 30 days. No further stipulations extending the Note of Issue may be filed. Any further extension may be granted only after a conference has been requested and held, and upon approval by the Court.

**D. Discovery Motions.** No discovery-related motion (including a motion to dismiss or strike pleadings predicated upon a discovery violation) may be filed until a pre-motion conference has been requested and held. Prior to requesting a pre-motion conference, the parties must confer in an effort to resolve the dispute pursuant to 22 NYCRR § 202.20-f. If, after making a good faith effort to resolve the discovery dispute, intervention of the Court is necessary, a party shall file a letter on NYSCEF requesting a discovery conference and setting forth a brief description of the issue(s). Discovery-related conferences are held in-person on Monday afternoons.

The failure of any party to appear for a scheduled conference, hearing, or other appearance before the Court will result in sanctions pursuant to 22 NYCRR 202.27.

**4. Motions for Summary Judgment.** All motions for summary judgment must be filed no later than 60 days following the filing of the Note of Issue. The Court does not require submission of a Statement of Material Facts.

**5. General Motion Practice**

**A. Filing of Motion Papers.** Motion papers, as well as all submissions to the Court, including proposed orders, proposed judgments, stipulations to be So-Ordered, and letters, must be electronically filed via the NYSCEF system. In non-NYSCEF cases, motion papers shall be filed in the Bronx County Clerk’s Office promptly after service.

**B. Proposed Orders.** Where appropriate, the moving party on any motion, application, order to show cause, or other request for substantive relief shall submit a proposed order for signature by the Court via NYSCEF.

**C. Courtesy Copies.** Courtesy copies are NOT required unless specifically requested by Chambers.

**D. Oral Argument on Motions.** All motions, orders to show cause, and other submissions that are marked “fully submitted” by the Motion Support Office are scheduled for oral argument by the Part 7 Clerk. All motions require IN-PERSON appearances in Courtroom 624 by all counsel. A party who does not oppose a motion, or takes no position on a motion, may upload a letter to NYSCEF so indicating and need not appear for oral argument. Oral argument on motions is scheduled on Mondays. In the event of a Monday holiday, oral argument is held on the following Wednesday.

**E. Final Motion / Calendar Call.** The final call for motions and/or calendar call is at 11:00 a.m., at which time a default or dismissal may be entered pursuant 22 NYCRR § 202.27 if a party fails to personally appear.

**F. Virtual Conferences.** The Court does not conduct virtual conferences absent exigent circumstances. In the event that a virtual conference is scheduled, via Microsoft Teams, counsel will receive further instructions from the Part Clerk.

**G. Compliance with Uniform Civil Rules / CPLR.** All parties must comply with 22 NYCRR § 202.8 and the CPLR with respect to motion practice. All motions for summary judgment must be filed no later than 60 days following the filing of the Note of Issue.

## **6. Settlement Conferences**

**A.** At any time during the pendency of an action, any party may request a settlement conference with the Court if they believe that a conference will help effectuate a settlement or otherwise expedite the case. Any such request must be filed by letter on NYSCEF with consent of all counsel.

**B.** Settlement Conferences are scheduled for specific dates and times. There is no general calendar for such conferences. Counsel must appear at the scheduled time or a default may be entered.

**C.** One week prior to any settlement conference with the Court, counsel shall confer in order to convey a current demand and offer. All attorneys appearing at settlement conferences must be fully familiar with the facts and issues involved in the action and have full authority to enter into a binding stipulation of settlement on behalf of their client(s). Counsel should also know the status and amounts of any liens and/or litigation funding agreements. All counsel should inform their clients and/or claims representatives of the pending settlement conference, who should be available, by phone or otherwise, at the time of the conference with the Court.

## **7. Trials**

**A. Assignment.** Trials are assigned under the direction of the Trial Assignment Part (TAP). All counsel and parties assigned to Part 7 for trial must be ready to proceed from the time the case is assigned to this Part through the conclusion of the trial.

**B. Motions in limine.** All motions addressing evidentiary issues or other matters which should be resolved in limine that are not raised at the first appearance in Part 7 may be deemed waived. Motions in limine are generally not required to be submitted in writing unless they involve complex issues of law or fact.

**C. Filings Prior to Trial.** At least two business days prior to the date scheduled for trial, each party shall submit:

1. Two business cards/contact information, including email and cell phone numbers.
2. Copies of relevant stipulations and pleadings.
3. A list of the names of all witnesses (both fact witnesses and expert witnesses) that each party intends to call, in the likely order of appearance.
4. Any stipulations or statements of fact or law which have been agreed to by all parties.
5. Motions, where necessary, addressing evidentiary issues or other issues to be resolved in limine.
6. Proposed verdict sheets and requests to charge (PJI charges must reference the most recent edition).
7. A list by each party of exhibits to be offered in its case in chief, with a star indicating exhibits to which no party objects.
8. Requests for interpreters.
9. Any special requests for the use of technology in the Courtroom.
10. In jury cases, a brief summary of the relevant facts and contentions, and any anticipated issues in the case. The Court will not share the summary with opposing counsel.

## **8. Infant Compromise Orders**

**A.** Once the Infant Compromise Order and necessary documents have been submitted to the Clerk's Office in Room 217 and reviewed by the Court, the parties will be advised of the hearing date by the Part Clerk.

**B.** In order to avoid delay and ensure that all required documentation is submitted, counsel or pro se litigants should obtain an Infant Compromise Order checklist from Room 217 before submission of the proposed Order. Proposed Infant Compromise Orders without the required documentation will delay the process and may eventually be rejected.

**C.** The infant's appearance will not be waived. Plaintiff's counsel must make all arrangements to have the infant and parent/natural guardian appear in person. The Court does not conduct virtual conferences absent exigent circumstances. In the event that a virtual conference is scheduled via Teams, counsel will receive further instructions from the Part Clerk.

**D.** Proof of identity of the guardian appearing at the hearing must be furnished to the Court either prior to or on the date of the hearing.

## **9. Framed Issue Hearings / Traverse Hearings / Structured Settlement Hearings**

**A.** All parties to appear for hearings must call Chambers to confirm their attendance at least one day prior to the hearing. All hearings are conducted in-person.

Parties may avoid an appearance by completing and submitting this form 3 business days before the scheduled preliminary conference date. This form must be uploaded to NYSCEF. **Upload as NYSCEF Document: "Preliminary Conference Order (Proposed)."** In non-NYSCEF matters, or where a party has opted out of NYSCEF, this form must be sent by email to BxSupCiv-IA7@nycourts.gov. Pursuant to 22 NYCRR §202.19, all disclosure must be completed within 8, 12 or 15 months in expedited, standard and complex cases, respectively.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX: PART 7

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\_\_\_\_\_  
\_\_\_\_\_

Plaintiff(s),

-against-

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant(s).

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**PRELIMINARY CONFERENCE ORDER**

Index No. \_\_\_\_\_

Date RJI Filed: \_\_\_\_\_

APPEARANCES:

**Plaintiff:** \_\_\_\_\_  
Attorney: \_\_\_\_\_  
Firm: \_\_\_\_\_

**Defendant 1:** \_\_\_\_\_  
Attorney: \_\_\_\_\_  
Firm: \_\_\_\_\_  
Coverage/Excess: \_\_\_\_\_

**Defendant 2:** \_\_\_\_\_  
Attorney: \_\_\_\_\_  
Firm: \_\_\_\_\_  
Coverage/Excess: \_\_\_\_\_

**Defendant 3:** \_\_\_\_\_  
Attorney: \_\_\_\_\_  
Firm: \_\_\_\_\_  
Coverage/Excess: \_\_\_\_\_

**\*Third Party Defendant(s):** \_\_\_\_\_

DCM track:  Standard (12 months)  complex (15 months)  Expedited (8 months)

**I. INSURANCE INFORMATION**

If not already provided, the existence and contents of any insurance agreement, both primary and excess, as described in CPLR § 3101(f), shall be provided within thirty (30) days.

**II. BILLS OF PARTICULARS**

(a) Demand(s) for a Bill of Particulars shall be served on or before \_\_\_\_\_.

(b) Plaintiff shall serve a Verified Bill of Particulars within thirty (30) days after receipt of a demand.

(c) Defendant(s) shall serve upon the Plaintiff a Verified Bill of Particulars as to any affirmative defenses and/or counterclaims in the Answer(s) within twenty (20) days after receipt of such demand.

**III. MEDICAL AUTHORIZATIONS**

HIPAA compliant medical authorizations shall be furnished to Defendant(s) within twenty (20) days for all medical providers who have treated Plaintiff for the alleged injuries including:

_____	_____
_____	_____
_____	_____

**IV. OTHER DISCLOSURE**

(a) All parties shall exchange the names and addresses of all witnesses, opposing parties' statements, if any, photographs, and videos within twenty (20) days. If none exist, counsel shall provide an affirmation, filed on NYSCEF, so indicating.

(b) Plaintiff shall provide to Defendant(s) within twenty (20) days authorizations for:

- \_\_\_ IRS/Income Records (W-2s, 1099s, tax returns, as applicable)
- \_\_\_ Employment records

**V. PHYSICAL EXAMINATION**

(a) Examination of Plaintiff shall be held on or before \_\_\_\_\_.

(b) A copy of the physician's report shall be furnished to Plaintiff within sixty days of the examination.

**VI. EXAMINATIONS BEFORE TRIAL**

(a) Plaintiff's deposition shall be conducted on or before \_\_\_\_\_.

(b) Defendant(s) deposition shall be held on or before \_\_\_\_\_. If a party seeks a deposition of a corporation, a partnership, an association, a governmental agency, or any other corporate entity, the party seeking such deposition shall serve a deposition notice ten days' prior to the deposition setting forth with reasonable particularity the matters for examination.

(c) All depositions shall be completed on or before \_\_\_\_\_.

VII. Impleader shall be completed on or before \_\_\_\_\_.

**VIII. DISCOVERY MOTIONS**

(a) Discovery motions may not be filed until the parties have (i) conferred to attempt to resolve the dispute pursuant to 22 NYCRR § 202.7(a)(2), and (ii) participated in a conference with the Court.

(b) DISCOVERY MOTIONS MAY NOT BE FILED WITHOUT LEAVE OF COURT.

(c) If, after making a good faith effort to resolve any discovery dispute, intervention of the Court is necessary, the parties shall file a letter to NYSCEF requesting a discovery conference containing a brief description of the issue. Discovery conferences are held in-person, on Friday afternoons in Courtroom 624.

**IX. ADDITIONAL DIRECTIVES**

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**X. NOTE OF ISSUE**

The Note of Issue and Certificate of Readiness shall be filed on or before \_\_\_\_\_.

**XI. SUMMARY JUDGMENT/DISPOSITIVE MOTIONS**

All motions for summary judgment must be filed no later than sixty (60) days after the filing of the Note of Issue.

ALL DISCLOSURE SHALL BE COMPLETED ON OR BEFORE \_\_\_\_\_.

[To be filled in by the Court]

COUNSEL FOR ALL PARTIES SHALL APPEAR FOR IN IN-PERSON COMPLIANCE CONFERENCE IN PART 7, COURTROOM 624, ON \_\_\_\_\_, AT \_\_\_\_\_ P.M. / A.M., or on such adjourned date as the Court may direct.

It is hereby ORDERED that no adjournments of any time directive above shall be permitted without the permission of the Court.

**SO STIPULATED:**

Plaintiff: \_\_\_\_\_ Defendant #1: \_\_\_\_\_  
Printed Name: \_\_\_\_\_ Printed Name: \_\_\_\_\_  
Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Defendant #2: \_\_\_\_\_ Defendant #3: \_\_\_\_\_  
Printed Name: \_\_\_\_\_ Printed Name: \_\_\_\_\_  
Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

**\*Third Party Defendant(s):** \_\_\_\_\_

Dated: \_\_\_\_\_

**SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2024:**

\_\_\_\_\_  
HON. WILMA GUZMAN, J.S.C.



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**COMPLIANCE CONFERENCE ORDER**

Plaintiff,

INDEX NO.: \_\_\_\_\_

- against -

**For Plaintiff:** \_\_\_\_\_

**For Defendant:** \_\_\_\_\_

Defendants.

**For third-party Defendant:** \_\_\_\_\_

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GUZMAN, J.

It is hereby ORDERED that disclosure shall proceed as follows:

**(1) Insurance Coverage:**

- Provided
- To be provided by \_\_\_\_\_ on or before \_\_\_\_\_

**(2) Bill of Particulars:**

- Demand for a bill of particulars served
- Bill of Particulars served
- Bill of particulars shall be served by \_\_\_\_\_ on or before \_\_\_\_\_
- Supplemental bill of particulars: \_\_\_\_\_

**(3) Medical Reports and Authorizations:**

- Provided
  - Outstanding authorizations \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**(4) Physical Examination:**

- Completed
  - Shall be held as follows: \_\_\_\_\_
- A copy of the physician's report shall be furnished to Plaintiff within \_\_\_\_\_ days of the examination.

**(5) Plaintiff's Deposition:**

Completed     To be held on: \_\_\_\_\_

**(6) Defendant(s) Deposition:**

Completed  
 To be held as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(7) Non-Party Depositions:**

None     Completed     To be held as follows: \_\_\_\_\_

**(8) Post-EBT Discovery:**

Served     Serve by \_\_\_\_\_

Other: \_\_\_\_\_  
\_\_\_\_\_

**(9) FURTHER COMPLIANCE CONFERENCE (if necessary) SCHEDULED FOR: \_\_\_\_\_**

**(10) NOTE OF ISSUE EXTENDED TO: ON OR BEFORE \_\_\_\_\_**

**(11) ADDITIONAL DIRECTIVES: \_\_\_\_\_**

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE FAILURE TO COMPLY WITH ANY OF THESE DIRECTIVES MAY RESULT IN THE IMPOSITION OF SANCTIONS OR OTHER ACTION AUTHORIZED BY LAW. THE DATES SET FORTH ABOVE MAY NOT BE ADJOURNED EXCEPT UPON APPROVAL OF THE COURT.

Dated: Bronx, New York  
\_\_\_\_\_

\_\_\_\_\_  
HON. WILMA GUZMAN, J.S.C.