

**JUSTICE BIANKA PEREZ – PART 8 RULES**

**(COURTROOM 704)**

**Supreme Court, Bronx County  
851 Grand Concourse Bronx, NY 10451**

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**\*EFFECTIVE AUGUST 2024\***

**ALL COURT APPEARANCES IN PART 8 ARE HELD IN-PERSON**

**In compliance with 22 NYCRR 202.1(f), counsels who appear before the Court must be familiar with the case, be fully prepared and authorized to discuss and resolve the issues which are scheduled to be the subject of the appearance. Counsels are expected to be on time for all scheduled appearances.**

**THE FINAL CALENDAR CALL FOR ALL MORNING SCHEDULED MATTERS IS 10:30AM. Failure to appear at the second call of the calendar may result in dismissal or default per 22 NYCRR 202.27.**

**All attorneys of record are required to register to their respective matters on NYSCEF.**

**If engaged, attorneys must email to the Court part email at [BxSupCiv-IA8@nycourts.gov](mailto:BxSupCiv-IA8@nycourts.gov) an affirmation of engagement in compliance with 22 NYCRR 125.1.**

**I. Inquiries**

- a. All inquiries should be made to the appropriate clerk's office when possible. Inquiries should only be directed to chambers when attempts to resolve a matter with the appropriate clerk are unsuccessful.
- b. Correspondences requiring the attention of the Court must be emailed to [BxSupCiv-IA8@nycourts.gov](mailto:BxSupCiv-IA8@nycourts.gov)

**II. Preliminary Conferences**

- a. Counsels must file a Request for Judicial Intervention (RJI).
- b. If you require a preliminary conference, the parties are strongly encouraged to confer with one another, and jointly complete and submit to the Court the **following Preliminary Conference and Case Scheduling Order, which can be accessed using the following link [preliminary-conference-case-scheduling-order.pdf \(nycourts.gov\)](#). Please note that the parties must use this Part's standard Preliminary Conference and Case Scheduling Order.** The same can also be found on the Bronx County Supreme Court's part rules webpage.
- c. If the parties are able to jointly complete the Preliminary Conference and Case Scheduling Order, the parties must upload the same to NYSCEF and email a copy of it to the Court's Part email at [BxSupCiv-IA8@nycourts.gov](mailto:BxSupCiv-IA8@nycourts.gov). If the completed Preliminary Conference and Case Scheduling

Order is satisfactory, the Court will sign and upload the same to NYSCEF with a future compliance conference date provided. **The parties are advised that the Court may modify the deadlines set by the parties.**

- d. If despite good faith efforts, the parties cannot reach a consensus, please send a request for a **Preliminary Conference and Case Scheduling Order** to: [BxSupCiv-IA8@nycourts.gov](mailto:BxSupCiv-IA8@nycourts.gov). After the request is received, the Court will issue a Preliminary Conference and Scheduling Order including dates in which to hold depositions, provide demands, responses, insurance information and other discovery.
- e. **Please note that the parties do not need to appear in person for any scheduled Preliminary Conference regardless of whether you provide the Court with an agreed upon Preliminary Conference and Case Scheduling Order as the Court will issue one if none is provided by the parties.**

### **III. Discovery Conferences**

The parties are expected to complete outstanding discovery on pending matters using every available technology (including paper discovery, depositions and IMEs, if possible), and must make every effort to resolve discovery disputes without the need for Court intervention (see generally, 22 NYCRR 202.11).

**In compliance with 22 NYCRR 202.11, counsel for all parties shall consult prior to a preliminary or compliance conference about (1) resolution of the case, in whole or in part; (2) discovery, and other issues to be discussed at the conference; (3) the use of alternative dispute resolution to resolve all or some of the issues in the litigation; and (4) any voluntary or information exchange of information that could assist with early settlement of the case. Counsels must make a good faith effort to reach agreement on these matters prior to conference.**

Status & Compliance Conference appearances will be held in the following manner:

#### **On or before the Status/Compliance Conference date:**

**(1) If the parties agree on all issues relating to outstanding discovery**, the parties shall e-file and e-mail a fully executed stipulation to [BxSupCiv-IA8@nycourts.gov](mailto:BxSupCiv-IA8@nycourts.gov). If acceptable, the stipulation will be approved and sent to the Clerk for uploading without the need to appear for the scheduled conference.

**(2) If the parties cannot agree on outstanding discovery issues despite good faith efforts to resolve the dispute without Court intervention**, the parties shall e-file and e-mail a request for a compliance conference to [BxSupCiv-IA8@nycourts.gov](mailto:BxSupCiv-IA8@nycourts.gov). Include the case name, index number, and a brief description of the issue. Please make sure to copy all other parties in the case on any e-mail sent to the Court.

**(3) If all parties agree that discovery is complete**, the parties shall e-file and e-mail a stipulation to [BxSupCiv-IA8@nycourts.gov](mailto:BxSupCiv-IA8@nycourts.gov) on or before the scheduled Status/Compliance conference date. The stipulation must certify that all discovery is complete and provide for the filing of the Note of Issue.

**(4) Requests for EBT rulings must be made before the assigned *ex-parte* Judge and not Part 8.**

#### IV. Pre-Trial and Settlement Conferences

##### A. Pre-Trial Conferences

**Parties must submit a request to schedule a pre-trial and/or settlement conference regardless of a scheduled PTC date. The Court will not entertain pre-trial and settlement conferences unless all discovery is complete and a Note of Issue is filed.**

If parties cannot settle at the pre-trial conference, the matter will be referred to TAP. If parties would like to have the case referred to TAP, please email request to [BxSupCiv-IA8@nycourts.gov](mailto:BxSupCiv-IA8@nycourts.gov).

##### B. Settlement Conferences

Part 8 conducts its settlement conference/ADR calendar **in-person**. Please adhere to the following guidelines to request a settlement conference:

1. Parties shall confer with one another, and e-mail a request to [BxSupCiv-IA8@nycourts.gov](mailto:BxSupCiv-IA8@nycourts.gov). In the request, please include the case name, index number, the names and contact phone number for the attorneys. **\*In addition, please disclose the insurance policy limits for the defendant(s), where applicable.**
2. Make sure that all parties are included on any e-mail communication to the Court.
3. **Anyone appearing at a settlement conference is expected to be fully familiar with the file, have full authority to resolve the case, and/or immediate access to their client to obtain such authority. Plaintiff(s) and claims representatives should be available by phone at the time of the conference.**

#### V. Motions

##### A. Discovery

Discovery motions are highly discouraged and require the Court's permission to file. Pursuant to 22 NYCRR 202.20-f, discovery disputes should be resolved through informal procedures, such as conferences, to the maximum extent possible. Prior to the submission of any motions on discovery-related matters, counsels must first seek a conference with the Court to resolve discovery disputes. Prior to seeking a conference with the Court, parties must make good faith efforts to resolve disputes without Court intervention.

Discovery motions shall be supported by an affidavit or affirmation from counsel, as set forth in 22 NYCRR 202.20-f and require permission from the Court.

##### B. Summary Judgment

Summary judgment motions must be filed within sixty (60) days after the filing of the Note of Issue. A summary judgment motion filed in violation of this deadline may be considered by the Court upon a detailed demonstration of good cause (*i.e.* due to the COVID-19 Pandemic) and lack of prejudice.

Motions for summary judgment shall include a statement of the material facts as to which the moving party contends there is no genuine issue to be tried, as set forth in 22 NYCRR 202.8-g (a)-(b).

### **C. Adjournment Stipulations and Requests**

Stipulations to adjourn the return date of a motion must be made in writing and submitted to the Court via email. No more than three stipulated adjournments, for a period of 60 days each, for a total of 180 days, shall be submitted without prior permission of the Court.

Regardless of the agreed upon adjourn date on the parties' stipulation or request, the Court will only adjourn motions for 60 days at a time.

Upon expiration of the first 60 days, parties may stipulate to another 60-day adjournment, up to 3 adjournments. For any further adjournments, the parties must seek leave from the Court to further adjourn the return date if necessary.

### **D. Other Guidance on Motion Practice**

All motions will be decided "on submission" unless the Court notifies the parties that the matter has been scheduled for oral argument/conference before the Court. Any party may request oral argument of a motion by letter accompanying the motion papers, pursuant to 22 NYCRR 202.8-f (b) and also email at [BxSupCiv-IA8@nycourts.gov](mailto:BxSupCiv-IA8@nycourts.gov). If scheduled for oral argument, the parties should have a copy of their filed papers readily available for the Court, if needed.

Where appropriate, proposed orders should be submitted with motions pursuant to 22 NYCRR 202.8-a and a courtesy copy emailed to [BxSupCiv-IA8@nycourts.gov](mailto:BxSupCiv-IA8@nycourts.gov).

Parties shall abide by the word count limits set forth in 22 NYCRR 202.8-b. The Court may permit oversize submissions upon oral or letter application on notice to all parties.

Please contact the Court immediately if there are any developments in a case that would affect the resolution of a pending motion (i.e., settlement, withdrawal, etc.), pursuant to 22 NYCRR 202.28. Please make sure to copy all other parties in the case on any e-mail sent to the Court.

Chambers does not require working copies of electronically-filed motion papers.

### **E. Orders to Show Cause**

Orders to Show Cause are decided "on submission" unless specifically scheduled for oral argument/conference before the Court. Where appropriate, movant shall submit a proposed Order to expedite relief. Proposed Orders should be e-filed and emailed to the Law Clerks in Word format.

Orders to Show Cause to be relieved as Counsel shall be in-person and service of the Order to Show Cause must show as delivered to the client per the tracking system. The Court will deny without prejudice to renew all Orders to Show Cause to be relieved as counsel if not delivered to client.

### **VI. Hearings and Inquests**

All scheduled hearings and inquests will be held in-person, unless otherwise indicated by the Court. Appearing attorneys should be familiar with the underlying facts of the case and be able to provide a paper copy of the relevant documents for the hearing/ inquest.

## **VII. Infant Compromise**

Once the Infant Compromise Order and necessary documents have been submitted to the Clerk's Office in Room 217, the Court shall review the Order and documents, and shall approve and schedule a hearing. Justice Perez's chambers will schedule an **in-person** hearing and inform the parties via email. Please request the list of approved banks and discuss with your clients before the scheduled hearing by emailing the part [BxSupCiv-IA8@nycourts.gov](mailto:BxSupCiv-IA8@nycourts.gov).

Please note that the infant(s)' appearance will not be waived unless, in the interest of justice, there is a valid reason to do so. Plaintiff's counsel must make all arrangements to have the infant and the parent/natural guardian appear on the hearing date with Identification and the Birth Certificate of the Infant.

## **VIII. Subpoenas**

All subpoenas that parties are requesting to be So-Ordered shall be uploaded to NYSCEF, with a courtesy copy being emailed to [BxSupCiv-IA8@nycourts.gov](mailto:BxSupCiv-IA8@nycourts.gov) (Parties should be aware that some providers require notarized HIPAA forms and the parties shall do their due diligence to ascertain whether required). Part 8 does not accept in-person drop-offs to the courtroom.

*Note:* It is incumbent on the litigants to be familiar with the rules of the Part, including any amendments (see *Appleyard v Tigges*, 171 A.D.3d 534, 536 [1st Dept 2019]).