



STATE OF NEW YORK  
UNIFIED COURT SYSTEM  
TWELFTH JUDICIAL DISTRICT  
SUPREME COURT, CIVIL DIVISION  
851 GRAND CONCOURSE  
BRONX, NEW YORK 10451

HON. RAYMOND P. FERNANDEZ  
Acting Justice of the Supreme Court

**PART 35 RULES**  
**Courtroom 625**  
**718-618-1216**  
**BxSupCiv-IA35@nycourts.gov**

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**1. Communications**

All inquires concerning scheduling, appearances, adjournments, and case status shall be directed to the Part Clerk ([BxSupCiv-IA35@nycourts.gov](mailto:BxSupCiv-IA35@nycourts.gov)). Parties may not telephone chambers.

**2. Conferences**

**Parties may not unilaterally stipulate to adjourn any conference, and failure to appear will result in default (22 NYCRR 202.27). Defaults will only be vacated on motion. The Court will not entertain any stipulations or correspondence related to vacating a default for failure to appear. Counsel are reminded to keep current their NYSCEF appearances and email addresses.**

**a. Preliminary Conferences (*Virtual via Microsoft Teams*)**

Upon filing the Request for Judicial Intervention and a Request for a Preliminary Conference, **a Preliminary Conference will automatically be scheduled.** Preliminary Conferences are conducted virtually via Microsoft Teams unless the Court directs otherwise. A link will be sent to all parties having associated an email address with the action on NYSCEF. A Case Scheduling Order (“CSO”) will be generated at the conference. Parties shall strictly comply with discovery obligations by the dates set forth in the CSO (22 NYCRR 202.20-e). Extensions of deadlines set forth in the CSO must be

requested at a compliance conference and will only be granted upon a showing of good cause. If 45 days have elapsed and a PC has not been scheduled, contact [BxSupCiv-IA35@nycourts.gov](mailto:BxSupCiv-IA35@nycourts.gov)

**b. Compliance Conferences (*Virtual via Microsoft Teams*)**

The Case Scheduling Order will provide an initial compliance conference date. Thereafter, any party may request a compliance conference by writing to [BxSupCiv-IA35@nycourts.gov](mailto:BxSupCiv-IA35@nycourts.gov). Compliance conferences are conducted virtually via Microsoft Teams unless the Court directs otherwise. Counsel for all parties shall consult prior to the conference (22 NYCRR 202.11). The link will be sent to all email addresses associated with the action on NYSCEF.

**c. Oral Argument (*In-Person*)**

All motions, except those brought by order to show cause, are accepted on submission unless oral argument is requested by a letter accompanying the motion papers (22 NYCRR 202.8-f [b]), or if the Court so directs argument to be held. Oral argument is strictly in-person.

**d. Orders to Show Cause (*In-Person*)**

Parties are referred to 22 NYCRR 202.8-d, which provides:

“Motions shall be brought on by order to show cause only when there is genuine urgency (e.g., applications for provisional relief), a stay is required or a statute mandates so proceeding. See Section 202.8-e. Absent advance permission of the court, reply papers shall not be submitted on orders to show cause.”

Whereas orders to show cause are urgent in nature, no adjournments will be granted. Orders to show cause require strict adherence to their terms; failure to effect service in the manner provided for will result in denial.

**e. Pre-Trial/Settlement Conferences (*In-Person*)**

Pre-trial conferences will automatically be scheduled 60 days after the filing of the Note of Issue. All pre-trial conferences are held in-person and are handled by the Court as a settlement conference. **Cases will not be released to the Trial Assignment Part (“TAP”) without earnest discussions of settlement.** Where a matter appears to not be ready for trial, the Note of Issue will be stricken *sua sponte* if there is a misstatement in the certificate of readiness (e.g., the parties are still engaged in discovery).

All attorneys appearing before the Court 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.

The Court has broad discretion to order the immediate trial of any post-note of issue case assigned to it and will exercise this discretion where parties do not participate in settlement talks in good faith.

#### **f. Mediation (*In-Person*)**

At any time during the pendency of an action, any party may request mediation with the Court by emailing [BxSupCiv-IA35@nycourts.gov](mailto:BxSupCiv-IA35@nycourts.gov) if all parties mutually agree that it may help effectuate a settlement. **Mediation requires consent of all parties to be an effective use of the Court's resources.**

All attorneys appearing at mediation 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.

Clients and/or claims representatives are encouraged to attend in-person, but at minimum shall be available by phone at the time of the mediation.

The Court will allocate a minimum of one hour to mediation, but will not exceed three hours except in rare, complex cases.

### **3. Motions**

**All motions shall be filed exclusively via NYSCEF and no working copies will be accepted.**

#### **a. Discovery Motions**

To the maximum extent possible, discovery disputes should be resolved through informal procedures, such as conferences, as opposed to motion practice (22 NYCRR 202.20-f [a]). **Parties shall seek a conference with the Court BEFORE the filing of any discovery-related motion ([BxSupCiv-IA35@nycourts.gov](mailto:BxSupCiv-IA35@nycourts.gov)).** Where motion practice cannot be avoided, parties are reminded:

- Discovery-related motions made prior to the CSO being issued will be denied (22 NYCRR 202.8[f]).
- The Court requires strict adherence to 22 NYCRR §§ 202.7(a)(2), and 202.20-f. Section 202.20-f provides, in pertinent part:

**“In the event that a discovery dispute cannot be resolved other than through motion practice, each such discovery motion shall be supported by an affidavit or affirmation from counsel attesting to counsel having conducted an in-person or telephonic conference, setting forth the date and time of such conference, persons participating, and the length of time of the conference”**

Failure to adhere to either section will result in denial of the motion, without prejudice to renew on proper papers.

b. Summary Judgment Motions

**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.

**4. Note of Issue**

**Leave is not required to file the Note of Issue.** However, parties are reminded that filing the Note of Issue and accompanying certificate of readiness certifies that all discovery is completed, waived, or not required and that the action is ready for trial (22 NYCRR 202.21[b]).

After the passage of 20 days, the Court will entertain a motion to vacate the Note of Issue **only** "[w]here unusual or unanticipated circumstances develop subsequent to the filing of a note of issue and certificate of readiness" that would otherwise cause "substantial prejudice" (22 NYCRR 202.21 [d]).

**5. Infant Compromise Orders**

An Infant Compromise Order (ICO) is required to settle or otherwise discontinue the claims of an infant plaintiff. ICO applications are governed by CPLR §§ 1207 and 1208, Judiciary Law § 474, and Uniform Rule 202.67. If an ICO application does not strictly comply with the requirements set forth in these provisions, approval of the ICO will be delayed until full compliance is reached through additional or amended submissions.

**Parties will be advised of the hearing date by Chambers Staff or the Part Clerk.**

The infant's appearance will not be waived. Plaintiff's counsel must make all arrangements to have the infant and parent/natural guardian appear. ICO hearings are in-person absent exigent circumstances. Proof of identity of the guardian appearing at the hearing must be furnished to the Court on the date of the hearing.

If an ICO hearing has not been scheduled within 60 days from submission, contact [BxSupCiv-IA35@nycourts.gov](mailto:BxSupCiv-IA35@nycourts.gov)

## 6. Trials

Trials are assigned to Part 35 under the direction of the Trial Assignment Part (TAP). When TAP assigns a trial to Part 35, it does so by order that the parties and their witnesses are ready for trial from the time of assignment through the conclusion of the trial. **Thus, the Court will not entertain applications for adjournment once TAP has made the assignment.** Accordingly, all attorneys, parties, and witnesses shall be ready to proceed with trial on the assignment date and to continue day-to-day until verdict.

Upon the date of assignment, the parties shall furnish:

- A list of proposed witnesses, including the need for any interpreters, with the required language and dialect.
- All marked pleadings and bills of particulars.
- Two business cards from each attorney with cell phone numbers.
- All *in limine* motions. Motions *in limine* must be presented in writing.
- Any motion or application must include citations to relevant authority.
- After jury selection, parties shall have the court stenographer pre-mark all exhibits for identification (or evidence if without objection) and furnish an exhibit list.

Trials are held every day except Monday. The Court will set a date certain for the submission of proposed verdict sheets and requests to charge.

These Rules remain in effect until further notice.

Revised June 2024