

**Hon. Erik L. Gray  
Supreme Court of the State of New York  
Bronx County, Civil Term  
851 Grand Concourse  
Bronx, New York 10451**

**Part 30  
Courtroom 602**

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Please be advised that “taking photographs, films or videotapes, or audiotaping, broadcasting or telecasting, in a courthouse, including any court room, office or hallway thereof, at any time or on any occasion, whether or not the court is in session, is forbidden, unless permission of the Chief Administrator of the courts or a designee of the Chief Administrator is first obtained” (22 NYCRR 29.1 [a]).

**RULES OF PART 30**

1. **EX-PARTE COMMUNICATIONS:** There shall be no ex-parte communications with the court whatsoever, including from support staff such as paralegals, legal assistants, and administrative assistants, with the exception of ex-parte requests for judicial accommodations pursuant to 22 NYCRR 52.1.

2. **CONFERENCES AND APPEARANCES:** All conferences and appearances shall be held on Tuesdays, Wednesdays, and Thursdays at 9:30 a.m., unless otherwise noted, and shall be in person unless a party has been granted prior court approval to appear virtually. Parties shall check in with the part clerk or court officer upon arrival. A default calendar will be called at 11:00 a.m. Failure to appear at a conference or scheduled call of a calendar may result in a default and inquest or the dismissal of the action, pursuant to 22 NYCRR 202.27.

3. **VIRTUAL APPEARANCES:** Parties may request a virtual appearance by e-mailing Mr. Roehling with the specific reason for the request. Parties may NOT call Mr. Roehling or contact the part to request a virtual appearance. Court approval to appear virtually shall be granted on a limited, case-by-case basis.

4. **CONSULTATION PRIOR TO PRELIMINARY, COMPLIANCE, AND STATUS CONFERENCES:** Every action shall have one preliminary conference, one compliance

conference, and as many status conferences as are necessary, and parties shall consult prior to a preliminary, compliance, or status conference, pursuant to 22 NYCRR 202.11.

5. ADJOURNMENT OF CONFERENCES: Parties may request an adjournment of a conference by e-mailing Mr. Roehling and copying all parties on the e-mail. Please include proposed new conference dates on a Tuesday, Wednesday, or Thursday at 9:30 a.m. and advise Mr. Roehling whether the request is on consent of all parties. Parties may NOT call Mr. Roehling or contact the part to request an adjournment of a conference.

6. ADHERENCE TO DISCLOSURE SCHEDULES: Parties shall strictly comply with disclosure obligations by the dates set forth in court orders, pursuant to 22 NYCRR 202.20-e (a). Noncompliance with disclosure obligations in court orders may result in the imposition of appropriate sanctions against that party or for other relief pursuant to CPLR 3126, pursuant to 22 NYCRR 202.20-e (a).

7. DISCLOSURE DISPUTES: Parties shall attempt to resolve disclosure disputes through informal procedures, as opposed to motion practice, pursuant to 22 NYCRR 202.20-f (a). If the next scheduled conference is more than 60 days away, parties may request a status (disclosure) conference by e-mailing Mr. Roehling and copying all parties on the e-mail. Please include proposed conference dates on a Tuesday, Wednesday, or Thursday at 9:30 a.m. and advise Mr. Roehling whether the request is on consent of all parties. Parties may NOT call Mr. Roehling or contact the part to request a status (disclosure) conference.

8. MOTIONS REGARDING DISCLOSURE DISPUTES: Motions regarding disclosure disputes shall contain an affirmation of good-faith effort to resolve the dispute, pursuant to 22 NYCRR 202.7 (a) and (c) and 22 NYCRR 202.20-f (b). Disclosure motions that do not strictly comply with the foregoing may result in the denial of the motion, pursuant to 22 NYCRR 202.20-f (c). Disclosure motions shall not be combined with requests for any other relief and shall be made returnable in the Motion Support Office, Room 217, on any weekday at 9:30 a.m. Parties are encouraged to request a status (disclosure) conference prior to making a disclosure motion. While highly discouraged, pursuant to 22 NYCRR 202.20-f (a), parties do not need leave of court to make a disclosure motion. *Parties are cautioned, however, that frivolous disclosure motions will not be tolerated and may result in costs and/or financial sanctions pursuant to 22 NYCRR 130-1.1.* Parties are also reminded that “[c]osts upon a motion may be awarded to any party, in the discretion of the court, and absolutely or to abide the event of the action” (CPLR 8106).

9. MOTIONS FOR SUMMARY JUDGMENT: Motions for summary judgment shall be made no later than 60 days after the filing of the note of issue (*see* CPLR 3212 [a]). Motions for summary judgment shall include a statement of material facts, pursuant to 22 NYCRR 202.8-g (a) and (d). Opposition papers to motions for summary judgment shall contain a response to the movant’s statement of material facts, pursuant to 22 NYCRR 202.8-g (b) and (d). Motions for summary judgment that do not strictly comply with the foregoing may be denied, pursuant to 22 NYCRR 202.8-g (e). Opposition papers to motions for summary judgment that do not strictly comply with the foregoing may result in the movant’s statement of material facts being deemed admitted for purposes of the motion, pursuant to 22 NYCRR 202.8-g (e). Motions for summary

judgment shall be made returnable in the Motion Support Office, Room 217, on any weekday at 9:30 a.m.

10. ALL OTHER MOTIONS: All other motions shall be made returnable in the Motion Support Office, Room 217 on any weekday at 9:30 a.m.

11. SUR-REPLY PAPERS: Sur-reply papers, including correspondence, addressing the merits of a motion are not permitted and will not be read or considered, pursuant to 22 NYCRR 202.8-c.

12. ORAL ARGUMENT: Oral argument of motions regarding disclosure disputes are mandatory and, after the motion is fully submitted in the Motion Support Office, Room 217, shall be scheduled and held in person in Part 30 on Tuesdays, Wednesdays, and Thursdays at 9:30 a.m. Oral argument of motions for summary judgment and other substantive motions will generally not be permitted (*see* 22 NYCRR 202.8-f), however, parties may request oral argument of a motion pursuant to 22 NYCRR 202.8-f (b). Requests for oral argument shall be decided on a case-by-case basis, pursuant to 22 NYCRR 202.8-f (a).

13. ADJOURNMENT OF MOTIONS: Parties may, without leave of court, adjourn a motion returnable in the Motion Support Office, Room 217, at any time by filing a stipulation of adjournment on NYSCEF.

14. RESOLUTION OF MOTIONS: Parties shall notify the court as promptly as possible, by e-mailing Mr. Roehling, if a motion has become wholly or partially moot, pursuant to 22 NYCRR 202.28 (b).

15. ORDERS TO SHOW CAUSE: Motions shall be brought by order to show cause only under the specific circumstances permitted by 22 NYCRR 202.8-d. Reply papers shall not be submitted on orders to show cause, pursuant to 22 NYCRR 202.8-d.

16. PRE-NOTE-OF-ISSUE SETTLEMENT CONFERENCES: Parties may request a settlement conference at any time, on consent of all parties, by e-mailing Mr. Roehling and copying all parties on the e-mail. Please include proposed settlement conference dates on a Tuesday, Wednesday, or Thursday at 2:30 p.m. Parties may NOT call Mr. Roehling or contact the part to request a settlement conference. Parties are expected to be fully familiar with the action and authorized and prepared to discuss settlement, pursuant to 22 NYCRR 202.26 (a). Parties may, but are not required to, submit confidential settlement packets to the court prior to any settlement conference by e-mailing it to Mr. Roehling or hand delivering it to the courtroom.

17. NOTE OF ISSUE: A note of issue date shall be provided to the parties at the final status conference, after disclosure is complete. A note of issue shall NOT be filed, under any circumstances whatsoever, until a final status conference has been held in Part 30 and a stipulation indicating that disclosure is complete has been signed by all parties at such conference and the parties have been given a note of issue date at such conference. As previously stated, motions for summary judgment shall be made no later than 60 days after the filing of the note of issue (*see* CPLR 3212 [a]).

18. POST-NOTE-OF-ISSUE PRETRIAL (SETTLEMENT) CONFERENCES: If a motion for summary judgment has been made, a pretrial (settlement) conference will not be held until after the motion is decided. If no motion for summary judgment has been made, a pretrial (settlement) conference shall be scheduled and held in person on Tuesdays, Wednesdays, and Thursdays at 9:30 a.m. Parties are expected to be fully familiar with the action and authorized and prepared to discuss settlement and other matters, pursuant to 22 NYCRR 202.26 (a) and (b). Parties may, but are not required to, submit confidential settlement packets to the court prior to any settlement conference by e-mailing it to Mr. Roehling or hand delivering it to the courtroom.

19. SETTLEMENTS AND STIPULATIONS OF DISCONTINUANCE: If an action is settled, discontinued, or otherwise disposed of, parties shall file a stipulation of discontinuance on NYSCEF and shall also immediately e-mail a copy of the stipulation to Mr. Roehling, pursuant to 22 NYCRR 202.28 (a). Absent an agreement to the contrary, defendants shall file the stipulation of discontinuance on NYSCEF, pursuant to CPLR 3217 (d).

20. STIPULATIONS AND SUBPOENAS: Parties requesting that stipulations and/or subpoenas be so ordered shall file the request, together with an affirmation in support for a subpoena, on NYSCEF and shall also e-mail the request to Mr. Roehling, as neither Mr. Fuller, Mr. Roehling, nor Justice Gray are notified when a document has been filed on NYSCEF.

21. REQUESTS FOR COURT INTERVENTION: If the next scheduled conference is more than 60 days away, parties may request court intervention by filing a letter request on NYSCEF and also e-mailing the request to Mr. Roehling, as neither Mr. Fuller, Mr. Roehling, nor Justice Gray are notified when a document has been filed on NYSCEF.

22. REDACTION OF CONFIDENTIAL PERSONAL INFORMATION: Parties shall omit or redact confidential personal information in papers submitted to the court for filing pursuant to 22 NYCRR 202.5 (e) (1).

23. TRACKING OF ACTIONS: Parties shall track their actions via eTrack on eCourts and shall be responsible for appearing on all future court dates.

24. JURY TRIALS: Upon being assigned to Part 30 for a jury trial, marked pleadings and other papers shall be submitted to the court pursuant to CPLR 4012 and 22 NYCRR 202.35.

25. SUMMARY JURY TRIALS: Upon being assigned to Part 30 for a summary jury trial, marked pleadings and other papers shall be submitted to the court pursuant to CPLR 4012 and 22 NYCRR 202.35. Summary jury trials are governed by The Summary Jury Trial Process: Bronx Rules and Procedure As Amended 9/23/08. Only the attorneys who will be trying the action may appear at the evidentiary hearing, and those attorneys shall bring the following to the hearing: requests to charge, proposed verdict sheets, documents they are seeking to introduce in evidence, a witness list, and any prior court order that will affect the summary jury trial.

THESE RULES MAY PERIODICALLY BE AMENDED.  
PARTIES ARE RESPONSIBLE FOR ENSURING COMPLIANCE WITH THE MOST  
RECENT VERSION.