

HON. SHAWN T. KELLY
I.A. Part 24 Rules (As of November 2024)
Supreme Court of The State of New York
12th Judicial District- Bronx County
851 Grand Concourse
Bronx, New York 10451

Courtroom: Room 623
Phone: 718-618-1248
Part Clerk: Mattea Harmon
Email: BxSupCiv-IA24@nycourts.gov

Chambers: Room 841
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Principal Court Attorney: Avana M. Desai, Esq., amdesai@nycourts.gov
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GENERAL

1. Recording or photographing of any Court proceeding, either in person or virtual, is strictly prohibited (22 NYCRR §29.1[a]).
2. All parties or their counsel must familiarize themselves with these Practice Rules and the Rules of the Justices of the Supreme Court, Civil Branch, Bronx County.
3. Part 24 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. Part 24 may ask the parties to provide courtesy copies of documents filed electronically pursuant to 22 NYCRR §202.5-b(5). Do not provide courtesy copies unless asked to.
4. It is the parties' responsibility to file their Notice of Appearance and to confirm that their current email address is listed on NYSCEF. (22 NYCRR §202.5-b[f][2][i]).
5. Counsel and litigants (represented or self-represented) are advised that Justice Kelly, his Law Clerks, and Part Clerk will not engage in any *ex parte* communications. Any communications between the parties shall not include the Court unless directed to by the Court.
6. Failure to appear at any calendar appearance may result in an inquest or dismissal (22 NYCRR §202.27).
7. 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 possible by email to the Part.
8. The parties shall omit or redact confidential personal information in papers submitted to the Court for filing (see 22 NYCRR §202.5[e][1]).
9. Appearing counsel must be familiar with the case and be fully prepared and authorized to discuss and resolve the issues which are scheduled to be the subject of the appearance. Failure to comply with this rule may be treated as a default for purposes of Uniform Court Rule 202.27 and/or may be treated as a failure to appear for purposes of Uniform Court Rule 130.2.1 (22 NYCRR §202.1[f]).
10. Failure to appear at any scheduled appearance may result in default, inquest, or dismissal (22 NYCRR §202.27).

COMMUNICATIONS WITH THE PART CLERK AND CHAMBERS

1. **ALL** emails to the Part Clerk or to Chambers must list the case name and index number in the subject line.
2. For all motions pending in the Submissions Part (Room 217), follow that part's rules regarding adjournments, scheduling, and withdrawals.
3. After motions are fully submitted in the Submissions Part, they are forwarded to Justice Kelly's Part. If oral argument is requested, such request must be indicated on the notice of motion. Do not send letters to Chambers or the Part Clerk requesting oral argument.
4. DO NOT call Chambers regarding scheduling matters and requests for adjournments. Please contact the Part Clerk for instructions.
5. All requests for adjournment **must** be approved in advance. Without prior approval, a stipulation will not be accepted and any failure to appear will be considered a default.
 1. To make your request, please call the Part Clerk, not chambers, at least two (2) days prior to the scheduled appearance by conference call with all counsel on the line. Alternatively, a request may be made by email with a copy to all parties. All adjournment requests must provide a reason for the request. If approved, you will receive a new date and further instructions, such as submitting a stipulation.
 2. Except for emergency situations, if the application is made less than 48 hours before the scheduled appearances and you may be defaulted for non-appearance.
6. **NO *ex parte* communications.** Unless specifically instructed, please do not call or email chambers. If specifically instructed to call chambers regarding a pending matter, such call may be placed only by attorneys or *pro se* parties if not represented by an attorney. No law office employees, assistants, or aides may call chambers.
7. DO NOT write letters or emails to the Court unless you:
 1. seek to withdraw a motion in whole or in part;
 2. wish to advise the court that a case has settled; or
 3. were granted leave to do so at oral argument or by the Court.
8. If a motion has been withdrawn or the case has been settled or otherwise discontinued, please notify the Part Clerk immediately and email a stipulation executed by all affected parties.
9. DO NOT call the Part Clerk or Chambers for a status update or to ask whether a decision has been issued. All decisions and orders are scanned and available on the internet (eCourts or NYSCEF).

REQUEST FOR JUDICIAL INTERVENTION (RJI)

1. A party must file an RJI, for any motion filed pursuant to CPLR §3211 or a party may file an RJI at any time after service of process to request a Preliminary Conference. In compliance with 22 NYCRR §202.23, 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. Use of alternative dispute resolutions (ADR) to resolve all or some of the issues
 4. Any voluntary 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 the conference.

2. Counsel attending the Preliminary or Compliance Conference must be fully familiar with the case, the status of discovery, and any settlement negotiations. Counsel must bring Bill of Particulars, previous orders (if any), and a list of outstanding discovery demands. Any outstanding discovery demands that any party fails to disclose, discuss, or object to will be deemed waived. All counsel and parties must be prepared and authorized to enter into binding stipulations regarding disclosure and disposition of the case.

PRELIMINARY CONFERENCE

1. Upon receipt of an RJL made pursuant to 22 NYCRR §202.12(a), a Case Scheduling Order (“CSO”) will be automatically generated within 45 days and uploaded to NYSCEF in lieu of holding a conference.
2. Parties shall strictly comply with discovery obligations by the dates set forth in the CSO (22 NYCRR §202.20-e).
3. Extensions of deadlines set forth by CSO must be requested at a compliance conference and will only be granted upon a showing of good cause.

COMPLIANCE CONFERENCE

1. The Case Scheduling Order will set a compliance conference date and state whether it is virtual or in person.
2. At least seven (7) days prior to the Compliance Conference, the parties must jointly submit a completed Compliance Conference Form to Chambers by email. The parties must use this Part’s standard form Compliance Conference Form, which is available on the Bronx County Supreme Court’s webpage or at this [link](#).
3. Upon receipt of the completed Compliance Conference Form, the Court will cancel the scheduled Compliance Conference, unless the parties indicate at the time of submission of the completed Compliance Conference Form that there is a discovery dispute requiring Court intervention.
4. Parties are advised that the Court may alter the deadlines set by the parties, schedule a Settlement Conference, and/or prescribe a Note of Issue filing date. An executed copy of the Compliance Conference Form will be filed on NYSCEF.
5. Failure to provide a completed Compliance Conference Form may result in the adjournment of the Conference.
6. Pursuant to CPLR § 3216, every Compliance Conference Order contains language indicating that the failure to file the Note of Issue as prescribed therein will result in dismissal of the action for failure to prosecute.
7. The compliance conference monitors the progress of the completion of discovery, explores potential settlement and sets a deadline for the filing of the Note of Issue (22 NYCRR §202.19[b][3]). At the compliance conference, either another status or final compliance conference date will be scheduled, or an “on or before” filing of NOI date will be set.
8. Requests to extend the note of issue deadline should not be lightly made and must be communicated to the Court by letter filed via NYSCEF and emailed to the Part Clerk at least two (2) weeks prior to the deadline. Any such request shall be supported by an affirmation setting

forth the reasons why discovery could not be completed by the current deadline, and the shortest possible time needed to complete discovery.

DISCOVERY DISPUTES

1. In the spirit of 22 NYCRR §202.20-f(a), discovery motions **may not be made** without a prior conference with the Court. Accordingly, pursuant to 22 NYCRR 202.20-f(b), before seeking judicial intervention, the parties must first consult with one another in a good faith effort to resolve all discovery disputes. If a dispute cannot be resolved after such good faith effort, the party seeking judicial intervention must submit a letter requesting a conference and advising the Court of the nature of the dispute and the efforts made to resolve it. The request must be submitted to chambers by email. Failure to comply with the foregoing, will result in the denial of any discovery motion.

SUBPOENAS

1. Subpoenas generally need not be so ordered. Requests for the Court to so-order a subpoena shall be supported by an affirmation explaining the need for an order and shall be uploaded to NYSCEF with a courtesy copy emailed to the Part Clerk and Chambers.
2. Subpoenas for trial shall be directed to the trial assignment part (TAP).

PRE-TRIAL AND SETTLEMENT CONFERENCES

1. The parties may request a settlement conference with the Court at any time after issue is joined and discovery has been exchanged by contacting the Part Clerk or informing the Court during an appearance.
2. Prior to trial, counsel shall confer in a good faith effort to identify matters not in contention, resolve disputed questions without need for Court intervention, and further discuss settlement of the case (22 NYCRR § 202.26).
3. Following the filing of a note of issue and, where applicable, the Court has rendered a decision on summary judgment not fully disposing of the case, the Court will schedule a pre-trial conference with the parties prior to any referral to TAP.
4. An attorney fully familiar with the case and authorized to make a binding settlement agreement must appear and engage in good faith settlement negotiations (22 NYCRR § 202.26). Parties and claims representatives must be available by telephone at the time of the conference.

MOTION PRACTICE

1. Part 24 is an e-filing part. E filing rules are available here: <https://ww2.nycourts.gov/courts/12jd/BRONX/civil/filingrules-efile.shtml>.
2. It is the parties responsibility to confirm that any exhibits that they have e-filed are complete prior to the motion submission date. Motions may be denied for failure to attach complete exhibits.
3. No appearances are required on the motion return date unless directed by the Court.
4. All motions are on submission unless otherwise advised by the Court. Parties may request oral argument by stating "Oral Argument Requested" on the first page of the papers submitted and

emailing the Part Clerk to request a date for argument. The Court will determine whether to grant such requests.

5. No sur-replies shall be considered absent leave of the Court.
6. Parties shall abide by the word count limits set forth in 22 NYCRR § 202.8-b. The Court may permit over-length submissions upon letter application copying all parties and emailed to the Part Clerk.
7. If you want to withdraw a motion after the motion leaves the Submissions Part, please inform the Part Clerk immediately and email a stipulation executed by all affected parties. If the motion is in the Submissions Part, please follow that Part's rules to withdraw.

ORDERS TO SHOW CAUSE

1. Any questions regarding the procedure for e-filing proposed orders to show cause should be directed to the Ex Parte Office at 646-386-3125.
2. An order to show cause shall be brought only when there is genuine urgency, a stay is required, or it is mandated by statute (22 NYCRR § 202.8-d).
3. Any party seeking immediate injunctive relief within an order to show cause must appear with the affected adversary or proof the adversary was notified but declined to appear when the application is presented for signature.
4. Absent an emergency, orders to show cause may not be adjourned.

SUMMARY JUDGMENT MOTIONS

1. All summary judgment motions must be made **within sixty (60) days** of filing the note of issue. Counsel's affirmation in support must include the note of issue filing date. Motions made before the filing of the Note of Issue stay the discovery ordered in the Preliminary Conference and Case Management Order.