

SUPREME COURT OF THE STATE OF NEW YORK,
CIVIL TERM COUNTY OF BRONX, **PART IAS-27**
851 GRAND CONCOURSE AVENUE, BRONX, NEW YORK, 10451
Courtroom Rm. 402 | Courtroom: (718) 618-1226

HON. NAITA A. SEMAJ

PART RULES - As of December 5, 2024

Part Clerk BxSupCiv-IA27@nycourts.gov

Principle Law Clerk Francisco Rivera, Esq. – flrivera@nycourts.gov (as of 12/16/24)

Secretary Raina Taylor – rataylor@nycourts.gov

GENERAL

- All counsel must appear with full knowledge of the case and ability to engage in meaningful discussion regarding pending applications.
- All appearances are “time certain”. Parties are expected to be in the courtroom and ready to proceed at the scheduled date and time of their matter. Failure to appear on time, or to notify the court that they will be late, may result in a default.

COMMUNICATIONS WITH THE PART CLERK AND CHAMBERS

- DO NOT call Chambers unless specifically directed to do so. All communication with the court must be via email or otherwise in writing including all parties.
- All requests for adjournments must be in writing via email of stipulation.
- To request an adjournment, please email Raina Taylor at rataylor@nycourts.gov at least two (2) days prior to the scheduled appearance with all other counsel carbon copied. All adjournment requests must provide a reason for the request as well as proposed new dates already agreed upon by the parties. If approved, you will receive a new date and further instructions by email.
- Do not copy the Court on letters or emails exchanged between counsel.
- If a motion has been withdrawn or the case has been settled or otherwise discontinued notify the Part Clerk and all affected parties immediately by email to rataylor@nycourts.gov and BxSupCiv-IA27@nycourts.gov and file appropriate documentation via NYSCEF as soon as possible.

E-FILING

- New cases are encouraged to be e-filed through the New York State Courts E- filing (NYSCEF) system. Where possible, conversion to e-filing of older cases is also strongly encouraged.

PRELIMINARY CONFERENCES

- To schedule a Preliminary Conference (“PC”) Counsel must (1) file a Request for Judicial Intervention (“RJI”); and (2) ensure the case is assigned to Part 27.
- At least one week before any PC date, the parties shall complete and submit a Preliminary Conference Order form - [Part 27-PCO-fillable 1.pdf](#) The completed and fully executed PC Order form shall be sent via email to BxSupCiv-IA27@nycourts.gov with all parties on the e-mail chain. The subject line of the e-mail shall include the: Index Number, Caption and PC date.
- If the parties agree on all matters and the Court approves the terms of a proposed Stipulation and/or Order, the Stipulation and/or Order shall be “So Ordered” by the Court and uploaded to NYSCEF. The Court shall schedule a Compliance Conference date.
- Should the Court not receive a PC Order prior to the scheduled conference, the parties will be required to appear in person for the PC.
- Bill of Particulars: Any proposed PC Order shall state the date plaintiff served the Bill of Particulars (“BP”). The failure to serve a BP will result in the Court forestalling issuance of a PC Order until a BP has been provided. The continued failure to provide a BP may result in an Order

imposing costs or other sanctions upon the offending party pursuant to §130.2.1 of the Rules of the Chief Administrator, 22 NYCRR §202.27, or any other applicable rule or statute.

- Medical Authorizations: When a defendant serves a demand for authorizations together with a demand for a BP, Counsel for plaintiff shall serve the authorizations with the BP.

COMPLIANCE CONFERENCES

- The date for the initial Compliance Conference (“CC”) shall be set by the Court in the PC Order. Absent an extenuating circumstance, a CC shall be scheduled no later than four (4) months after the PC.
- At least one week before any CC date, and after conversing with all Counsel regarding outstanding discovery, the parties shall complete and submit a fillable CC Order form - [Part 27- CCO-fillable 1.pdf](#) for the Court’s approval.
- The completed and fully executed CC Order form shall be sent to BxSupCiv-IA27@nycourts.gov. The e-mail must include all parties on the e-mail chain. The subject line of the e-mail shall include the: Index Number, Caption and CC date. The body of the e-mail must indicate that the Order is on consent.
- If the parties agree on all matters and the Court approves the terms of a proposed Stipulation and/or Order, the Stipulation and/or Order shall be “So Ordered” by the Court and uploaded to NYSCEF. The next CC date will be set in the Stipulation and Order to ensure the completion of discovery.
- The Court may deem it necessary to hold further Compliance Conferences to ensure adherence with outstanding discovery.
- Should the Court not receive a CC Order prior to the scheduled conference, the parties will be required to appear in person for the CC.

DEFINITE TERMS

- When completing a PC or CC Order for the Court’s review, Counsel must use dates certain, such as “on December 31, 2022.” Open ended dates such as “on or before December 31, 2021,” “within 45 days,” or non-specific directives such as “all discovery not yet provided” or “unless otherwise provided,” or “to the extent not yet provided,” may not preserve any rights and are to be used sparingly.

COMPLIANCE WITH ORDERS

- Strict compliance with all PC and CC Orders is required (*see Kihl v Pfeffer*, 94 NY2d 118 [1999]). Unexcused or unjustified failures to comply with requirements and deadlines fixed by the Court in the subject Order, may result in the imposition of costs, sanctions, penalties or other remedies upon the offending party pursuant §130.2.1 of the Rules of the Chief Administrator, 22 NYCRR §202.27, or other applicable rule or statute, including but not limited to CPLR §3126.
- Extensions of deadlines set forth in the PC, CC or other discovery Orders must be requested from the Court in writing and shall only be granted upon a showing of good cause.

FAILURE TO APPEAR

- Upon a party’s failure to appear for a conference, costs, sanctions or other remedies may be imposed upon the offending party pursuant to §130.2.1 of the Rules of the Chief Administrator, 22 NYCRR §202.27, or any other applicable rule and statute.

ADJOURNMENT OF CONFERENCES

- Any application for the adjournment of a conference must be made via e-mail to BxSupCiv-IA27@nycourts.gov and rataylor@nycourts.gov, at least one week prior to the scheduled date. The party must state the reason for seeking an adjournment.

SUBPOENAS

- Counsel is reminded of their authority to issue subpoenas under applicable law. All subpoenas submitted to chambers must be on notice unless otherwise instructed by chambers. Subpoenas seeking documents from a state agency or municipality must be served in compliance with CPLR 2307.

VIRTUAL CONFERENCES

- All appearances are in-person unless there has been a specific request outlining a need for virtual and that request has been approved.
- Parties will receive a Microsoft Teams link from the Part Clerk when a virtual appearance is scheduled.
- Parties and counsel are to download any necessary software in advance and to test their ability to participate through audio and visual equipment, also in advance. Although all conference invitations will include a telephone dial-in as a backup, video appearances are required whenever possible.
- Any recording of the video or audio, taking photos or screenshots of a remote appearance is prohibited (22 NYCRR Parts 29, 131).

MOTION PRACTICE

- Motion Sequence Number must be included on the first page of every motion paper (notice of motion, opposition, reply, exhibits, etc.).
- Working copies or courtesy copies of motion papers are NOT required. The court will request a courtesy copy if it sees fit.
- Counsel should not submit a single .pdf file under a single document number for all papers submitted on a motion. Each e-filed document must have its own, respective document number (e.g., Doc # 15, Notice of Motion; Doc # 16, Attorney Affirmation; Doc # 17, Affidavit; Doc # 18, Exhibit A; and Doc # 19, Exhibit B).
- Exhibits: Each page in any exhibit must be numbered. Reference to any exhibit must include pinpoint citations to the exact page within the exhibit. All exhibits electronically submitted must be described in the heading of the attached exhibit (e.g., Exhibit A, Bill of Particulars; Exhibit B, Photographs), so that it is known what document is filed in the exhibit.
- Once motions are fully submitted, the Court will not allow any further submissions. Letters to the Court after oral argument or full submission will not be accepted or considered.
- 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.

DISCLOSURE DISPUTES

- Prior to making a discovery motion, Counsel shall consult one another in a good faith effort to resolve any discovery disputes in compliance with Uniform Rule §202.7(a)(2). Absent good cause, failure to comply with a discovery Order may result in the imposition of penalties upon the offending party and, where warranted, upon Counsel. Such penalties may include waiver of the discovery, preclusion, dismissal, striking of an Answer, costs, sanctions and/or attorneys' fees.

DISCOVERY MOTION RULES

- If the parties are unable to resolve a discovery dispute after good faith efforts, an application shall be made for a pre-motion conference to discuss the discovery dispute and all other discovery issues in the case. The application shall be made via e-mail to BxSupCiv-IA27@nycourts.gov and rataylor@nycourts.gov, and shall state the nature of the discovery dispute and the applicable law relative thereto. Where possible, a conference will be scheduled by the Court if the issue cannot be otherwise resolved. If the discovery dispute is not resolved at the conference, a briefing schedule will be issued for the motion.

NOTE OF ISSUE

- A Note of Issue and Certificate of Readiness must be filed by the deadline imposed by the Court at the final CC. A Note of Issue and Certificate of Readiness may not be filed unless a stipulation has been executed by all Counsel indicating that discovery is complete, and a copy of the stipulation has been “So Ordered” by the Court.

MOTIONS FOR SUMMARY JUDGEMENT

- Any motions for summary judgment must be made within ninety (90) days from the filing of the Note of Issue and Certificate of Readiness.

TRIALS

- All counsel must submit to the court, prior to the commencement of trial, marked pleadings, a copy of the bill of particulars, a witness list, an exhibit list, proposed jury instructions and a proposed verdict sheet. These documents should be submitted to the Court by email to rataylor@nycourts.gov. All parties should be included on the email.
- Prior to the pre-trial conference, the parties shall attempt to stipulation as to: (i) the authenticity and admissibility of exhibits; and (ii) undisputed facts.
- Upon the first Pre-Trial Conference before this Court, the parties must furnish the following; preferably via email to rataylor@nycourts.gov .
 - o A list of proposed witnesses, including the need for any interpreters with the required language and dialect.
 - o An estimate of required trial days.
 - o All marked pleadings.
 - o All prior decisions in the case, including any appellate decisions.
- Parties are strongly encouraged to have the court stenographer pre-mark all exhibits for identification and/or evidence if without objection.
- It is the duty of counsel, not court personnel, to ensure all subpoenaed documents have arrived.
- Motions in Limine - any party intending to make a motion in limine shall submit a brief written affirmation setting forth the nature of the application and any supporting statutory or case law. This affirmation and motion should be submitted to the Court by email to rataylor@nycourts.gov with all parties included on the email.
- Parties are expected to appear on time and ready to proceed at all agreed upon trial dates.
- Trial dates are firm and no adjournments will be granted unless the court concludes, in rare instances, that good cause exists.

SUMMARY JURY TRIAL RULES

- The rules for Civil Jury Trials apply to Summary Jury Trials except:
 - o All Summary Jury Trials will be held in accordance with the written, binding stipulation and order between the parties and so ordered by the Court.
 - o Time limits will be strictly complied with as follows:
 - o Each party is permitted:
 - Thirty (30) minutes for jury selection
 - Ten (10) minutes for openings
 - Sixty (60) minutes for presentation of case, including cross-examination
 - Ten (10) minutes for closing