

**I.A.S. Part 4**  
**Justice Andrew J. Cohen**

Supreme Court of the State of New York  
Bronx County - 12th Judicial District  
851 Grand Concourse, Courtroom 413  
Bronx, New York 10451  
Courtroom Telephone Number: (718) 618-1212

**COMMUNICATIONS**

**Part 4 Chambers Staff:**

Jyll D. Townes, Principal Law Clerk via email: [jdtownes@nycourts.gov](mailto:jdtownes@nycourts.gov)

David Schafer, Assistant Law Clerk via email: [dschafer@nycourts.gov](mailto:dschafer@nycourts.gov)

Tushawnda Garrett-Fleming, Senior Court Clerk via email: [tgarrett@nycourts.gov](mailto:tgarrett@nycourts.gov)

**Part email:** [BxSupCiv-IA4@nycourts.gov](mailto:BxSupCiv-IA4@nycourts.gov)

**Part Rules:** Available [here](#). The Part Rules reference Part 202 of the Uniform Civil Rules for the Supreme Court and the County Court (“Uniform Rules”) and the CPLR and link to certain legal provisions of the Uniform Rules to emphasize the importance of the same to the Court.

**Communicating with Chambers Staff**

All inquiries should be made via e-mail to all Chambers staff listed above. Inquiries are not to be made via NYSCEF. Chambers Staff routinely uses email to convey information to the parties regarding scheduling, to respond to inquiries and for most other communications. All parties must provide email addresses as well as telephone numbers where they can be reached on all motion papers and communications to the Court. Telephone calls to chambers will be entertained only in situations requiring **immediate attention**, and you will be directed to send an email if your telephone call concerns a matter that does not require immediate attention.

Ex parte communications are not permitted. When communicating with Chamber Staff, emails must be copied to all attorneys. If there are unrepresented litigants involved in your case, you must ensure that they receive such communications by email or other means. Therefore, attorneys must ensure that they have email addresses and/or telephone numbers for unrepresented litigants and communicate that information to Chambers Staff or demonstrate how they have attempted to obtain such contact information.

Please do not request relief that should be made by way of a motion by letter or email. No decision or order will be issued based on such requests. Please do not inquire about the status or estimated completion date of a pending decision after submission, post-conference or post-oral argument as no information will be given.

Attorneys must contact Chamber Staff and all parties immediately if there have been any developments in a case that would affect a future appearance, the outcome of the case, or a pending motion (e.g., actual engagement, death of a party/attorney, discontinuance, settlement, stipulation to adjourn, withdrawal, etc.).

Any communications regarding any **stipulations of adjournment** shall be uploaded to NYSCEF and emailed to Chambers Staff pursuant to [Uniform Rule § 202.8 \(e\)\(1\)](#) (as we do not automatically receive NYSCEF notifications) and [BxSupCiv-IA4@nycourts.gov](mailto:BxSupCiv-IA4@nycourts.gov) preferably **forty-eight (48) hours** before the return date. **Where there is no agreement between the parties, a request for an adjournment** by any party shall be submitted in

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writing via email, upon notice to all other parties, to the part email and Chambers Staff (see above) at least forty-eight (48) hours before the return date (absent extenuating circumstances). Chambers Staff will notify the parties whether the adjournment has been granted via email.

**APPEARANCES**

In-person appearances in Courtroom 413 will be the default method of appearance. This includes preliminary, compliance, pre-trial, status and settlement conferences, inquests, and other hearings. Attorneys must contact Chamber Staff and all parties as soon as possible and prior to the appearance date (preferably forty-eight hours) regarding any extenuating circumstances that will affect the appearance or the outcome of the case (e.g., attorney engagement, death of a party/counsel, discontinuance, settlement, stipulation to adjourn, withdrawal, etc.). Failure to appear and communicate, in advance, with the Court regarding an appearance may result in default pursuant to the Uniform Rules ([Uniform Rule § 202.27](#)).

Pursuant to the Uniform Rules, counsel and pro se litigants are to be fully prepared and authorized to discuss and resolve the issues which are scheduled to be the subject of the appearance or conference. [Uniform Rule § 202.1](#). Failure to comply may be treated as a default ([Uniform Rule § 202.27](#)) and/or may be treated as a failure to appear which could result in costs or sanctions pursuant to the Rules of the Chief Administrative Judge ([§ 130-2.1](#)).

A request for an interpreter or court reporter for any appearance or proceeding should be made via email to Chambers Staff at least seven (7) days before the proceeding.

Although in-person appearances are the default method of appearance, if an appearance or conference is scheduled by the Court using Microsoft Teams, a Microsoft Teams Invitation and link will be sent to the movant and, unless provided to the Court, the movant is responsible for forwarding the invitation to all parties entitled to notice. During the appearance on Microsoft Teams, proper attire for all participants is required as is a quiet environment for the duration of the appearance. It is best if the Court can view all parties and for the parties to see one another, hence a working camera and microphone would be preferred.

**PAPERS**

All papers must comply with the requirements of [CPLR § 2101](#), [CPLR §2103](#), and [CPLR § 2214](#) as well as the applicable provisions of the Uniform Rules for the Supreme Court [§ 202.5](#) (and in addition other sections of Rule 202, as specified below) as to form, language, specificity, notice and service requirements, and motion practice. No papers shall be double-sided, and all pages shall be numbered.

**MOTIONS**

All motions should comport with Uniform Rules for the Supreme Court rules, specifically Section 202.8, Motion Procedure,” and its subdivisions as to (including, but not limited to):

- a) Form ([§ 202.8-a. Motion in General](#));
- b) word and length limits ([§ 202.8-b. Length of Papers](#));
- c) urgency ([§ 202.8-d. Orders to Show Cause](#));
- d) notice ([CPLR § 2214](#) and [§ 202.8-e Temporary Restraining Orders](#)); and
- e) motions for summary judgment ([§ 202.8-g. Motions for Summary Judgment; Statements of Material Facts](#)).

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All discovery motions will be scheduled for a conference and should conform to Uniform Rule [Section 202.7 \(a\)](#) (2), the requirement of an affirmation that counsel has conferred with counsel for the opposing party in a good faith effort to resolve the issues raised by the discovery motion. Conferences or oral arguments relating to all other motions should be requested in writing (preferably by email) pursuant to [§ 202.8-f. Oral Argument](#) and, if deemed necessary, will be scheduled by Chambers Staff. Parties will be notified by email, except where the Court directs otherwise.

When submitting proposed orders or judgments with motions, counsel are advised to keep them separate and apart from motion papers. Proposed orders or judgments incorporated within motion papers will be considered exhibits and treated as such.

## **Motions brought by Notice of Motion**

Motions are returnable five days a week and may be filed via NYSCEF or in the Motion Support Office, Room 217, and subsequently placed on the submission calendar and tracked. All opposition and reply papers must be submitted at the Motion Support Office on the return dates provided in the notice of motion or as provided pursuant to an adjournment.

Stipulations of adjournment of motions which comply with Uniform Rule [§ 202.8-a. \(c\)](#) and submitted in Room 217 on the return or adjourned date of a motion, will be honored and the motion will be adjourned and kept in the Motion Support Office. If a non-stipulated application for adjournment is submitted in Room 217, the application will be forwarded to Chambers for a ruling. Counsel is strongly advised to provide a courtesy copy of non-stipulated applications for adjournment via email directly to Chambers Staff for consideration at least **forty-eight (48) hours** in advance (see page 1, above) because Chambers Staff may not become aware of the request, in which case you may be in jeopardy of having your appearance marked as a default. Counsel will be advised of the ruling in writing. **Oral applications for adjournments are not considered.**

## **Summary Judgment Motions**

In addition to the Uniform Rules (see above), motions for summary judgment must be made in compliance with and according to the limitations set forth in [CPLR § 3212](#), and no later than one hundred twenty (120) days after the filing of the Note of Issue, except with leave of court on good cause shown. Motions for summary judgment should also adhere to Uniform Rule [§ 202.8-g. Motions for Summary Judgment; Statements of Material Facts](#).

## **Orders to Show Cause (OSC)**

All OSCs must contain an affirmation in compliance with Uniform Rule [§ 202.7 \(see subsection \(d\)\)](#) and be E-filed on NYSCEF. **All OSCs must include an email address and telephone numbers.** Proof of service of a signed OSC must be E-filed and a copy should be emailed to Chambers Staff. Any application for a TRO must comply with Uniform Rule [§ 202.7, see subdivision \(f\)](#). Non-compliance will result in denial of the OSC.

OSC's are returnable on Tuesdays in IAS Part 4, Courtroom 413 at 10 a.m., unless otherwise indicated. Stipulations adjourning an OSC should be emailed to Chambers Staff and uploaded to NYSCEF prior to the return date.

## **CONFERENCES**

**Preliminary Conferences - scheduled for Tuesdays (unless otherwise scheduled by the Court)**

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Counsel for all parties shall be familiar with Uniform [Rule 202.12](#) (“Preliminary Conference”) and consult with one another prior to any appearance for a preliminary, compliance, status or settlement conference regarding: (i) potential resolution of the case, in whole or in part; (ii) timetables for outstanding discovery, including discovery of electronically stored information, and any other issues to be discussed at the conference; (iii) the use of alternate dispute resolution to resolve all or some issues in the litigation; and/or (iv) any voluntary and informal exchange of information that the parties agree would help aid early settlement of the case. Counsel shall make a good faith effort to reach agreement on these matters in advance of the conference.

While the parties may discuss and recommend the date for a subsequent conference to follow-up on the matters discussed at the preliminary conference, the Court, in its discretion may decide on a different date. The recommended date for a subsequent conference should be on a Tuesday at least four (4) months from the first date of exchange of discovery. The parties may elect to leave the subsequent date blank. All requests for adjournments of preliminary conferences by stipulation should be made following the adjournment protocol (see page 1, above)

Pursuant to Uniform [Rule 202.12](#), an **in-person conference need not be held** if such conference will involve only the submission of a proposed stipulated conference order (see below). In such cases, a proposed order will be “so ordered” and issued. Preliminary conferences (also referred to as “PCs”) will be scheduled after the Request for Judicial Intervention (“RJI”) is filed on NYSCEF. The parties may jointly submit (preferably forty-eight hours in advance) a proposed PC order, **in lieu of appearance**, using the Part’s standard form (“[Part 4-Proposed PCO-fillable.pdf](#)”) which is available on the Bronx County Supreme Court – Part Rules webpage, [here](#). The proposed preliminary conference order must be filed on NYSCEF by uploading it as Document Type “ORDER (PROPOSED)” with “Request to So Order” in notes section, followed by an email to the part email [BxSupCiv-IA4@nycourts.gov](mailto:BxSupCiv-IA4@nycourts.gov), copying all parties and Chambers Staff. The subject line of the e-mail shall read "Proposed PCO: Index Number, Caption." The parties must use this Part’s current standard form as posted on the website or provided by Chambers Staff.

Any proposed PC order shall state the date plaintiff served or will serve the Bill of Particulars and any additional information regarding discovery that has been negotiated by the parties. A so-ordered copy of the PC order will be uploaded to NYSCEF. Parties are advised that the Court may alter the deadlines set by the parties, schedule a compliance conference (also referred to as “CC”), and/or prescribe a Note of Issue filing date. Parties shall strictly comply with discovery obligations by the dates set forth in the so-ordered PC order pursuant to Uniform Rule [§ 202.20-e](#) (“Adherence to Discovery Schedule”). If 45 days have elapsed, issue is joined, and a so-ordered PC order has not been uploaded, please contact County Clerk’s office.

**Parties must appear if the proposed PC order is not filed on NYSCEF at least forty-eight (48) hours in advance of the scheduled PC, if there are any disputes regarding the proposed PC order, or if there are any pending discovery motions. When in person preliminary conferences are required, failure to appear, failure to reasonably negotiate a proposed preliminary conference order, or repeated non-compliance with an order issued by the Court may result in the imposition of an appropriate sanction against that party or for other relief pursuant to [CPLR § 3126](#), including dismissal of the action or default against the disobedient party.**

**Compliance Conference - scheduled for Wednesdays (unless otherwise scheduled by the Court)**

Absent an extenuating circumstance, a compliance conference (“CC”) will be scheduled no later than four (4) months after the so-ordered PC order. Extensions of deadlines set forth by PC order must be requested at a compliance conference and will only be granted upon a showing of good cause.

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At least forty-eight (48) hours prior to the compliance conference, the parties may jointly submit a completed proposed compliance conference order (“[Part 4-Proposed CCO-fillable.pdf](#)”), **in lieu of appearance**, using the Part’s standard form which is available on the Bronx County Supreme Court – Part Rules webpage, [here](#). The proposed CC order should be filed on NYSCEF by uploading it as Document Type “ORDER (PROPOSED)” with “Request to So Order” in the notes section followed by an email to the part email [BxSupCiv-IA4@nycourts.gov](mailto:BxSupCiv-IA4@nycourts.gov), copying all parties and Chambers Staff. The subject line of the e-mail shall read “Proposed CCO: Index Number, Caption.” The parties must use this Part’s current standard compliance conference form as posted on the website or provided by Chambers Staff.

**Parties must appear if the proposed compliance conference order is not filed on NYSCEF at least forty-eight (48) hours in advance of the scheduled compliance conference, if there are any disputes regarding the proposed compliance order, or if there are any pending discovery motions.** Failure to appear, reasonably negotiate proposed compliance conference orders, or repeated non-compliance with discovery orders or to disclose may result in the imposition of an appropriate sanction against that party or for other relief pursuant to [CPLR § 3126](#), including dismissal of the action or default against the disobedient party.

**Settlement and Pre-Trial Conferences - scheduled for Thursdays (unless otherwise scheduled by the Court)**

Parties may request a settlement conference at any point during the life of the pending claim.

A mandatory pre-trial conference shall be set after the filing of a Certificate of Readiness certifying that all discovery is complete and the Note of Issue (“NOI”). If a pre-trial conference has not been set by the Court within three (3) months after the filing of the NOI, the parties shall request such conference via email to the Part email [BxSupCiv-IA4@nycourts.gov](mailto:BxSupCiv-IA4@nycourts.gov) CC’d to [dschafer@nycourts.gov](mailto:dschafer@nycourts.gov), [jdtownes@nycourts.gov](mailto:jdtownes@nycourts.gov) and [corr@nycourts.gov](mailto:corr@nycourts.gov).

Counsel attending the settlement or pre-trial conference must be counsel of record, or at a minimum, be fully familiar with the action to discuss all factual and legal issues presented by the litigation and with full authority to accept settlement demands or make settlement offers. The case will be referred to the Trial Assignment Part following an unsuccessful pre-trial conference.

**INQUESTS AND TRIALS****Generally**

A Note of Issue (“NOI”) and Certificate of Readiness must be filed pursuant to Uniform Rule [§ 202.21](#). [Note of Issue and Certificate of Readiness](#) by the NOI deadline otherwise imposed the Court. The NOI may not be filed unless the Certificate of Readiness has been executed by all Counsel indicating that discovery is complete, and a copy of the stipulation has been “So Ordered” by the Court. Applications to vacate the NOI are not typically granted.

Applications for initial adjournments of trial must be made to the Special Trial Part (STP) Judge and any renewal of these applications will be referred back to STP.

Any pre-trial issues (except those not reasonably anticipated in advance but timely raised), including motions in limine, not raised at the first appearance in the Part for trial/conferences may be deemed waived. Parties must make the Court aware of any motions in limine upon reporting to the Part.

To streamline the hearing/trial and avoid delay, the parties must provide the following to the Court, to each other, and E-Filed on NYSCEF within 24 hours of case assignment to the Part:

1. Business cards/contact information including email and phone numbers
2. All marked pleadings (complaint, answer, bill of particulars, etc.)
3. Motions in limine
4. Witness lists with availability (exchanged before Jury Selection)
5. List of proposed exhibits (exchanged before Opening Statements)
6. Any relevant orders pertaining to the case
7. Requests to charge
8. Proposed verdict sheets
9. Any special requests, including the use of media equipment, technology, interpreter, or other trial tools
10. If a litigant requests a Pattern Jury Instruction (PJI) be modified, the complete PJI, incorporating the modified charges, must be submitted

At trial, counsel and litigants are expected to report to the Courtroom by 9:30 a.m., unless the Court directs otherwise. Opening Statements will be strictly limited to oral statements (i.e., PowerPoint slides, Poster Boards, video clips, etc. are prohibited). Counsel shall not speak to objections in the presence of the jury. Redirect shall be limited at the topic of cross-examination, therefore recross of a witness or party will not be permitted. During trial, all counsel must be prepared for settlement discussions and have authority on behalf of their client or adjuster.

**Jury Selection** Prior to jury selection, parties shall inform jurors about the estimated duration for trial. The “Struck method” will be the default jury selection method unless parties stipulate to a different jury selection method. Parties should stipulate to the number of jurors and designation of alternatives prior to the commencement of jury selection. Jury selection shall be completed within two court sessions (i.e., a morning session and an afternoon session).

### **Exhibits**

The parties must discuss all proposed evidence/exhibits and attempt to stipulate the exhibits, including marking, into evidence prior to the hearing/trial. All documents must be clear, legible, and in a format that is readily accessible (e.g., pdf or jpeg). The top page of the exhibits must also be clearly labeled and paginated (i.e., Defendants Exhibit “A” for ID, Plaintiff’s Exhibit #1 for ID). If a screen or computer is required to display exhibits/evidence during trial, it must be set up prior to the start of the hearing. Please conduct a test prior to the start of trial.

## **INFANT COMPROMISE ORDERS AND OTHER NON- GUARDIANSHIP/FIDUCIARY EX PARTE APPLICATIONS**

### **Ex Parte Applications**

Non-E-File Cases: All Ex Parte applications are to be submitted to the County Clerk.

E-File Cases: All Ex Parte applications must be uploaded to NYSCEF.

### **Infant Compromise Orders (ICOs)**

To avoid delay and ensure that all required documentation is submitted, counsel or unrepresented litigants shall utilize an Infant Compromise Order checklist, uploaded to the New York Courts website, before submission of a proposed ICO. Proposed ICOs without the required documentation will delay processing.

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All proposed infant compromise (E-filed or non-E-File) orders shall contain the following language if no Trustee was appointed:

It is further Ordered that the Guardian shall, within thirty (30) days of the deposit of the funds due the infant herein in the above designated bank(s), submit to the Clerk's Office, Room 217, a copy of the Certificate of Deposit issued by said bank.

All proposed infant compromise (E-filed or non-E-File) orders shall contain the following language if a Trustee was appointed:

It is further Ordered that the Trustee shall, within thirty (30) days of the deposit of the funds due the infant herein in the above designated bank(s), submit to the Clerk's Office, Room 217, a copy of the Certificate of Deposit issued by said bank.

Additional ICO language should include:

- Mother Natural Guardian (M/N/G) and/or Father Natural Guardian (F/N/G), and Trustee's name, address, direct numbers, and email.
- The attorney's supporting affirmation shall set forth the policy limits of all available insurance and shall attach any (1) annuity plans proposed to the parent/guardian, (2) itemized sheet for disbursements, and (3) comparables to establish reasonableness for settlement amount(s). After review of Infant Compromise submissions, Counsel will be notified of the scheduled virtual or in-person appearance date by email. Plaintiff's counsel must make all arrangements to have the infant and parent/natural guardian appear in-person or virtually on the hearing date. A request for an interpreter or court reporter for an ICO proceeding should be made to the court part and court clerk via email, and copied to Chambers staff, at least seven (7) days before the proceeding.

**ARTICLE 81 GUARDIANSHIP PROCEEDINGS**

Guardianship proceedings are initiated by an Order to Show Cause (OSC). Any adjournments will be granted only under exigent circumstances and with the prior approval of this Court.

All filings, including the proof of service, the referee report (if applicable), request for adjournments or request for appearance must be faxed to the Guardianship Department at (212) 618-5248, or by email to [bxfiduciary@nycourts.gov](mailto:bxfiduciary@nycourts.gov) (subject line must include the Index No. and the Incapacitated Person's name), or by mail to the Guardianship Department (Room 216) on or before the Friday before the return date.

Attorneys and/or Guardians must follow up with the Guardianship Department by calling 718-618-1330 after submitting annual filings or proposed orders via NYSCEF (e-file) or paper filing. **All motions by OSC are returnable on Mondays.** All filings must include all interested parties' email addresses and direct phone numbers. An affidavit of service must be supplied. Requests for compensation of services shall be accompanied by affidavit of services.

Any requests for a virtual conference shall be sent to the senior court clerk and part email. Conferences shall be scheduled either Tuesday or Thursday of the week. All ex parte applications must be made on notice to all parties.

All decisions will require an order to be settled unless otherwise indicated. When filing a Final Accounting, a Notice of Settlement must be provided.

**ACCOMMODATIONS**

This Court is committed to ensuring that people with disabilities have equal and fair access to the courts. If an accommodation is needed, please call (718) 618-1229 or follow the instructions per the New York Courts website: <https://ww2.nycourts.gov/ACCESSIBILITY/counties/ADAbycounty-bronx-supreme-civil.shtml>

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**For more information regarding the court system, please visit the website for the Office of Court Administration (OCA).**