

**Supreme Court, Bronx County**  
**851 Grand Concourse**  
**Bronx, New York 10451**  
**PART 3 RULES (Room 707)**

Justice Mitchell J. Danziger, Presiding  
Principal Law Clerk: Sara Collins-Sedey, Esq.  
Administrative Assistant: Carolina Alcaraz  
Part Clerk: Ramon Medina ([ramedina@nycourts.gov](mailto:ramedina@nycourts.gov))

Chambers: Room 825  
Phone (718) 618-1650  
Part Clerk: (718) 618-1207  
Court Room: (718) 618-1207

**Communications with Chambers**

All adjournment requests FOR DISCOVERY CONFERENCES must be addressed to the Part Clerk at the email or number above.

All adjournment requests or stipulations of adjournment FOR MOTIONS must be addressed to Carolina Alcaraz ([calcaraz@nycourts.gov](mailto:calcaraz@nycourts.gov)) with the Part Clerk cc'd.

Do not call chambers regarding scheduling matters. We do not keep the calendars in chambers.

Do not copy Justice Danziger, the Law Clerk or the Part Clerk on any emails between the parties' involving depositions, discovery, or issues between the parties, unless expressly asked to do so by the Court. The Court will not respond and your email will be disregarded and discarded.

Ex parte communications are prohibited. All parties must be cc'd on emails to the Court.

Support staff shall not contact chambers. Treat all contact with chambers as if you are approaching the bench. The attorney assigned to the matter shall contact chambers to ask questions.

**Preliminary Conferences (PCs)**

Post-2020, there are no in-person preliminary conferences (unless there is a self-represented party). After an RJI and request for a PC is filed on NYSCEF, a Case Scheduling Order will be issued automatically by the Court on the PC date and uploaded to NYSCEF.

PCs involving self-represented parties will be held in person. Please email the clerk at [ramedina@nycourts.gov](mailto:ramedina@nycourts.gov) to request a date after an RJI and request for a PC has been filed in room 217.

## **Compliance Conferences (CCs)**

Compliance Conferences are held in person on Tuesdays at 10:00 A.M. All parties are required to appear in person. Failure to appear for your scheduled in-person compliance conference may result in your matter being marked off the Court's calendar.

The attorney attending the compliance conference must be familiar with the matter and prepared to discuss the outstanding discovery since the CSO. The attorney should be prepared to enter into a stipulation for outstanding discovery.

The cases will be conferenced with the City. Please only seek Court intervention if an issue arises that cannot be worked out. This should be used as a last resort.

Please be advised, if discovery is outstanding and you wish to seek preclusion language, that will not be granted at a CC or without a motion.

We are NOT currently holding virtual discovery conferences to resolve discovery issues. If the parties cannot agree to an order or there is a discovery dispute, once you have satisfied the good faith affirmation requirements of the Uniform Court Rules, motion practice is available to you.

Please direct all questions regarding Compliance Conferences to our Part Clerk at [ramedina@nycourts.gov](mailto:ramedina@nycourts.gov).

## **Status Conferences (SCs)**

Status Conferences are held in person on Mondays at 10:00 A.M. All parties are required to appear in person. Failure to appear for your scheduled in-person status conference may result in your matter being marked off the Court's calendar.

The attorney attending the compliance conference must be familiar with the matter and prepared to discuss the outstanding discovery since the CC. The attorney should be prepared to enter into a stipulation for outstanding discovery.

The cases will be conferenced with the City. Please only seek Court intervention if an issue arises that cannot be worked out. This should be used as a last resort.

Please be advised, if discovery is outstanding and you wish to seek preclusion language, that will not be granted at a SC or without a motion.

We are NOT currently holding virtual discovery conferences to resolve discovery issues. If the parties cannot agree to an order or there is a discovery dispute, once you have satisfied the good faith affirmation requirements of the Uniform Court Rules, motion practice is available to you.

Your status conference date is also your Note of Issue date. If discovery is outstanding, appear for your in-person SC and enter into a new SC order. A new SC/NOI date will be given at that time. **DO NOT MAKE A MOTION TO EXTEND YOUR NOI DATE.**

If you have filed NOI, there is no need to appear at your scheduled SC. If your matter has settled, there is no need to appear at your scheduled SC.

Please direct all questions regarding Status Conferences to our Part Clerk at [ramedina@nycourts.gov](mailto:ramedina@nycourts.gov).

## **Motions Generally**

1. This is a mandatory e-filing part as of 2020. If your case was previously deemed a non-e-file case, **you must re-submit the matter to NYSCEF to reinstate e-filing.** Only one party need consent to the matter being e-filed. All motions, with exception of cases involving self-represented parties, shall be made and submitted via NYSCEF. **Paper motions will be denied for this reason** unless there is a self-represented party or the motion is one to restore after the matter was marked off. If you have any questions regarding filing a motion on NYSCEF, you should contact the NYSCEF office.
2. The parties are not required to provide the Court with a working copy of dispositive motions that are submitted without an appearance however, **the parties MUST bring a copy of all discovery motions and responsive papers to Court for in-person proceedings.** See rule 17 & 18. **The Court will not review papers or evidence on your phone, iPad, tablet, or computer.**
3. DISCOVERY MOTIONS AND DISPOSITIVE MOTIONS ARE SUBJECT TO THE 60 DAY MOTION ADJOURNMENT RULE as outlined in the Uniform Rules, unless you have contacted the Court and discussed your good cause for a longer adjournment.
4. **Adjournments on Consent:** In the event a party is not prepared for the submission of a motion on the initial return date, adjournments *on consent* of all parties shall be:
  - a. made by written stipulation, signed by all parties appearing in the action;
  - b. submitted to NYSCEF prior to the return date;
  - c. emailed to chambers: [calcaraz@nycourts.gov](mailto:calcaraz@nycourts.gov) prior to the return date.
  - d. In compliance with 60-day rule in the Uniform Court Rules
5. **Applications for Adjournments:** In the event a party is not prepared for the submission of a motion on the initial return date, and all parties do not consent to the adjournment, a *request* for an adjournment shall be:
  - a. made by attorney affirmation;
  - b. submitted to NYSCEF prior to the motion return date; *and*

- c. emailed to chambers: [calcaraz@nycourts.gov](mailto:calcaraz@nycourts.gov) prior to the return date.
  - d. In compliance with the 60-day rule in the Uniform Court Rules
6. **All exhibits must be labeled on NYSCEF with a description.** “Ex. A” is not a description. “Ex. A- Notice of Claim” is sufficient. Your motion may be denied for failure to follow this rule.
  7. Do not attach EBT transcripts that are 4 pages to a page as an exhibit. Single page deposition transcripts will be reviewed as an exhibit. Your motion may be denied for failure to follow this rule.
  8. **Withdrawal of Submitted Motions:** Movant’s attorney shall submit a letter or stipulation by email to chambers, indicating (a) when the motion was marked submitted and (2) that the motion is withdrawn. Upon the settlement or discontinuance of a matter after a motion has been submitted, the parties shall advise the Court in writing of the settlement/discontinuance, and the date upon which the motion was submitted, and whether the motion is being withdrawn.
  9. Failure to comply with the Court’s rules regarding motion practice may result in the denial of the motion and may negatively affect deadlines set forth by the CPLR and case law for making dispositive motions (e.g. CPLR §3212[a])

### **Discovery Motions**

10. Discovery motions are automatically adjourned **by the Court** to the IN-PERSON Discovery Motion Calendar on Thursday. This is an in-person calendar at 10:00 a.m. Please do not call chambers and ask if this appearance is IN-PERSON. It is.
11. **Orders to Show Cause** will be scheduled for Thursdays at 10:00 a.m. and are in-person. There are no replies permitted on an Order to Show Cause per the Uniform Court Rules without express permission of the Court.

### **Summary Judgment Motions**

12. Motions for summary judgment must be made within the time period prescribed by your Preliminary Conference Order or Case Scheduling Order. If your preliminary conference order is silent, look to the CPLR.
13. **The parties are directed not to submit a Statement of Material Facts/Response to Statement of Material Facts on dispositive motions.** If one is submitted, it will not be considered by the Court in deciding your motion.

14. Please do not submit an Affirmation and a Memo of Law on your dispositive motions. Please submit one combined document with both your argument and the relevant case law. Please comply with the word count limits imposed by the Uniform Rules.
15. **Successive motions** for summary judgment will not be entertained without movant making a showing of newly discovered evidence or other sufficient justification.
16. **Oral Argument:** The parties will be contacted by chambers in the event oral arguments are required on a submitted dispositive motion.

## **In-Camera Inspections**

1. In-camera inspections shall be directed by Court Order only resulting from a motion, preliminary conference, or compliance conference.
2. In-camera inspections will be held virtually with the Principal Law Clerk. The in-camera link will not be sent until after all documents have been received with proposed redactions.
3. The party opposing the disclosure shall serve a privilege log on the party seeking disclosure at least seven (7) days prior to the inspection date and shall provide the Court with a copy of the privilege log, with proof of service, on the date of the inspection.
4. All documents presented to the Court for inspection shall be unredacted, however shall contain proposed redactions, and they must be bates stamped. If the documents to be inspected are less than 100 pages, you may email the documents to the Principal Law Clerk at [scsedey@nycourts.gov](mailto:scsedey@nycourts.gov). If your documents are more than 100 pages, please reach out to Sara Collins-Sedey for instruction.
5. The privilege log shall provide the name and index number of the matter and the following informational columns:
  - a. The bates stamp number;
  - b. A description of the document(s); *and*
  - c. Legal arguments regarding the discoverability of the item.
6. Any adjournment of an in-camera inspection, whether on consent of the parties or by request of one party, must be submitted in writing by email to chambers no later than two business days prior to the inspection. Untimely applications for adjournments of the scheduled inspection may result in the Court issuing costs or other sanctions against the offending party.
7. Upon the completion of the Court's in-camera inspection, the parties will get a date for a compliance conference or a status conference, which shall be included in the order resolving the inspection.

## **Subpoenas and Proposed Orders**

1. All subpoenas and Proposed Orders shall be uploaded to NYSCEF and emailed to [scsedey@nycourts.gov](mailto:scsedey@nycourts.gov).
2. Requests for subpoenas shall include a brief summary of the facts, the relevant procedural history, why you need the discovery via subpoena as opposed through typical discovery channels, and all parties shall be cc'd. Please let the Court know if this is a trial subpoena and the trial date.

3. Proposed Orders shall include the original order that directed the settle order and must be made within the time prescribed by the CPLR.

### **Pre-Note Settlement Conferences**

Any party may request a pre-note settlement conference by emailing chambers to request one. The email shall contain a brief summary of the facts of the case, any relevant procedural or motion history, information regarding prior negotiations, a demand, and all parties must be cc'd on the email.

Upon receipt of the request, the Court reaches out to the City to inquire as to when the City will be able to obtain authority and a settlement conference date is scheduled.

Pre-note settlement conferences are held one Wednesday a month by the Court Attorney.

### **Post-Note Settlement Conference**

Settlement Conferences involving the City (non-police cases) are held in-person every Wednesday of the month.

Attorneys appearing at settlement conferences must be familiar with the facts of the matter and must have authority to settle the matter on their own or by calling a supervisor from the conference. Attorneys must engage in good faith settlement negotiations.

In the event the Court finds that the Note of Issue is incorrect in some material way, the Court may strike the Note of Issue pursuant to 22 NYCRR 202.21(e).

In the event a party does not appear at a scheduled post Note of Issue conference, or is not ready to proceed, the Court may take appropriate action in accordance 22 NYCRR §202.27, which may include dismissing the matter or granting judgment by default.

### **Trials**

1. Any applications for initial adjournments must be made to the Special Trial Part (STP) Judge and any renewal of these applications will be referred back to STP.
2. 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/conference may be deemed waived. Parties must make the Court aware of any motions *in limine* as set forth below.
3. At the first appearance before Judge Danziger for trial, all parties shall provide: all marked pleadings and bills of particulars, all notices to admit and responses thereto, any relevant case law, prior decision bearing directly on the issues to be raised at trial, all motions in

limine, a proposed verdict sheet (subject to revision), and a brief trial memorandum of law setting forth the relevant facts of the case and the setting forth the legal arguments to be contested at trial. Counsel shall also have a list of all witnesses and expert witnesses to be called at trial. Counsel must know if an interpreter is necessary. In preparation for the charge conference, the parties must also provide the Cour with proposed jury instructions.

4. Post-trial motions shall be made within 15 days after the verdict. (CPLR §4405).