

To: Civil Courts Committee  
From: Tina M. Wells and Robert H. Wolff, Co-Chairs  
Date: January 15, 2019  
Re: January 2019 UPDATE

## **CHANGES TO ALL MVA CASES ONLY:**

Commencing February 1, 2019, all MVA cases in both Judges Higgitt and Brigantti parts with RJI filed on or after February 1st will be issued an automatic PC Case Scheduling Order. Expect the order within approximately 1 week after filing of the RJI. The order will be generated by the NYSEF system and is in lieu of a Court appearance for a PC.

We urge you to read the order carefully and take note of the discovery dates/deadlines.

Two significant changes of note: (1) if a dispute arises counsel is to contact Case Management Director Andre Butler **BEFORE** making a motion and **PRIOR** to any deadlines or risk possible sanctions, Mr. Butler may advance the Compliance Conference date or will advise otherwise; and (2) the summary judgment motion deadline is now shortened to 60 days from the filing of the Note of Issue, it is no longer 120 days.

The order will also provide for a Compliance Conference date which you can expect to be approximately 8 weeks later and will be held at 2:00 p.m. Further status conferences will be held at regular intervals until discovery is complete and those will be held at 9:30 a.m.

In other news...we lost Judge Kahn to Manhattan but thank him for his time in the Bronx, he was a great addition and we were sad to see him go.

It's official, Judge McKeon is retiring! We cannot thank him enough for everything he has done for us and the Courthouse over the years and wish him the very best and hope he enjoys this well-deserved break.

Judge Silver is now presiding over his part with the intention of holding all conferences, motions and post note settlement conferences on Wednesdays. For the time being however, there is still a Monday calendar with the plan to phase that out by early February. Our best advice is to get to his part early with your adversary.

Also retiring is Jackie Stein, we thank her for all her efforts and wish her well!

## **PART 14 DISCOVERY MOTION PROCEDURE**

Commencing January 28, 2019, discovery motions (including motions to consolidate/join) will be calendared for oral argument before Judge Higgitt in Part 14, courtroom 407, on the Friday of the **second** week following the return date of the motion (e.g. motions returnable on January 28 to February 1 will be heard on February 15). The parties are expected to adhere to the time limitations of CPLR 2214 and 2215 with respect to the return date of the motion in the Motion Support Office.

If, at the time the motion is deemed fully submitted in the Motion Support Office, a discovery conference is pending within 30 days after the return date of the motion, the motion will appear on the oral argument calendar on the same day as the conference, and the conference will be calendared to coincide with the motion. Please note that the Motion Support Office does not accept stipulations to adjourn discovery motions.

Parties are encouraged to resolve the motions on their own and to present a stipulation resolving the motion to the court staff as early as possible at the calendar. Any motion requiring oral argument will be heard at 2:00 p.m.