

**Acting Justice Debra Silber**

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**Part Rules**

Supreme Court - Kings County  
Civil Term - Part 9  
360 Adams Street  
Brooklyn, NY 11201  
Court Room 524  
Chambers 347-296-1043  
Court Clerk 347-296-1102  
Fax 718-643-3755

*Revised February 2013*

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**Motion Calendar:**

- Motions are heard on designated Thursdays, not every Thursday. Oral argument is required on all motions except motions solely concerning the “serious injury” threshold in Insurance Law §5102(d), which may be submitted without oral argument if all parties consent either by written stipulation or orally in court to waive oral argument. Appearances must be made by attorneys with knowledge of the case and the motion to be argued.
- First call is at 9:45 a.m. Second call is at 11:00 a.m.
- Defaults will not be entered before second call. Motions will be marked “off calendar” if the movant fails to appear at the second call.
- Motions, other than motions concerning discovery referred from the Central Compliance Part (CCP), may be adjourned twice on consent pursuant to a stipulation of all parties. Stipulations must be signed by all parties, or their attorneys if represented, and delivered to chambers, either in person or by fax. After three adjournments, applications must be sought in person at the calendar call on the adjourned date of the motion.
- Applications will be taken after the calendar call. Parties must be ready to proceed in the event the application is denied.
- Discovery motions will not be adjourned except for good cause shown.
- Parties are encouraged to resolve discovery motions and to present consent orders for signature listing the specific items outstanding and the dates for production.
- All papers are to be filed in accordance with the CPLR.
- Exhibit tabs are required on all papers filed with the Court. Affirmations, affidavits and legal memoranda must be double-spaced.
- Summary judgment motions must be made within sixty days (60) of the date of filing of the Note of Issue.
- Parties who have answered “ready” should remain in the court room. If your case is called and you are not present, a default may be taken.
- If you must leave to go to another part, inform the court clerk of your whereabouts prior to leaving the court room.

**Orders to Show Cause:**

- Proposed orders to show cause must be brought to the Ex Parte Motion Support Office for review prior to submission to the part. Required fees must be paid to the County Clerk prior to submission.

**E-filed cases:**

1. Courtesy copies of all motion papers and proposed orders shall be submitted in all E-filed cases.
2. All hard copies for E-filed matters should be submitted through the Motion Support Office and time stamped.
3. All courtesy copies shall have the NYSCEF Confirmation Notice attached.
4. All motion papers and subsequent papers responding to the motion must be received at least five (5) business days before the motion is to be heard.
5. Courtesy copies shall have exhibits tabbed.

**Trials:**

- All parties must be present in court by 9:45 a.m. unless otherwise scheduled with the Court. Prior to trial, counsel must submit marked pleadings and the Bill of Particulars. In addition, counsel must also provide the Court with copies of any deposition testimony that is expected to be used during the trial. It is the responsibility of the attorneys to ensure that subpoenaed records have arrived in the Subpoenaed Record Room.

**Infant Compromises:**

- Hearings will initially be scheduled by the Court. Any adjournments must be obtained through Chambers.

**Miscellaneous:**

The Kings County Supreme Court Uniform Civil Term Rules can be located at: <http://www.nycourts.gov/courts/2jd/kings/Civil/KingsCivilSupremeRules.shtml>.