

Part Rules

Civil Term Part 70

360 Adams Street - Room 366

Brooklyn, NY 11201

347-401-9236 - Courtroom

347-401-9201 - Chambers

212-295-4887 - Facsimile

Law Secretary: Raymi Ramseur, Esq.

Assistant Law Clerk: Shirley Paul, Esq.

Clerk: Ingrid Dandy

Updated: February, 2015

Civil Term - Part 70

Motions

1. Commencing April 1, 2015 and every Wednesday thereafter, motions shall be heard in Room 366. The calendar call is at 10:00 A.M. promptly. The Second Call is at 10:45 A.M. promptly. Judge Toussaint is on the bench for both calendar calls. On the second call, motions that have not been previously adjourned or appropriately answered on the call, may be marked off, or a default may be entered, as appropriate. Counsels are advised that if a motion has been marked ready on the second call and no one appears to argue the motion when it is called to be heard, a default may be taken against the party that answered ready and then failed to appear.

2. No courtesy copies of motion papers are to be filed with Chambers or the Courtroom, unless the action is subject to e-filing. A courtesy copy of all e-filed papers must be filed with the Part Clerk in the Courtroom, at least one week prior to the return date of the motion.

3. Motion papers, answering affidavits and reply affidavits must be served on adversaries as per CPLR 2214.

4. All motions require appearances and oral arguments.

5. Motions may be adjourned twice upon consent of the parties or upon application to the Court. A confirmation, in stipulation form, is to be faxed to chambers at 212-295-4887, or emailed to the Judge's principal law clerk at rramseur@nycourts.gov. Any further adjournments must be made upon application to the Court for good cause.

6. Summary judgment motions must be made within sixty (60) days of the filing of the note of issue.

7. Motions to either seek or enforce discovery may not be made without court approval.

8. Proposed orders to show cause must be brought to the Ex Parte Motion Support Office for review prior to submission to the part. Fees as required by law must be paid to the County Clerk prior to submission.

Trials

1. Marked Pleadings. Prior to trial, counsel shall furnish to the Court marked pleadings pursuant to CPLR Section 4012.

2. Exhibits. Counsel shall pre-mark all exhibits in the order which they intend to introduce them at trial. A list of the exhibits shall be provided to the Court prior to trial. Plaintiffs will number their exhibits and defendants will letter their exhibits. On the day of trial the exhibits and the list will be given to the Court reporter who will officially mark them before trial.

3. Witnesses. Prior to trial, Counsel shall provide to the court a list of potential witnesses in the order in which they intend to call them at trial, including expert witnesses, their expertise, and summary of expected trial testimony, and any interpreters needed.

4. Motions in Limine. Any potential evidentiary question or procedural or substantive law matter not previously adjudicated shall be brought to the Court's attention and addressed prior to trial by way of a written or oral motion in limine. A written memorandum of law with citations to the Official Reports is strongly encouraged; citations and copies of relevant court decisions and statutes should be furnished to the Court prior to commencement of plaintiff's case and when otherwise requested by the Court.

5. Depositions. A copy of depositions intended to be used at trial should be furnished to the Court at the commencement of the trial.

6. Proposed Jury Charges and Verdict Sheets. All proposed jury charges and proposed verdict sheets shall be submitted to the Court in typed form no later than the close of plaintiff's case.

Rules for Default Judgment Motion Part

1. Commencing February 5, 2014, and every other Wednesday thereafter (except for legal holidays), motions pending in the Default Judgment Motion Part (DJMP) shall be heard in Room 364, in 360 Adams Street, Brooklyn, New York.

2. The first call of the calendar shall be at 10:00 A.M. The second call shall begin promptly at 10:45 A.M. Judge Toussaint is on the bench for both calendar calls.

3. Motions that are not answered on the second call, may be marked off, or a default may be entered, as appropriate. Counsel is advised that if a motion has been marked ready and no one appears to argue the motion when it is called to be heard, a default may be taken against the party who answered ready and then failed to appear.

4. Motion papers, answering affidavits and reply affidavits must be served on adversaries as per CPLR 2214.

5. No courtesy copies of motion papers are to be filed with Chambers or the Courtroom, unless the action is subject to e-filing. A courtesy copy of all e-filed papers must be filed with the Part Clerk in the Courtroom, at least one week prior to the return date of the motion.

6. All motions require appearances and oral arguments.

7. Motions may be adjourned twice upon consent of the parties. Any further adjournment requires leave of Court upon good cause shown. A stipulation of adjournment will be accepted only if signed by all counsel and provided it is faxed to Chambers at 212-295-4887 or submitted to the Motion Support Office at least one (1) business day prior to the return date of the motion.

8. Proposed orders to show cause must be brought to the Ex Parte Office for review prior to

submission to the part. Fees as required by law must be paid to the County Clerk prior to submission.

Inquests

1. Commencing July 9, 2014 and every other Wednesday thereafter, inquests will be held at 2:30 PM, in Room 561. There will be **ONE** call for Inquest Calendar.
2. At the time of the inquest, Plaintiff shall provide the Court with a copy of marked pleadings and a copy of the default judgment, with proof of service on the defendant(s) and proof of filing of the Note of Issue.
3. Certified medical records or testimony of a physician is required to prove damages.

