

GENERAL GUIDELINES FOR PART 34 (JUDGE JOHN R. HIGGITT) - As amended 12/18/20

Judge Higgitt's inventory is comprised of

1. **all** actions, existing and new, against Montefiore Medical Center; and
2. all **new** actions (i.e. those actions where the Request for Judicial Intervention was filed on or after July 13, 2020) against:
 - a. Bronx Lebanon Hospital Center,
 - b. St. Barnabas Hospital,
 - c. Mt. Sinai Hospital,
 - d. NYU Langone, and
 - e. Individually-named practitioners only (i.e. those actions not naming an institutional defendant).

01 Mixed-Inventory Cases.

- a If an action names a defendant whose cases would normally be assigned to Judge Silver (e.g. New York City Health and Hospitals Corporation [HHC] and/or an HHC facility), and also names an entity/facility whose cases would otherwise be assigned to Judge Higgitt, the action will be assigned to Judge Silver.
- b If an action names a defendant whose cases would normally be assigned to Judge Capella, and also names a defendant whose cases would normally be assigned to Judge Higgitt, the action will be assigned to Judge Higgitt.

02 Motions

- a To facilitate decision on motions, the parties may stipulate to submit working copies of motion papers by FedEx delivery to chambers at 851 Grand Concourse, Room 6M-20, Bronx, NY 10451. Please include a copy of the parties' stipulation with any such papers.
- b The toll of the specific time limit for the service of, among other things, motions subject to a time constraint (e.g. CPLR 3212), and papers responsive to a motion (e.g. CPLR 2214), as implemented by Executive Order 202.8 and extended to November 3 by Executive Orders 202.14, 202.28, 202.38, 202.48, 202.55, 202.60, 202.67 and 202.72, is no longer effective, as of November 4, 2020, pursuant to Executive Order 202.72. Accordingly, we will no longer email the parties on motions to confirm that the motions are ready for submission on their return dates. (See paper-filed cases, below.)
- c Summary judgment motions shall be made within 60 days after the filing of the note of issue.
- d The parties are free to request oral argument on any motion; however, oral argument is always at the discretion of the court (*see* 22 NYCRR § 202.8[d]). The court may decide any motion solely on the papers submitted. If the court requires oral argument, the parties will be notified in writing.

03 Conferences - Discovery, Settlement and Other

If parties believe a discovery or settlement conference is appropriate, they should send an email to jhiggitt@nycourts.gov and dhrubino@nycourts.gov, on notice to all parties, including the email address of all persons who should receive a conference invitation via Microsoft Teams (or such other electronic meeting platform as the court shall employ). A discovery-related conference may be requested if the parties are unable to reach agreement through the