

Queens Supreme Court, Civil Term - Trial Scheduling Part Rules. Part TSP,
Courtroom 25
(Effective September 25, 2018)

Justice Jeremy S. Weinstein - Administrative Judge
Justice Martin J. Schulman
88-11 Sutphin Blvd.
Jamaica, NY 11435
Chambers Ph: (718) 298-1006
Courtroom Ph: (718) 298-1048

TRIAL CALENDAR

1. The trial calendar will be **called** Monday through Thursday promptly at **9:30 a.m.** Appearances are mandatory. A second call of the calendar will be held at **10:30 a.m.** The Friday calendars will continue to be 'check-in' calendars.
2. Every case on the trial calendar may be deemed ready for trial and sent forthwith to select.
3. Only counsel of record or trial counsel fully familiar with the case, and with authority to conference and/or settle, shall appear for a matter on the Trial Scheduling Part calendar. Failure to appear may result in a case being dismissed or set for inquest.
4. Trial counsel shall be familiar with all aspects of each case for which they appear including the pleadings, Bills of Particulars and all prior Court orders.
5. No adjournments will be by telephone. Appearances are mandatory for consent adjournments.
6. Affirmations of actual engagement will not be accepted for any reason if the trial date has been fixed at least two months in advance. The attorneys previously designated as trial counsel must appear for trial on that date. If any attorney previously designated as trial counsel is actually engaged elsewhere, he or she must produce substitute trial counsel. If neither trial counsel nor substitute trial counsel is ready to try the case on the scheduled trial date, the court may impose any sanctions permitted by law. 22 NYCRR 125.1(g) .
7. All cases will be assigned for trial to the IAS justice, if available. If the IAS justice is unavailable, the case will be sent to the first available justice.

8. If a jury case is not settled or otherwise disposed, it will be sent to select a jury.
9. If a non-jury case is not settled or otherwise disposed, it will be assigned for trial.
10. If a case is settled counsel shall withdraw all motions and notify the IAS Part.

MOTION CALENDAR

1. **Only Motions in Limine are to be made returnable in the Trial Scheduling Part. Motions in Limine must be made returnable on the next appearance date in the Trial Scheduling Part, in Courtroom 25 at 9:30 a.m.**
 - a. **Incorrectly noticed motions will be administratively adjourned and it will be the responsibility of the movant to notify the opposing side.**
2. All other motions made returnable **after April 20, 2018** shall be made returnable before the assigned IAS Judge on the motion day and time as set forth in the assigned Judge's Part Rules.
http://www.nycourts.gov/courts/11jd/supreme/civilterm/civil_partrules.shtml

VACATE A STAY OR RESTORE TO CALENDAR

1. In order to vacate a stay or restore a case to the trial calendar, counsel must agree, choose a date certain for trial and file a stipulation to that effect. Said stipulation shall be signed by all parties, shall state that all discovery is complete and shall request an order by the Court restoring the matter to the calendar. The stipulation shall be filed with the Clerk in the Trial Scheduling Part.
2. No motion to vacate a stay or restore a case to the trial calendar will be accepted for filing by the Motion Support Office unless accompanied by an affirmation or affidavit of attempts to comply with Rule 1 of this section. The affirmation or affidavit shall be affixed to the face of notice of the motion and all sides must appear on the return date.
3. The Motion Support Office shall reject any motion which does not comply with the requirements of Rule 2 of this section.

E-FILED CASES

Counsel shall bring into TSP courtroom 25, a working copy of stipulations, *restored* notes of issue and infant compromises that were *e-filed* which pertain to actions on the TSP calendar.

JOINT TRIALS

All actions joined for trial must appear on the assigned TSP calendar date along with the main action; this includes cases joined for trial where the preliminary conference or compliance conference has yet to be held; or, the case joined for trial has a pending note of issue date; or, the case joined for trial has been ordered transferred from another county or the lower Civil Court.

SETTLEMENTS AND DISCONTINUANCES

If an action is settled, discontinued or otherwise disposed of, counsel shall inform the Court by presenting a copy of the stipulation of discontinuance (after it was submitted to the County Clerk for payment) and/or telephoning the TSP courtroom to report the settlement in a timely manner.

SUMMARY JURY TRIALS

1. Parties wishing to transfer a matter to a Summary Jury Trial shall sign a Stipulation and abide by all terms thereof, as well as abide by the Summary Jury Trial Rules .
(SJT Rules are available in the Trial Scheduling Part on request, or on-line at the court website <http://www.nycourts.gov/courts/11jd/supreme/civilterm>)
2. The stipulation agreeing to a Summary Jury Trial shall be executed no later than **8 weeks** in advance of the next trial date:
 - A. The parties shall submit to the Trial Scheduling Part a stipulation agreeing to advance the next trial date by **8 weeks**.
 - B. On the advanced trial date, the parties shall appear in the Trial Scheduling Part, execute the Stipulation for a Summary Jury Trial, and proceed directly to the JHO Part (Room 24A) to schedule an Evidentiary Hearing.
 - C. A final Summary Jury Trial date will be given at the conclusion of the Evidentiary Hearing.

3. The Stipulation to transfer a matter to a Summary Jury Trial shall be binding in all respects.

CITY OF NEW YORK CASES “CITY TRIAL SCHEDULING PART”

1. When a Note of Issue is filed in a City case, it shall be scheduled for an initial conference on Mondays commencing at 9:30 a.m. All cases involving the City of New York shall report to Courtroom 25.
2. At the conclusion of the initial conference the case shall be scheduled for a further conference to be held on a Monday or a Thursday and a trial date as the court shall direct.
3. Only counsel of record or trial counsel fully familiar with the case shall appear for a case on the City trial scheduling calendar. Failure to appear may result in a case being dismissed or set for inquest.