

360 Adams Street, Brooklyn, NY 11201

Chambers Room #776

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Courtroom #419

Number: (347) 296-1650

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ORAL ARGUMENTS

****AS OF JUNE 1, 2022, IN-PERSON APPEARANCES ARE REQUIRED ON ALL PART 99 MOTIONS. MOTIONS ARE NOT TAKEN ON SUBMISSION. PART 99 MOTION CALENDARS ARE HELD ON WEDNESDAYS (EXCLUDING HOLIDAYS) IN COURTROOM 419. THE CALENDAR CALL BEGINS PROMPTLY AT 9:30 A.M.****

BEGINNING WEDNESDAY, JANUARY 4, 2023, PART 99 MOTION CALENDARS WILL BE HELD ON THE FIRST AND THIRD WEDNESDAY OF EACH MONTH. ON THESE DAYS, THERE WILL BE TWO CALENDARS. THE FIRST CALENDAR WILL BE AT 9:30 A.M., WITH A SECOND AND FINAL CALL AT 10 A.M. THE SECOND CALENDAR WILL BE AT 2:30 P.M., WITH A SECOND AND FINAL CALL AT 3 P.M.

Please note, in-person appearances are required for Part 99 Motions only. Appearances are not required for consumer debt matters.

ADJOURNMENTS

To request an adjournment, parties must submit a stipulation signed by counsel for all parties consenting to the adjournment. The stipulation should include (1) the original return date, (2) any prior adjournments, (3) any future court appearances scheduled in the matter, and (4) the reason(s) underlying the adjournment request. Please upload the signed stipulation on NYSCEF and email a copy to Mr. Steinfeld, Esq. Initial requests for an adjournment will typically be granted. Additional adjournments will only be granted for good cause. No reasonable request for an adjournment will be denied. The court recognizes the profound changes in the practice of law necessitated by the current health crisis and strives to accommodate counsel and all parties to the extent possible.

MOTION PRACTICE IN PART 99

1. The local rules are incorporated by reference but to the extent they may differ from these rules, these rules apply. All motion papers must comply with the Uniform Rules for Trial Courts and the local rules and if there is an inconsistency, these part rules are controlling. Justice Montelione's Part rules can also be found at: <http://ww2.nycourts.gov/courts/2jd/kings/civil/MontelioneRules.shtml>
2. An Order to Show Cause (OSC) with a request for a temporary restraining order, including a request for a temporary stay of an action, will generally not be heard ex parte unless good cause is shown.
3. Opposition papers to an OSC shall be e-filed at least 24 hours before the motion is to be heard. Replies are not permitted unless the court grants an application based on good cause or otherwise directs a reply.

4. Working copies of Notices of Settlement, Judgment, or correspondences are to be electronically filed. Any Settlement of an Order or Judgment on Notice filed with the court must contain a copy of the original order directing such settlement.
5. Copies of proposed orders and requests to so-order should be uploaded to NYSCEF, and a copy should be emailed to Mr. Steinfeld, Esq. Where pleadings, prior applications, or prior decisions and orders are required to be annexed to the motion, reference to the electronically filed papers alone is insufficient and should be part of the motion and electronically uploaded as an exhibit.
6. Please do not make any oral arguments unless those oral arguments are within the motion papers. If you think the oral arguments raise issues which are not within your papers but are determinative of any of the issues, then you must request an adjournment to include such arguments in writing so they can be heard on a future date.
7. Regarding applications by notice of motion, the CPLR does not provide for sur-reply papers and the court will not accept these papers unless good cause is shown and a request to file those papers is granted. If the reply contains facts not previously provided, the court will not consider such reply. If the original motion was brought by a non-lawyer and the movant retained counsel, an application may be made to supplement the papers or include additional facts in a reply and if the application is granted the court will also allow a sur-reply.
8. Those appearing before the court are reminded of proper courtroom decorum and shall address all parties and court personnel respectfully. Do not at any time address the Court, staff, or jurors by first name, or with undue familiarity.

BENCH TRIALS/JURY TRIALS/SUMMARY JURY TRIALS

No party will be denied their right to a trial by jury, but all parties are expected to adhere to current safety protocols. Please read all requirements upon entry to the courthouse as determined by court administration. Upon entry to the courthouse, counsel, and parties represent to the court and others that in good faith they believe themselves to be in good health.

Attorneys must bring their own equipment for any technical presentation unless counsel can confirm that the court can provide such equipment.

If a witness requires a language interpreter, counsel must notify chambers as soon as the case is assigned so that timely arrangements can be made.

JURY TRIALS

1. If a jury trial is assigned to the justice, at least one day before the scheduled trial, the plaintiff must provide the court with marked pleadings, a bill of particulars, and any deposition transcripts anticipated to be used at trial along with proof of service of the deposition pursuant to CPLR 3116(a).
2. At least one day before the scheduled trial, all parties must also provide the court with any anticipated PJI closing charges and a proposed interrogatory verdict sheet. If any closing charges given to the court at the beginning of the trial need to be modified, please inform the court of such modifications before the charging conference. If any proposed charges need to be modified to reflect the specific contentions of the parties, please provide the court with the proposed language.
3. All documents or photos that are blown-up, unless stipulated by all counsel into evidence, must also be in a form no larger than 14 x 8 ½ inches. The blown-up exhibit will not be shown to the witness or the jury unless the exhibit, which is no larger than 14 x 8 ½ inches, is admitted into evidence.
4. There will be a brief conference to discuss possible settlement, and if settlement discussions are unsuccessful, the matter will proceed to trial. Trials begin promptly at 9:30 A.M. sharp, continue up to the lunch hour (1 P.M.), resume at 2:15 P.M. sharp, continue through the end of the business day,

and continue day-to-day, from liability to damages, unless specifically excepted, until the trial is completed.

5. A motion in limine must be made as early as possible and may be made either orally or by letter limited to two pages unless the court directs otherwise. If the trial is scheduled more than 30 days from the date of a conference, any motions in limine must be made at least 15 days before the trial date.

6. Trial exhibits. The court urges the parties to pre-mark the exhibits for identification and to stipulate to the admissibility of evidence where to do so will not compromise any of the rights of the parties.

7. If trial is scheduled for a date certain, all counsel must be aware of the schedules of their respective witnesses. After a trial date is scheduled, a pre-trial conference and settlement date will be scheduled prior to trial and ALL PARTIES are required to attend the conference. When applicable, counsel must either bring or have ready access to any insurance adjuster. Respective counsel are encouraged to provide the court with cases determining relevant damages.

8. No speaking objections during trial. If you raise an objection during the course of the trial, please use one or two words to describe the grounds for the objection, i.e., “objection-relevance,” “objection-hearsay,” “objection-no foundation.” If you need to make an objection that cannot be stated in one or two words, ask for a sidebar and the court will make a record outside the presence of the jury regarding the grounds for the objection.

9. Please avoid instructing the jurors on the law during jury selection, opening statements, or closing statements.

10. Summary Jury Trials. You can download these rules at the court’s following website: <https://www.nycourts.gov/COURTS/2jd/KINGS/Civil/summaryjurytrialrules.shtml>.

SETTLEMENT DISCUSSIONS INVOLVING MOTIONS OR CASES

The Court is always amenable to a Microsoft Teams or telephone conference to settle a motion or a case. If interested, please reach out to opposing counsel/parties and then email Mr. Steinfeld (esteinfe@nycourts.gov) for further instructions. The Court may also refer the parties to mediation.

BENCH TRIALS

1. The court encourages the parties to discuss settlement, but when there is a scheduled bench trial the court will not be involved in such discussions. Upon request, the court will attempt to provide a special master or court attorney to discuss settlement.

2. You may but are not required to provide the court with a trial memorandum in letter form at the beginning of the trial. There is no need or requirement for a post-trial memorandum unless specifically requested by the court.

COMMUNICATION

1. Telephone Calls. For scheduling, calendar, and general inquiries contact the Part Clerk at (347) 296-1650 or kmahlke@nycourts.gov. For urgent matters, contact chambers at (718) 500-4012. Please do not contact chambers to inquire whether your Part 99 Motion or consumer debt matter requires an in-person appearance. This information is provided above under “ORAL ARGUMENTS.”

2. Letters shall not exceed two-pages in length and shall be filed via NYSCEF with courtesy copy mailed or hand-delivered to Chambers. Copies of correspondence between counsel shall not be sent to the Court, except as an exhibit to a letter. Only complying letters will be considered.