

# QUEENS COUNTY SUPREME COURT, CIVIL TERM RULES OF THE COURT COMPLIANCE CONFERENCE (“CC”) PARTS

Compliance Part A : Hon. Mojgan C. Lancman

Compliance Part B: Hon. Tracy Catapano-Fox

Compliance Conference Part Tel. No.: 718.298.1089; E-Mail: CSCP@nycourts.gov

## I. Compliance Conference Part Rules

- a. Compliance Conferences (hereinafter “CCs”) shall be held through Microsoft Teams and only upon request by the parties, directed by the Court or where a discovery dispute has been identified in a Compliance Conference Stipulation and Order submitted to the Court.
- b. At least two business days before the scheduled CC date the parties shall submit for the Court’s approval a completed and fully executed Compliance Conference Stipulation and Order OR Certification Order as provided on the NYS 11<sup>th</sup>. Judicial District website: <http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/index.shtml>.
- c. All completed Compliance Conference Stipulation and Orders and Certification Orders shall be emailed to: [cscp@nycourts.gov](mailto:cscp@nycourts.gov) and include all parties on the email chain. If a conference is needed by the parties the request should clearly be made at the beginning of the email. **The subject line of all emails shall include the: Index Number, Caption and CC Date.**
- d. If the parties are in agreement on all matters and the Court approves the terms thereof, the Stipulation shall be “So Ordered” and a final Compliance Conference shall be scheduled by the Court. **If the parties are agreeing to extend discovery beyond a two month window an explanation for same shall be included Stipulation/Order submitted. The Court may amend the dates contained in the Stipulation before “So Ordering” same.** The next Compliance Conference date will be set in the Stipulation and Order to ensure the completion of discovery and to certify the case as ready for trial. The Stipulation and Order will then be uploaded to the County Clerk/NYSCEF files and the parties are responsible for obtaining same.
- e. Any discovery issue on which the parties cannot agree shall be clearly delineated in the space provided for in the Stipulation and Order and the parties shall indicate a request for a CC in the space provided. Upon receipt of same, and if the Court deems a conference necessary, the Court will schedule a virtual CC via Microsoft Teams and will notify the

parties of the time and date of the conference via the email addresses provided on the Stipulation and Order submitted. Counsel should note that the actual Microsoft Teams conference date may not be the same date that CC is scheduled for. Each conference shall be scheduled for a **date and time certain** and shall not exceed **30 minutes**.

- f. **Prior Discovery Scheduling Orders.** The parties are directed to include in their email to the Court copies of the Bill of Particulars, the PC Order and all prior discovery orders. On each Compliance Conference Stipulation and Order, counsel must include a list of all discovery previously ordered, indicate whether it was completed or not, as well as any new discovery requested which could not have been previously addressed. Failure to address all outstanding discovery existing at the time of the CC may be deemed a waiver of the right to obtain said discovery.
- g. Counsel will be held to the dates prescribed by the CCSO. Each attorney is expected to know the discovery that has and has not been provided.
- h. **Resolved cases.** If a case has been discontinued or settled, the parties must promptly present a copy of a *filed* Stipulation of Discontinuance by e-mailing same to [cscp@nycourts.gov](mailto:cscp@nycourts.gov).
- i. **Future Appearances.** Follow-up conferences after the initial CC shall be scheduled up to three months thereafter depending on the particular date and type of discovery scheduled. As stated, the parties will generally be scheduled for a first Compliance Conference after the completion of the plaintiff(s) deposition(s). However, if the parties are exchanging voluminous paper discovery prior to depositions, they shall return to the court prior to commencing depositions to ensure that all paper discovery has been exchanged.

## II. General

- a. **Appearances by Counsel; Knowledge and Authority:** Counsel who appear at all conferences must have full authority to proceed with the CC and have sufficient familiarity with the case to discuss a discovery schedule in a meaningful way and authority to enter into a discovery agreement. Counsel must also have authority to settle the matter or consent to alternate dispute resolution. Counsel may be referred to the Court's Presumptive Alternative Dispute Resolution Program at any time and shall be prepared to participate in accordance with the ADR Program Rules. Linda Dardis, Esq. is the ADR Coordinator for Queens County and may be reached at [qscadr@nycourts.gov](mailto:qscadr@nycourts.gov). Find out more about the Court's ADR Program at [Alternative Dispute Resolution \(ADR\) | NYCOURTS.GOV](#).
- b. **Consultation Prior to Conferences:** Prior to any conference, counsel for all parties shall consult with one another and shall make a good faith effort to reach agreement on discovery issues and resolution of the case, in whole or in part.

- c. **Authority to Schedule:** Counsel shall have consulted with clients, examining doctors, *etc.*, regarding their availability for EBTs, IMEs, *etc.*, to be scheduled for specific dates.
- d. **Failure to Appear:** Upon a party's failure to appear for a conference, costs, sanctions or other remedies may be imposed upon the offending party pursuant section 130.2.1 of the Rules of the Chief Administrator, 22 NYCRR 202.27, or any other applicable rule or statute. Non-appearance for any Compliance Conference may result, *inter alia*, in the dismissal of the action, the striking of an answer, an inquest or direction for judgment, costs, sanctions, or the issuance of a discovery order on default.
- e. **Letters and Other Communications:** E-mails to either the Preliminary or Compliance Conference Parts are to be transmitted to the e-mail addresses for each Part, which are set forth in the part rules. DO NOT submit communication to either the PC or CC Part via NYSCEF as it will not reach the PC or CC Part.
- f. **Obtaining Copies of Orders:** All signed Preliminary Conference and Compliance Conference Stipulations and Orders will be uploaded to the County Clerk/NYSCEF and the parties are responsible for obtaining copies of the orders from the County Clerk/NYSCEF files.
- g. **Filling Out Stipulations, Forms and Orders:** Names, telephone numbers and email addresses for all attorneys appearing on the case must be included on all submissions to the Court.
- h. **Dates certain, such as "on December 31, 2022" shall be used.** Open ended dates such as "within 45 days", or "on or before" dates and non-specific directives such as "all discovery not yet provided", or "unless otherwise provided", or "to the extent not yet provided", will not preserve any rights and will be rejected by the Court and amended to reflect specific directives to be complied with on firm dates. It is the responsibility of the parties to follow for the actual CC Order issued by the Court and to comply with any amendments made by the Court in the orders submitted.
- i. **Adherence to Discovery Orders:** Strict compliance with all Preliminary Conference and Compliance Conference Orders is required (*see Kihl v. Pfeffer*, 94 NY2d 118 [1999]). Unexcused or unjustified failures to comply with requirements and deadlines fixed by the Court in the subject orders, may result in the imposition of costs, sanctions, penalties or other remedies upon the offending party pursuant section 130.2.1 of the Rules of the Chief Administrator, 22 NYCRR 202.27, or other applicable rule or statute, including but not limited to CPLR 3126. Extensions of deadlines set forth in the PC Order, CC Order or other discovery orders must be requested from the Court by way of a request for a conference with the Court.

### III. Motions

a. **Disclosure Disputes.** Prior to making a discovery motion, counsel shall consult one another in a good faith effort to resolve any discovery disputes in compliance with Uniform Rule 202.7 (a)(2). The failure to submit an Affirmation of Good Faith with any discovery motion shall result in denial of the motion. Absent good cause, failure to comply with a discovery order may result in the imposition of penalties upon the offending party and, where warranted, upon counsel. Such penalties may include waiver of the discovery, preclusion, dismissal, striking of an answer, costs, sanctions, and/or attorneys' fees.

b. **Discovery Motion Rules.** If the parties are unable to resolve a discovery dispute after a good faith effort, an application shall be made for a pre-motion conference to discuss the discovery dispute and all other discovery issues in the case. The application shall be made via e-mail to [cscp@nycourts.gov](mailto:cscp@nycourts.gov) and shall state the nature of the discovery dispute and applicable law relative thereto. A conference will then be scheduled by the Court. If the discovery dispute is not resolved at the conference, a briefing schedule will be issued for the motion to be made before the **ASSIGNED IAS JUSTICE**.

c. **Motions for Summary Judgment.** Motions for summary judgment shall be made pursuant to the CPLR or the individual IAS Part rules if earlier or any other order of the court.

### IV. Note of Issue

A Note of Issue and Certificate of Readiness may not be filed unless: (1) a Certification Order has been issued **BY A JUDGE OF THE CC PART**; or (2) a stipulation has been executed by all counsel indicating that all discovery is complete and a copy of the stipulation is filed with the Note of Issue; or (3) such other order issued by the Court.