

## PART 2 - RULES, PRACTICES, and PROCEDURES

### JUSTICE ALLAN B. WEISS

Supreme Court of the State of New York  
Queens County - Civil Term  
Part 2 Courtroom 46  
88-11 Sutphin Boulevard, Jamaica NY 11435  
Chambers: (718) 298-1184  
Courtroom/Part Clerk: (718) 298 - 1054  
Part 2 E-mail: [QSCPart2@nycourts.gov](mailto:QSCPart2@nycourts.gov)

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Principal Court Attorney: Howard L. Wieder, Esq.

Secretary to Justice: Janet V. Jones

Part Clerk:

Motion Support Office (718) 298-1009

Ex Parte Support Office (718) 298-1018

Trial Scheduling Part (718) 298-1048

Court Clerk's Office (DCM) (718) 298-1140

#### GENERAL

**IMPORTANT NOTE: Individual Court Parts do not receive notifications when E-filed papers are entered into the Queens County Clerk - NYSCEF system. Any papers that the court must take action on, such as: stipulation to be so ordered, stipulation of discontinuance, letter by movant withdrawing a motion(s), proposed orders, or judgments must be sent to Chambers via E-mail at [QSCPart2@nycourts.gov](mailto:QSCPart2@nycourts.gov)**

1. **All questions regarding motions, orders to show cause, adjournments, calendar calls, and scheduling should be made via email at [QSCPart2@nycourts.gov](mailto:QSCPart2@nycourts.gov) and NOT by calling Chambers.**
2. A Motion Submission Form ("MSF") should be sent to [QSCPart2@nycourts.gov](mailto:QSCPart2@nycourts.gov) two business prior to a return date.
3. Requests for adjournment should be made two business days prior to the return date by writing to [QSCPart2@nycourts.gov](mailto:QSCPart2@nycourts.gov), with a CC of the email sent to all adversaries.
4. Please notify the Court, especially while a motion is pending, if the action has been settled, discontinued, and/or the motion has been resolved via email at [QSCPart2@nycourts.gov](mailto:QSCPart2@nycourts.gov) with a cc to ALL parties. Failure to so notify the

Court will result in a waste of judicial time, energies, and resources.

5. For the most up-to-date information concerning the handling of matters before the 11<sup>th</sup> Judicial District Civil Term (Queens Supreme Court), please refer to:  
<http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/index.shtml>

Part 2 is entirely an e-filing part and does not accept working copies of motions/documents. **DO NOT MAIL IN ANY COURTESY COPY OF PAPERS**, unless specifically requested by Chambers, as they will be discarded.

### **COMMUNICATIONS with PART 2 and CHAMBERS**

1. Counsel and litigants (represented or self-represented) are advised that Justice Weiss, the Justice's Principal Court Attorney, Secretary, and Part Clerk may not engage in any *ex parte* communications.
2. Please do not include the Justice's Principal Court Attorney in any email correspondence between counsel/parties unless specifically directed to do so by Chambers.
3. Absolutely no telephone inquiries concerning motions or applications may be made to Chambers. Such inquiries or concerns shall be addressed to the Part 2 Clerk at (718) 298-1054 or via email at [QSCPart2@nycourts.gov](mailto:QSCPart2@nycourts.gov)
4. Do not send any letters, documents, papers, mail, or facsimile unless expressly permitted by these Practice Rules or by prior approval of the Court to the part or Chambers

### **ELECTRONIC FILING**

**REMINDER: Individual court parts do not receive notifications when E-filed papers are entered into NYSCEF**

1. All cases in Part 2 are required to be electronically filed through the New York State Courts E-Filing ("NYSCEF") system. Attorneys are expected to familiarize themselves with NYSCEF procedures at <http://iapps.courts.state.ny.us/nyscef/Login>. For more information on e-filing rules, parties may also visit:  
<http://www.nycourts.gov/courts/1jd/supctmanh/efiling.shtml>.

2. “eTrack” is a case tracking service that enables parties to track active Civil Supreme Court cases and to receive notice of scheduled appearances. Parties and/or their counsel must be registered for the eTrack service for all Part 2 cases.
3. When filing exhibits on NYSCEF, for the Court’s assistance, please provide a pithy description of the exhibit instead of simply stating only “exhibit1,” “exhibit 2,” etc. Failing to describe the document on NYSCEF forces the Court to work that is unnecessary and waste judicial time, energies, and resources.
4. To register or log-in to e-track, please visit:  
**<http://iapps.courts.state.ny.us/webcivil/etrackLogin>**.
5. Please **do not** send to Chambers courtesy copies of any documents that were E-filed.  
**EXCEPTIONS:** Documents requiring Justice Weiss’s signature, including proposed orders or judgments and stipulations, **MUST** be E-filed with NYSCEF and sent via email to **[QSCPart2@nycourts.gov](mailto:QSCPart2@nycourts.gov)**

### **ORDERS TO SHOW CAUSE and EMERGENCY/ESSENTIAL APPLICATIONS**

1. An Emergency Judge is available remotely, in the Queens County Civil Court building, Courtrooms 301 and 302, located at 89-17 Sutphin Boulevard, Jamaica, NY 11435, to hear emergency/essential applications. The application must be accompanied by a separate “Emergency Affidavit” that does not pray for the underlying relief requested, but, rather, addresses:
  - (i) why the application must be entertained forthwith, and,
  - (ii) why the application could not have been brought to the Court’s attention earlier
2. Filing parties are advised to consult Uniform Rules for the New York State Trial Courts 202.7(f) concerning notification.
3. For up-to-date information regarding Orders to Show Cause and *Ex-parte* Orders, visit **<http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/exparte.shtml>**

### **MOTION CALENDAR CONFERENCES**

Part 2 **does not** conduct conferences prior to motions being submitted to the Court.

If the Court determines that a conference is needed **after** the papers submitted are reviewed, the Court will schedule a virtual or remote conference. The parties will be notified via a Microsoft TEAMS invitation with the day and time of such virtual or remote conference.

## **MOTION CALENDAR**

1. **All motions shall be made returnable and heard on Wednesdays, at 9:30 a.m. The motion calendar will be on submission only.**

During the ongoing pandemic, and until further notice, no appearances are required or are necessary. The Court does not need “hard,” courtesy, or working copies of motion papers. As stated, such papers will be discarded.

2. The movant and cross-movant should **submit a Motion Submission Form [https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/motion\\_submission\\_form.pdf](https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/motion_submission_form.pdf) by email to [QSCPart2@nycourts.gov](mailto:QSCPart2@nycourts.gov) two business days prior to the return date.**
3. Any requests for an adjournment, *see* ADJOURNMENT section below.
4. The Court does NOT hear oral argument even if a request for one is indicated on the Motion Submission Form.
5. The Court will not consider papers E-filed papers or papers sent to chambers or the Court Part, after submission of the motion or cross motion(s) without prior consent of the Court.
6. All motion papers submitted to the Court shall be in compliance with 22 NYCRR § 202.5. In addition to the requirements of 22 NYCRR § 202.5, all pages and paragraphs are to be numbered. **FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION MAY RESULT IN THE REJECTION OF THE NONCOMPLIANT SUBMISSION.** The Court will reject any papers that fail to comply with the requirements of this section.

### SUR REPLY AND OTHER PAPERS

The Court will not consider any Sur Reply, Supplemental Affirmation, or Further Affirmation, made without leave of the Court.

### CROSS-MOTIONS

Cross-Motions are considered responsive in nature and must be timely filed, pursuant to the CPLR, along with proof of payment of the statutory motion fee in order to be accepted and considered.

### MOTIONS TO RENEW/REARGUE

Motions to renew and/or reargue **MUST** contain a copy of the court's original decision and copies of all papers submitted in support of the original motion.

### **ADJOURNMENTS OF MOTIONS**

Motions may be adjourned on consent provided a written stipulation of all parties is submitted to the Part Clerk, prior to the calendar date and time, via email at QSCPart2@nycourts.gov . All stipulations must be fully executed by all parties consenting to the adjournment date.

Applications for adjournments made less than two (2) business days prior to the motion submission date will be accepted only at the discretion of the Court. Adjournment dates are scheduled by the Court and not by the requested dates designated in a Stipulation or on the Motion Submission Form.

### **CONFERENCES AND DISCOVERY DISPUTES**

1. Conferences are only held at the discretion of the Court. At this time, all conferences will be conducted virtually via *Microsoft TEAMS*.
2. This Court does not conduct conferences on any discovery-related motion, i.e., Motions to Vacate the Note of Issue, Motions to Restore, Motions to Strike Pleadings, Motions to Demand Bill of Particulars, Motions to Preclude

### **PRELIMINARY and COMPLIANCE** **CONFERENCES**

**\*\*\*\* DO NOT CALL CHAMBERS \*\*\*\***

**Any voice mail messages received in chambers pertaining to these conferences  
WILL NOT be returned.**

**PART 2 DOES NOT HOLD PRELIMINARY CONFERENCES OR COMPLIANCE CONFERENCES.**

**These Conferences are held in a SEPARATE Court Part by a Justice assigned to those parts - - and NOT by Justice Weiss.**

**Please consult these two links:**

PC Part info [pc\\_announcement\\_instr.pdf \(nycourts.gov\)](#)

CC Part info [bar\\_notice.pdf \(nycourts.gov\)](#)

**VIRTUAL CONFERENCES – GENERAL  
PROTOCOL**

1. All lawyers and litigants should identify themselves at the beginning of each appearance.
2. All microphones should be muted when not in use.
3. Courtroom rules apply – speak one at a time and do not interrupt other speakers, including the Judge.
4. Recording the proceeding by anyone other than the Judge, Court Reporter, or other Court personnel, is PROHIBITED.
5. Judges and attorneys should make every effort to appear via video, with cameras engaged. Telephonic appearances should be limited to litigants who are unable to appear via video.
6. Maintain the decorum of an in-person courtroom. Lawyers and litigants should appear from an office or quiet space. Background noise is detrimental to the conditions necessary to ensure an accurate transcript and diminishes the decorum of the proceeding.
7. If an individual is unable to appear via video, that individual should contact Part 2 at the Part’s email **QSCPart2@nycourts.gov**

## UNCONTESTED MATRIMONIALS

Once an uncontested matter is assigned to Part 2, questions regarding any corrections to the papers filed must be addressed to Chambers or the Part 2 Clerk - - NOT the Matrimonial Office.

If any corrections are required, the self-represented plaintiff or plaintiff's attorney will be sent (by mail, email, or fax) a Notice of Defect or a Memorandum decision informing the movant of any defects in the filings that will prevent the court from signing the Judgment of Divorce.

For **e-filed** cases: Required corrections **MUST be uploaded to the NYSCEF system and** an email to chambers **MUST be sent** advising that changes have been submitted.

E-mail: [QSCPart2@nycourts.gov](mailto:QSCPart2@nycourts.gov)

For **non-e-filed** cases: Required corrections must **ONLY** be mailed to:  
Chambers of Justice Allan B. Weiss  
NYS Supreme Court, Queens County  
88-11 Sutphin Blvd.  
Jamaica, NY 11435.

## TRIALS

For information regarding Summary Bench Trials, please consult [Summary Bench Trials - 11 JD Queens Civil Supreme | NYCOURTS.GOV](#)

For information regarding Summary Jury Trials, please consult

[Summary Jury Trial - 11JD Queens Supreme Civil | NYCOURTS.GOV](#)

1. Upon assignment to Part 2, all parties appearing for trial must be familiar with the case, ready, and authorized to participate in settlement discussions and/or proceed to trial.
2. All counsel must submit to the Court, prior to the commencement of trial, marked pleadings, copies of the bill of particulars, a witness list, an exhibit list, proposed jury instructions, and a proposed verdict sheet via email at [\*\*QSCPart2@nycourts.gov\*\*](mailto:QSCPart2@nycourts.gov)
3. Motions in limine - On the first appearance in the Part for trial, any party intending to make a motion in limine shall submit a brief written affirmation setting forth the

nature of the application and any supporting statutory or case law. The party shall furnish the court with an original and one copy and provide to all parties with a copy.

4. The trial will be conducted on a continuous daily basis until its conclusion. Tort actions are generally bifurcated. The Court expects that any trial on damages will follow immediately after a verdict in favor of liability.
5. No adjournments or delays during trial will be accepted absent exigent circumstances.

## **ADR**

The Court encourages the use of Alternative Dispute Resolution (“AD”). The Court’s ADR Coordinator is Linda Dardis, Esq. To pursue ADR, you may contact Ms. Dardis at:

the email of [qscadr@nycourts.gov](mailto:qscadr@nycourts.gov)

and the link is [Alternative Dispute Resolution \(ADR\) | NYCOURTS.GOV](#)

## **SETTLEMENTS AND DISCONTINUANCES**

If an action is settled, discontinued, or otherwise disposed of, the parties should immediately inform the Court by the submission of a copy of the Stipulation or a letter directed to the Clerk of the Part and sending it via email to **[QSCPart2@nycourts.gov](mailto:QSCPart2@nycourts.gov)**

All Stipulations of Discontinuances must be accompanied by proof of filing with the County Clerk and payment of the appropriate fee [CPLR 8020(d)(1)].

Updated: 3/29/21