

Civil Term – Part Rules, Part 3, Courtroom 26

Justice Joseph Risi
88-11 Sutphin Boulevard
Jamaica, New York 11435
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Courtroom Ph: (718) 298-1051
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Part 3 e-mail: QSCPart3@nycourts.gov
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Associate Law Clerk: Samantha Yu, Esq.

COVID-19 Update:

****This update shall supersede any prior Part Rules until further notice.**

Motion Practice

All non-commercial motions shall be made returnable on Tuesdays, via a Motion Submission Form (“MSF”) to be submitted by the movant/cross-movant to the Part E-mail listed above. When submitting the MSF, please cc all relevant parties to the **action** in the email. All MSFs must be submitted to the Court, via e-mail, **at least 48 hours but not more than one week** prior to the calendar date.

Adjournments:

If an adjournment on consent is requested, parties must indicate such on the MSF, and submit it to the Court with an attached stipulation/briefing schedule agreed upon by all parties. If an adjournment is requested and is not on consent, the MSF should indicate same and the Court will notify you if the adjournment is granted with a briefing schedule. If the motion is adjourned, a new MSF is required prior to the new return date in accordance with the above time frame.

Conferences:

If a conference is requested by the parties, the request must be submitted to the Court via e-mail with the MSF no later than 48 hours but not more than one week prior to the calendar date.

If the Court requires a conference on a Motion/Order to Show Cause, it will notify all parties via email. If parties are notified prior to the calendar date that a conference is required with the Court, appearances via phone or Microsoft TEAMS are not necessary until notified otherwise.

*** Parties must adhere to the instructions on the MSF, otherwise adjournments/conferences will not be granted.**

The MSF is available [here](#).

A MSF IS REQUIRED FOR ALL MOTIONS and ORDERS TO SHOW CAUSE TO BE

SUBMITTED, EVEN THOSE PREVIOUSLY ADMINISTRATIVELY ADJOURNED DUE TO COURT CLOSURE. Any Motion/Order to Show Cause submitted without a MSF will not be accepted by the Court and will be marked off.

Paper Submissions:

The Court, at this time, will not be accepting any working copies for any motions. DO NOT MAIL ANY PAPERS TO CHAMBERS. If the parties agree, the case may be converted to e-file by completing the EF10 form which can be found at <https://iappscontent.courts.state.ny.us/NYSCEF/live/forms/stipulation.and.consent.pdf>.

All inquiries as to case or calendar status are to be made to the appropriate clerk's office.

IAS Motion Support Office:(718) 298-1009

Ex-Parte Support Office: (718) 298-1018

Matrimonial Office: (718) 298-1012

CHAMBERS WILL NOT RESPOND TO ANY INQUIRIES AS TO CASE OR CALENDAR STATUS.

Non-Efile Cases:

You are now able to access decisions for non-efile cases here:

<https://iapps.courts.state.ny.us/webccos/queenscc>

Preliminary Conference

Preliminary Conference Orders, unless it pertains to Commercial Division matters, will be issued *sua sponte* and uploaded to E-Courts. No appearances are required at this time.

Please refer all inquiries pertaining to preliminary conferences to the Preliminary Conference Part at (718) 298-1046 or QSCPart20@nycourts.gov. This Chambers will not respond to inquiries pertaining to PCs.

Compliance Conferences

Inquiries pertaining to Compliance Conferences must be made to the Compliance Conference Part at 718-298-1093.

All Compliance Conference inquiries shall be directed to the Compliance Conference Part, unless it pertains to Commercial Division cases (see J. Risi's Commercial Division Rules).

CHAMBERS WILL NOT RESPOND TO INQUIRIES PERTAINING TO CC'S FOR NON-COMMERCIAL DIVISION CASES.

Motion Practice

Scheduling

All Tax Certiorari matters shall be made returnable the second Tuesday of the month in the Part 3 courtroom of the Jamaica Supreme Court located at 88-11 Sutphin Boulevard, Room 26, Jamaica, New York. There will only be one call of the motion calendar.

All non-commercial motions, with the exception of Tax Certiorari matters, shall be made returnable Tuesdays in the Part 3 courtroom of the Jamaica Supreme Court located at 88-11 Sutphin Boulevard, Room 26, Jamaica, New York. There will be two calls of the motion calendar. The second call of the calendar will be immediately thereafter.

Failure to notice a motion in compliance with the designated day, time and location above shall result in the motion being marked off calendar without prejudice.

Part 3 will administratively reschedule any motion noticed for a holiday. The movant will be responsible for notifying all parties of the administratively rescheduled date and providing proof of same to the Part on the rescheduled adjourned date.

The parties shall notify the Court immediately if any pending motion or application has been settled or withdrawn. A stipulation of settlement or withdrawal of the motion or application shall be sent to Part 3 via e-mail and filed with the Court.

No additional papers shall be accepted after the motion has been marked without the expressed permission of the Court.

Any papers filed after the MSF has been submitted will not be considered by the Court without express permission from the Court.

E-Filed Matters

All parties should familiarize themselves with the statewide E-Filing Rules: Uniform Rules for Trial Courts (22 NYCRR) §§202.5-b and 202.5-bb, available at www.nycourts.gov/efile. General questions about e-filing should be addressed to the E-Filing Resource Center at (646) 386-3033 or via e-mail at efile@nycourts.gov.

Appearances

All in-person appearances are waived until future notice.

Discovery related motions: On any discovery related motion or application, if after the parties have conferred these matters among themselves, the movant shall contact the Court, via e-mail, to schedule a conference with all parties prior to submitting the motion or even prior to filing the motion. The Part is prepared to assist in connection with these motions or applications by virtue of preclusion language or so-ordering a stipulation, as may be necessary. All stipulations must indicate that the motion and any cross-motion is/are being withdrawn pursuant to the stipulation and must be signed by the attorneys.

Any items of discovery not specifically identified as outstanding at the time of the stipulation

resolving the motion are deemed waived.

Adjournments

Part 3 reserves the right to supplement or amend the following rules regarding adjournments at any time.

First time requests for an adjournment of any nature, **on consent**, will be accepted by e-mail. Stipulations to adjourn on consent must also include a briefing schedule which will obviate the need for further adjournments.

First time application for adjournments, **not on consent**, will be entertained **ONLY** via e-mail with a MSF, sent to the part at least 48 hours **but no more than one week** prior to the return date of the motion. Applications for an adjournment will be granted as a matter of right for the first time as the court sees fit. No further applications will be granted without permission of the Court. Counsel must make every effort to notify their adversaries of their intention to seek an adjournment. Requests for an adjournment beyond ONE will be granted sparingly in the court's discretion.

Briefing Schedule: In the event an adjournment on the initial return date is granted, a briefing schedule will be issued with dates for responsive papers. This schedule shall be conveyed verbally or in writing to the attorneys and shall appear on the face of the motion papers. Failure to serve responsive papers in accordance with the briefing schedule shall result in the rejection of those papers on the adjourned date.

Trials

Plaintiff's counsel shall requisition all subpoenaed records to the Part 3 courtroom immediately after assignment of the case to this Part. Counsel should ascertain the availability of all witnesses and subpoenaed documents. Any special needs, e.g., interpreter, easels, blackboards, shadow boxes, television, subpoenaed material, etc., must be reported to the Part Clerk, at least 24 hours in advance, so as not to delay the progress of the trial.

All counsel must submit to the Court, prior to the commencement of trial, marked pleadings, a copy of the bill of particulars, a witness list, an exhibit list, proposed jury instructions and a proposed jury verdict sheet. Counsel must also know the availability of all witnesses who they intend to call during trial.

Amendments to the proposed jury instructions and the proposed verdict sheet, shall be permitted prior to the final charge conference. All requested jury charges should be referred to by PJI number and topic. If changes to the PJI are suggested, then the entire proposed charge should be set forth with the changes made highlighted. Citations to appropriate statutory or common law authority must be given in support of proposed non-PJI jury charges or proposed PJI modifications.

To the extent any part of a deposition is to be read into evidence (as distinguished from mere use on cross-examination) counsel must, in advance, provide the Court and counsel for all other parties with the page and line numbers of all such testimony, so that all objections may be

addressed prior to use before the jury.

The Court encourages trial exhibits be pre-marked for identification and, where possible, that the parties stipulate to the admissibility of clearly admissible documents and records.

Pre-trial Conferences:

Pre-trial conferences will be held prior to every trial. At these conferences, counsel should be prepared to:

- a) Discuss settlement;
- b) Advise the Court as to all anticipated disputed issues of law and fact, and provide the Court with copies of all statutory and common law authority upon which counsel will rely;
- c) Stipulate to undisputed facts and the admissibility of clearly admissible documents and records;
- d) Advise the Court of any anticipated in limine motions or evidentiary objections which counsel intends to make. Motions in limine may be made orally, however they must be supported by a memorandum of law. Any written motions in limine require proof of payment of the appropriate fee. Counsel shall provide the Court and all parties with copies. All prior decisions and orders relevant to any in limine application must be provided to the Court;
- e) Advise the Court of any anticipated requests for a jury instruction relating to missing witnesses and/or documents;
- f) Advise the Court of any anticipated request for apportionment as to alleged culpable non-parties pursuant to CPLR Article 16;
- g) Discuss scheduling and the estimated length of the trial. Counsel should alert the Court as to any anticipated problems regarding the attendance at trial of parties, attorneys or essential witnesses and any other practical problems that the Court should consider in scheduling; Trials will be conducted on a continuing day-to-day basis until conclusion. No adjournments or delays during trial will be accepted, unless exigent circumstances exist. All actions are generally bifurcated. The Court expects, the parties to be prepared to proceed to trial on damages immediately following a plaintiff's verdict on liability.

Settlements and Discontinuances

If an action is settled, discontinued or otherwise disposed of, counsel shall immediately inform the Court by filing a stipulation of discontinuance pursuant to CPLR §3217 and providing a courtesy copy to the Clerk in Part 3, or, where the action is not discontinued, by submitting a copy of the stipulation of settlement or a letter advising of the disposition.

Infant's Compromise Orders

Applications for Infant Compromise Orders shall be made pursuant to CPLR §1207(a) and shall be supported by the documentation required by CPLR §1208 and 22 NYCRR 202.67.

Applications submitted without the appropriate documentation will be denied. Infant compromise hearings will be scheduled by the Court and the parties will be notified of the hearing date by mail or fax.

Uncontested Matrimonials

Where matrimonial papers have been rejected by the court for revision, all revised matrimonial papers must be resubmitted by the date set forth in the Memorandum or the action may be dismissed as abandoned. All revisions are to be submitted, by hand, to the Clerk in Part 3.

[10/2020]