

## **I.A. Part 4/Commercial Division Part B Rules**

### **JUSTICE MARGUERITE A. GRAYS**

Supreme Court of the State of New York, Queens County

88-11 Sutphin Boulevard, Jamaica, New York 11435

#### **Courtroom 66**

**Part 4 Email:** [QSCPART4@nycourts.gov](mailto:QSCPART4@nycourts.gov)

**Commercial Division Part B Email:** [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov)

Principal Law Clerk: Nicole McGregor Mundy, Esq.  
Part Clerk: Mr. Eric Kang  
Secretary: Ms. Melonie D. Holder-Mayzoub  
Part 4/CD Part B courtroom: (718) 298-1214  
Part 4/CD Part B chambers: (718) 298-1212  
Part 4/CD Part B Fax (718) 298-1107  
  
IAS Motion Support: (718) 298-1009  
Ex Parte Support Office: (718) 298-1018  
Trial Scheduling Part: (718) 298-1048

**Virtual Motion Calendar:** Tuesdays at 10:00 a.m. (No appearance)

**CD Pre-Trial Conference:** As scheduled virtually via Microsoft TEAMS

**Preliminary Conferences:** Commercial Division - Mondays at 11:30 a.m.

Submit completed Orders via email to [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov)

**Compliance Conferences:** Commercial Division - Tuesdays at 11:30 a.m.

Submit Completed Orders via email to [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov).

#### **GENERAL**

1. These Rules have been amended to address certain procedural changes instituted due to the COVID-19 pandemic. All counsel and pro se litigants should check these Rules regularly for any changes.
2. All counsel and pro se litigants must familiarize themselves with these Part Rules and the Rules of the Commercial Division of the Supreme Court (22 NYCRR 202.70).<sup>1</sup>

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<sup>1</sup> The Commercial Division Rules are available at: <http://ww2.nycourts.gov/rules/trialcourts/202.shtml#70>.

3. **I.A. Part 4/Commercial Division Part B is entirely an electronic part. Correspondence with this part shall be by e-mail, which is the preferred method of communication, or by telephone, only. Postal mail is discouraged unless necessary to provide the court with an originally executed document.**
4. All inquiries regarding motions must be made to either Motion Support at (718-298-1009) or the Clerk of the Part at [QSCPART4@nycourts.gov](mailto:QSCPART4@nycourts.gov) or [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov) or (718) 298-1214. **No telephone inquiries concerning motions or applications may be made to chambers.** Please include caption, index number and a brief description of the subject matter of the email in the “subject” box. All appearing parties must be included on any email.
5. Counsel and litigants (represented or self-represented) are advised that Justice Grays, her Principal Law Clerk, and the Part Clerk may not engage in any *ex parte* communications.
6. To create opportunities for attorneys knowledgeable with the subject matter of the action before the Court, and who historically have been under-represented in the Commercial Division and I.A. Part, participation by such attorneys is strongly encouraged. This can be achieved, for example, by having a less senior attorney, who prepared the brief on a motion, argue the motion before Justice Grays.

## **ELECTRONIC FILING**

1. All cases in IA Part 4/Commercial Division Part B are required to be electronically filed through the New York State Courts E-Filing (NYSCEF) system. Attorneys are expected to familiarize themselves with the [NYSCEF procedures](#)
2. All e-filed documents must be text-searchable. All electronically-submitted memorandum of law must contain bookmarks, pursuant to Commercial Division Rule 6. The submission of documents containing hyperlinks is strongly encouraged.
3. Parties should consider converting a non-e-filed matter to e-filing. To convert to e-filing, the parties must execute the [Stipulation and Consent to E-filing Form](#) and send the fully executed form to [efile@nycourts.gov](mailto:efile@nycourts.gov), or, if any party does not consent to converting the matter to e-filing, any party may execute the [Letter Application to Convert Pending](#)

## **INTEGRATED COURTROOM TECHNOLOGY (ICT)**

Courtroom 66 is equipped with up-to-date Integrated Courtroom Technology (ICT). Attorneys and litigants are encouraged to familiarize themselves with the Courtroom Modernization Initiative (CMI) Courtroom [instructions](#). Any attorney who intends to utilize the ICT equipment during a trial or hearing, **MUST** notify the Part Clerk at least fourteen (14) days prior to the trial or hearing, and should contact the Part Clerk to schedule a date and time to come in to the courtroom prior to the trial or hearing to test-run the equipment.

## **ADJOURNMENTS**

1. All adjournments (motions, conferences, trials) require prior court approval. *EX PARTE* APPLICATIONS FOR ADJOURNMENTS WILL NOT BE CONSIDERED.

## **DISCOVERY DISPUTES**

1. At this time, all conferences will be conducted virtually via Microsoft TEAMS.
2. Prior to filing a discovery-related motion, including but not limited to, Motions to Vacate the Note of Issue, Motions to Restore, Motions to Strike Pleadings, Motions to Demand Bill of Particulars, and Motions to Preclude, the parties are directed to send an email to [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov) (Commercial Division Cases only) or [QSCPART4@nycourts.gov](mailto:QSCPART4@nycourts.gov) and cc **ALL** parties to the email to request a virtual conference. The email should include a summary of the discovery-related issues.
3. If the parties are exploring settlement of the case and would like a settlement conference for the sole purpose of exploring resolution of the case, the parties may send an email to [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov) or [QSCPART4@nycourts.gov](mailto:QSCPART4@nycourts.gov) with a cc to **ALL** parties to request a virtual settlement conference.
4. Only attorneys thoroughly familiar with the case may appear for a virtual conference. The attorneys should have on hand signed copies of all prior decisions, orders and stipulations that are relevant to the issue(s) to be discussed at the conference.

## **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. All appearing parties 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 in business attire, 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 the part **prior to the scheduled court date** at [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov) or [QSCPART4@nycourts.gov](mailto:QSCPART4@nycourts.gov).
8. If you would like to perform a test run of your equipment prior to any virtual conference, hearing or trial please contact <https://portal.nycourts.gov>.
9. For additional information regarding virtual appearances please see the Virtual Appearance Guide at <https://nycourts.gov/appear>.

#### **EMERGENCY/ESSENTIAL APPLICATIONS**

1. Justice Grays is available for emergency applications. Additionally, 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.
2. When making an emergency application or Order to Show Cause application, the parties shall provide the email address(es) and direct telephone numbers of all parties by sending an email to [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov) (Commercial Division Cases only) or [QSCPART4@nycourts.gov](mailto:QSCPART4@nycourts.gov).

#### **MOTION PRACTICE**

1. Motion calendars for e-filed motions are held virtually on a weekly basis. Motions shall be made returnable **Tuesdays, at 10:00 a.m.** The motion calendar is on **submission only. Appearance is not required, nor are working copies required.** The movant and/or cross-movant is/are required to submit a **Motion Submission Form by email to [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov)** (Commercial Division cases only) **or [QSCPART4@nycourts.gov](mailto:QSCPART4@nycourts.gov) at least forty-eight (48) business hours prior to the calendar date and time.**
2. Any requests for an adjournment **must be included on the Motion Submission Form.** Do not call Chambers or the Part to request an adjournment. Additionally, stipulations to adjourn a motion must be emailed with the Motion Submission Form to [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov) (Commercial Division Cases only) or

[QSCPART4@nycourts.gov](mailto:QSCPART4@nycourts.gov) prior to the calendared date and time. Applications for an adjournment will be granted as a matter of right for the first time. 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.

3. Any request for oral argument and/or a conference, which will be held virtually, **must be indicated on the Motion Submission Form.**
4. Microsoft TEAMS is the only platform for conducting virtual court proceedings. The Unified Court System does not use Zoom to conduct virtual conferences.
5. NON-EFILED MOTIONS WILL BE ADMINISTRATIVELY ADJOURNED UNTIL FURTHER NOTICE. PARTIES ARE ADVISED TO CONSULT WITH E-COURTS REGULARLY FOR ADJOURNMENT DATES. Parties should consider converting the matter to e-filing. To convert to e-filing, the parties must execute this form ([Stipulation and Consent to E-filing Form](#)) and send the fully executed form to [efile@nycourts.gov](mailto:efile@nycourts.gov)
6. **THE COURT WILL NOT CONSIDER PAPERS ELECTRONICALLY FILED AFTER THE CALL OF THE CALENDAR.**
7. No motion relating to disclosure will be accepted without an affirmation of good faith as required by 22 NYCRR §202.7.
8. Except for discovery motions, no prior permission is required before making a motion. Justice Grays does not accept Commercial Division Rule 24 letters unless expressly requested. Prior to making a discovery motion, parties must contact Chambers to arrange a mutually convenient date and time for a conference call.
9. **Commercial Division motions shall have the words “COMMERCIAL DIVISION” clearly and conspicuously marked on the Notice of Motion or Order to Show Cause by the moving party. FAILURE TO COMPLY WITH THIS REQUIREMENT MAY RESULT IN THE MOTION BEING DENIED.**
10. Word limits specified in Commercial Division Rule 17 will be strictly enforced, unless permission to expand the word limits is granted in advance of the filing of the papers.
11. All Memorandum of Law must include a Table of Contents and a Table of Authorities.
12. Each exhibit to the motion papers must be e-filed under its own document number and include a short label identifying the nature of the exhibit (e.g., Complaint, Contract dated 1/1/19, etc.).
13. **Any attorney appearing on a case for any purpose MUST be familiar with the case, and ready and authorized to resolve any and all issues.**

## **PAPERS**

1. **WORKING COPIES ARE NOT REQUIRED. DO NOT EMAIL, FAX, OR MAIL WORKING COPIES TO CHAMBERS OR THE PART.**
2. If the Court directs that an Order be settled or submitted on a motion in an E-filed case, the proposed Order and any proposed Counter-Order shall be filed via NYSCEF with the court with proof of service and a copy of the proposed Order/Counter-Order emailed to [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov) (Commercial Division cases only) or [QSCPART4@nycourts.gov](mailto:QSCPART4@nycourts.gov). As appropriate, the Clerk may make changes on the proposed Order/Counter-Order.
3. **FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION MAY RESULT IN REJECTION OR DENIAL OF THE OFFENDING SUBMISSION OR THE SUBSTANTIAL DELAY IN PROCESSING THE SUBMITTED DOCUMENTS.**

## **ALTERNATIVE DISPUTE RESOLUTION (ADR)**

1. If, at any point, the parties decide that they would benefit from the Commercial Division ADR program, they should write a joint letter to the Court asking to be referred to ADR.
2. The Court may also order parties to the Commercial Division ADR program without the parties' request or consent.
3. For more information regarding the ADR program, please contact Linda Dardis, ADR Coordinator, at [QSCADR@nycourts.gov](mailto:QSCADR@nycourts.gov) or (718)298-1031, or visit: <http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/adr/index.shtml>

## **CONFIDENTIALITY ORDER/SEALING DOCUMENTS**

1. For Commercial Division cases, any Order regarding the confidential exchange of information must adhere to the proposed Stipulation and Order for the Production and Exchange of Confidential Information that appears in Appendix B to the Rules of Practice for the Commercial Division (22 NYCRR §202.70(g), Rule 11-g)<sup>2</sup>.
2. If the parties wish to deviate from the form set forth in Appendix B to the Rules of Practice for the Commercial Division, they must do so in compliance with 22 NYCRR §202.70(g), Rule 11-g(b).

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<sup>2</sup> Appendix B to the Rules of Practice for the Commercial Division is available at [https://www.nycourts.gov/LegacyPDFS/RULES/trialcourts/202.70\(g\)%20-%20Rule%2011-g](https://www.nycourts.gov/LegacyPDFS/RULES/trialcourts/202.70(g)%20-%20Rule%2011-g)

3. Applications to seal documents shall include the nature of the document, the reason for the sealing request, and “good cause” therefore (22 NYCRR §216.1). The Court will consider applications to seal documents only by Order to Show Cause or Notice of Motion, not by stipulation.

## TRIALS

1. Parties should consult e-Courts regularly for Commercial Division trial dates.
2. Each attorney or *pro se* litigant must submit to the court, via email at [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov), prior to the commencement of trial, the following:
  - (a) marked pleadings;
  - (b) all prior Decisions/Orders in the case;
  - (c) a witness list;
  - (d) an exhibit list;
  - (e) any Notice to Admit, with response(s);
  - (f) any Bill of Particulars.
3. Each party must notify the Clerk of the Part, at least **14 business days** prior to the commencement of the trial, if any proposed witness needs an interpreter, and if so, the language and any dialect.
4. It is the duty of counsel, not court personnel, to make sure all subpoenaed documents have arrived in the subpoenaed records room.
5. Motions in Limine (**non-Commercial Division non-Jury cases**) – On the first appearance in the Part for trial, any party intending to make a Motion in Limine shall submit, via email, a **brief** written affirmation setting forth the nature of the application and any supporting statutory or case law. The party/parties shall also provide counsel for all parties each with a copy.
6. The trial will be conducted on a continual daily basis until conclusion, unless otherwise instructed by the Court.
7. **No adjournments or delays of the trial will be allowed unless exigent circumstances exist.**

## COMMERCIAL DIVISION CASES

1. The Pre-Trial Conference calendar will be held virtually on **Mondays, at 10:00 a.m.**, or at such other time as the Court directs. You will receive a Microsoft TEAMS link prior to the Pre-Trial conference.
2. The parties shall comply with the relevant pre-trial conference and trial rules as required by 22 NYCRR §202.70, and **must supply the Court, at the time of the Pre-Trial Conference, with a copy of the marked pleadings via email to [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov).**
3. Motions in Limine - Any party intending to make a motion in limine shall fully comply with Rule 27 of 22 NYCRR §202.70. **Motions in Limine which are not timely made will not be considered by the Court.**
4. Where a party is represented by counsel, an attorney fully familiar with the case **shall** appear virtually at the Pre-Trial Conference.

## DECISIONS

Any attorney or pro se litigant desiring a copy of the Court's decision must can be obtained via NYSCEF or from the Queens County Clerk.

## PRELIMINARY CONFERENCE–NON COMMERCIAL DIVISION CASES

1. A Preliminary Conference shall be scheduled (1) automatically by the Court within 45 days after filing a Request for Judicial Intervention, pursuant to 22 NYCRR §202.12(b); or (2) upon filing a written Request for a Preliminary Conference with the Clerk's Office, Room 140, in compliance with 22 NYCRR §202.12(a); or (3) when an appropriate notice is filed in malpractice or certiorari cases pursuant to 22 NYCRR §202.56 and §202.60; or (4) in compliance with 22 NYCRR §202.70 - Rule 7 for Commercial Division cases.
2. Please click on the following link for information regarding the Preliminary Conference Part: [http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/civil\\_schedule.shtml](http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/civil_schedule.shtml)

## PRELIMINARY AND COMPLIANCE CONFERENCES – COMMERCIAL DIVISION

1. All Preliminary Conferences and Compliance Conferences will be held virtually and no appearance is required.
2. Counsel for all parties must consult prior to a Preliminary or Compliance Conference about: (i) the resolution of the case; (ii) discovery and any other issues to be discussed at the conference; and (iii) the use of Alternative Dispute Resolution to resolve all or some of the issues of the litigation (Commercial Division Rule 8).
3. Commercial Division Preliminary and Compliance Conferences are to be conducted in the following manner until further notice:



- The parties shall obtain the [Commercial Division Preliminary Order](#) or [Compliance Conference Order](#)
- **No appearance is required on the Preliminary or Compliance Conference date unless otherwise directed.**
- All fields of the Preliminary or Compliance Conference Order must be completed by the parties. All appearing parties shall participate in completing the Order.
- The completed Order must be signed by all parties.
- The completed and signed Preliminary or Compliance Conference Order shall be emailed to [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov) **no later than 2:00p.m. on the scheduled date of the Preliminary or Compliance conference.**
- The parties should review the So Ordered Preliminary or Compliance Conference Order in the NYSCEF system for any changes made to the Order by the Court.
- In the event the parties can not agree in completing any of the fields on the Preliminary or Compliance Conference Order, plaintiff's counsel must email the Court (and include all parties on the email) at [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov) **no later than 2:00p.m. on the scheduled date of the Preliminary or Compliance conference**, indicate that the parties need the assistance of the Court in completing the Preliminary or Compliance Conference Order, and request a virtual conference. A virtual conference on **Microsoft Teams** will be scheduled by the Court. **All parties must appear at the virtual conference** and possess full knowledge of the facts of the case and authority to resolve all issues.

## SETTLEMENTS AND DISCONTINUANCES

Counsel **MUST** notify the Court as soon as practicable of the settlement or resolution of active cases or pending motions, by email to the court and to all parties at [QSCPART4@nycourts.gov](mailto:QSCPART4@nycourts.gov) or [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov). Counsel shall email a copy of the stipulation or a letter directed to the Clerk of the Part. All Stipulations of discontinuance must be accompanied by proof of payment of the appropriate fee (CPLR §8020(d)(1)).

[5/19/2021]