

## **Civil Term - Part 6**

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Justice Tracy A. Catapano-Fox  
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Jamaica, NY 11435  
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Please note that the Court is always happy to assist the parties with their proceedings. However, no *ex parte* communications are permitted with the Court, the law clerk or secretary. Further, any written communications with the Court must include all parties. The Court also recommend the parties review the Queens Supreme Court website at [11th JD Queens Supreme Civil Term - HOME | NYCOURTS.GOV](http://11thJDQueensSupremeCivilTerm-HOME|NYCOURTS.GOV)

### **Preliminary Conferences Compliance Conferences**

In lieu of appearances, Preliminary Conference Orders are now being completed by Justice Lancman and filed in NYSCEF or on the Queens County Clerk's Office. You may seek further information on the Queens Supreme Court website at [11th JD Queens Supreme Civil Term - HOME | NYCOURTS.GOV](http://11thJDQueensSupremeCivilTerm-HOME|NYCOURTS.GOV).

The Compliance Conference Part is presided over by Justice Lancman and Justice Catapano-Fox. Compliance Conferences are held VIRTUALLY via Microsoft Teams and are presided over by Judge Catapano-Fox on Tuesdays and Wednesdays. A Compliance Conference Stipulation and Order must be filled out and signed prior to the scheduled Compliance Conference, and emailed to [CSCP@nycourts.gov](mailto:CSCP@nycourts.gov). Any questions with regard to Compliance Conferences assigned to Justice Catapano-Fox should be emailed to [submissionJCF@nycourts.gov](mailto:submissionJCF@nycourts.gov).

### **Motion Practice**

1. The Part 6 Motion calendar is held virtually every Monday at 10am. Nuisance Abatement applications are heard virtually every Tuesday at 10am.
2. The motion calendars are submission only, but an oral argument can be scheduled by submitting a Motion Submission form to [QSCPart6@nycourts.gov](mailto:QSCPart6@nycourts.gov). Chambers will send a Teams invitation to all parties for a virtual oral argument.
3. Any party seeking an adjournment of a motion must submit a Motion Submission Form and attach a stipulation of adjournment by email at [QSCPart6@nycourts.gov](mailto:QSCPart6@nycourts.gov). Please note that the Court will only grant one adjournment by request, and any further requests for adjournment must be made during a virtual conference appearance with the Court.
4. All discovery-related motions shall be resolved by stipulation and submitted to [QSCPart6@nycourts.gov](mailto:QSCPart6@nycourts.gov). The parties may request a conference to resolve discovery-related motions by submitting a Motion Submission Form to [QSCPart6@nycourts.gov](mailto:QSCPart6@nycourts.gov).
5. If the parties have settled or discontinued a matter, please submit the stipulation of settlement/discontinuance to the Court at [QSCPart6@nycourts.gov](mailto:QSCPart6@nycourts.gov).

6. No working or hard copies of motions are necessary and will be returned to the parties.
7. Any motions in which a stay is in effect, due to bankruptcy, death of a party, or military service, please advise the Court by email at [QSCPart6@nycourts.gov](mailto:QSCPart6@nycourts.gov).
8. All motions shall be made in compliance with the applicable CPLR and Uniform Court rules.
9. Any questions with regard to motion practice can be submitted to [QSCPart6@nycourts.gov](mailto:QSCPart6@nycourts.gov).

## **Trials**

1. All counsel must submit to the court, prior to the commencement of trial, marked pleadings, copy of the bill of particulars, a witness list, exhibit list, proposed jury instruction and a proposed verdict sheet. These documents should be submitted to the Court by email at [submissionJCF@nycourts.gov](mailto:submissionJCF@nycourts.gov), and all parties should be included on the email.
2. Motions in limine - On the first appearance 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. This affirmation and motion should be submitted to the Court by email at [submissionJCF@nycourts.gov](mailto:submissionJCF@nycourts.gov), and all parties shall be included on the email.
3. The trial will be conducted on a continuous daily basis until conclusion, No adjournments or delays during trial will be accepted absent exigent circumstances.

## **Summary Jury Trial Rules**

1. The rules for Civil Jury Trials apply to Summary Jury Trials except:
  - a. All Summary Jury Trials will be held to the written, binding stipulation and order between the parties and so-ordered by the Court.
  - b. Time limits will be strictly complied with as follows:

*Each party is permitted,*

1. Thirty (30) minutes for jury selection
  2. Ten (10) minutes for opening
  3. Sixty (60) minutes for presentation of case, including cross-examination
  4. Ten (10) minutes for closing
- b. The Court shall keep track of the time and remind counsel of the status of allotted time during the trial.

## **Summary Bench Trial Rules**

- A Summary Trial is a binding one-day bench trial with relaxed rules of evidence.
- Litigants may submit medical evidence without live or virtual medical testimony.
- Litigants stipulate to High-Low parameters, i.e., \$0/\$25k, \$50k/\$250k, which cannot exceed the insurance policy limits. The litigants may, upon consent, communicate the insurance policy limits to the justice presiding and may communicate the high-low parameters upon further stipulation of the litigants.
- Litigants waive their right to appeal any determination issued by the Court.
- The Court will not entertain a motion to direct a verdict.
- The Court will not entertain a motion to set aside the verdict.
- The litigants and the Court shall set an agreed date for the trial.
- The litigants shall submit bench brief packets arguing their points of law and fact, including the submission of stipulated evidence as exhibits consisting of medical records, reports, PowerPoint presentations, etc.

## Uncontested Matrimonial Applications

1. The Court will expeditiously review and determine all uncontested matrimonial applications it receives. Any questions about uncontested matrimonial applications should be submitted to [QSCPart6@nycourts.gov](mailto:QSCPart6@nycourts.gov). Further information about the matrimonial actions can be found at [11th JD Queens Supreme Civil Term - HOME | NYCOURTS.GOV](#).
2. If the uncontested matrimonial application is incomplete or needs corrections, the Court will notify the parties through NYSCEF that the papers need additional information or corrections. The parties will be given 45 days to correct the deficiencies, and failure to timely do so without good cause will result in dismissal of the action without prejudice.

## Orders to Show Cause and Ex Parte Applications

1. Any Orders to Show Cause and Ex Parte applications must be submitted to the Ex Parte office and further information is available at [11th JD Queens Supreme Civil Term - HOME | NYCOURTS.GOV](#). The applications will be submitted to the Court for determination, and if necessary, a Virtual Teams invitation will be sent to all parties for conference and argument.
2. All applications should be made in compliance with applicable CPLR and Uniform Rules.

## Virtual Proceedings Rules

1. In light of these unprecedented circumstances due to the COVID-19 crisis, all proceedings with the Court will be virtually. If a party is unable to proceed virtually, the party must submit a written notice to the Court detailing the inability to participate to engage in virtual proceedings.
2. During virtual proceedings, the parties should maintain the decorum that exists in all courtroom proceedings. Specifically, the parties should appear in professional attire, minimize distractions in their environment, use video as well as audio equipment, and mute their microphones when other parties are speaking.
3. If an interpreter is needed for a witness, please notify the Court at least 24 hours in advance of the proceedings, and a virtual interpreter will be provided.
4. All documents and evidence must be emailed to the Court and all parties prior to the proceedings.
5. No attorney or party is permitted to record any virtual proceedings.

## Infant Compromise Applications

1. All Infant Compromise Applications must be uploaded into NYSCEF, with all relevant documents and evidence included with the application.
2. A request for an Infant Compromise hearing may be submitted to the Court by email to [QSCPart6@nycourts.gov](mailto:QSCPart6@nycourts.gov).
3. A virtual proceeding will be scheduled by the Court, and all relevant parties must be available and proceed virtually and utilize video as well as audio equipment.
4. Any questions with regard to Infant Compromise applications can be answered by reviewing CPLR 1207(a), CPLR 1208 and 22 NYCRR 202.67, and questions can be submitted to the Court by email to [QSCPart6@nycourts.gov](mailto:QSCPart6@nycourts.gov).

## Alternative Dispute Resolution Proceedings

1. The Court encourages all parties to consider Alternative Dispute Resolution in coming to agreement in their disputes. If the parties are amenable to proceeding with ADR, please notify the Court by email at [QSCPart6@nycourts.gov](mailto:QSCPart6@nycourts.gov). Any questions can also be submitted to the Court by email at [QSCPart6@nycourts.gov](mailto:QSCPart6@nycourts.gov), and the Court would be happy to engage in virtual conferences to discuss further. The parties may also reach out to Linda Dardis, Esq., the Alternative Dispute Resolution Coordinator at [qscadr@nycourts.gov](mailto:qscadr@nycourts.gov), or obtain further information at the webpage: Alternative Dispute Resolution (ADR) at [www.nycourts.gov](http://www.nycourts.gov).
2. If the parties are interested in court-sponsored mediation, the parties shall email the Court assenting to the process by all parties, and the Court will issue an Order of Reference, referring the matter to the court mediation program.
3. If the parties are proceeding to arbitration, the parties must submit an email to the Court at [QSCPart6@nycourts.gov](mailto:QSCPart6@nycourts.gov) informing the Court that the matter is proceeding to binding arbitration.
4. If the parties are proceeding to non-court sponsored mediation, the parties must submit an email to the Court at [QSCPart6@nycourts.gov](mailto:QSCPart6@nycourts.gov), indicating the details of the mediation, and the Court will schedule a virtual conference with the parties to ascertain the results of the mediation.
5. If the parties wish to consider other Alternative Dispute Resolution methods, such as conceding liability, agreeing to high/low parameters, apportionment of damages between co-defendants, or capping damages, the parties can request a virtual conference with the Court or submit a stipulation stating the agreement to any or all of the above methods of Alternative Dispute Resolution, which the Court will so-order and upload to NYSCEF.