

Part 11– RULES, PRACTICES, AND PROCEDURES

JUSTICE DENISE N. JOHNSON
Supreme Court of the State of New York

Part 11, Courtroom B-10

Queens County – Civil Term

25-10 Court Square, Long Island City, New York 11101

Presiding Justice: Hon. Denise N. Johnson
Principal Law Clerk: Tenaja A. Montas, Esq.
Assistant Law Clerk: Yasmine A. Dieudonne
Part Clerk: TBD

Chambers: (718) 298-1875
Part Clerk/Courtroom: (718) 298-1821
Part 11 E-mail: QSCPART11@nycourts.gov
IAS Motion Support Office: (718) 298-1009
Ex Parte Support Office: (718) 298-1018
Trial Scheduling Part: (718) 298-1048
DCM Clerks Office: (718) 298-1140
Court Help Center: (718) 298-1024
Court Help Center E-mail: CourtHelpQueens@nycourts.gov

Part 11 Rules are effective as of January 25, 2023 and supersede all previous rules.

GENERAL

1. All questions regarding motions, orders to show cause, adjournments, calendar calls, and scheduling should be made via email at QSCPART11@nycourts.gov and NOT to chambers.
2. A Motion Submission Form (MSF) MUST be sent to the Part Clerk at QSCPART11@nycourts.gov, two (2) business days prior to a return date.
3. Please notify the Court IMMEDIATELY, especially while a motion is pending, if the action or petition has been settled, discontinued, and/or the motion has been resolved, via email at QSCPART11@nycourts.gov, and COPY ALL parties to the action.

IMPORTANT – Individual Court Parts DO NOT receive email notifications when papers are uploaded to NYSCEF. Papers that require Court action, such as a Stipulation

of Discontinuance, should be uploaded to NYSCEF and emailed to chambers at QSCPART11@nycourts.gov.

4. The parties are required to familiarize themselves with the new Uniform Civil Rules for the Supreme Court & the County Court. Please refer to this link: [Uniform Civil Rules](#).
5. For the most up-to-date information concerning the handling of matters before the 11th Judicial District Civil Term (Queens Supreme Court), please click this link: [11th JD- Civil Term, Queens Supreme](#)
6. Part 11 does not schedule or conduct Preliminary or Compliance Conferences. All questions regarding Preliminary Conferences and/or Compliance Conferences should be made to the respective part, NOT Part 11. See page 5 for more information.

COMMUNICATIONS WITH PART 11 AND CHAMBERS

1. Counsel and Litigants (represented or self-represented) are advised that Justice Johnson, her Principal Law Clerk, Assistant Law Clerk, and Part Clerk may not engage in any Ex-Parte communications.
2. Absolutely no telephone inquiries concerning motions or applications may be made to chambers, such inquiries or concerns shall be addressed to the Part Clerk at (718) 298-1821 or via email at QSCPART11@nycourts.gov.
3. 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.
4. **Any and all communications with chambers must include all parties.**

ELECTRONIC FILING

1. All cases in Part 11 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. For more information on e-filing rules, parties may visit the following link: [Queens Supreme Court E-filing web page](#).
2. To convert a non-e-filed case to e-filing:
 - a. With Consent of all parties - the parties can execute the Stipulation and Consent to E-Filing form which can be obtained at this link: [Stipulation and Consent to E-filing Form](#), and send it to efile@nycourts.gov.
 - b. Without Consent of all parties - If a party is unable to obtain consent from all the parties, the party requesting conversion can submit an application not the Court -

Form 28 which can be found by clicking this link: [Letter Application to Convert Pending Action to E-Filing](#).

The requesting party must serve all parties to the action with Form 28. Then email a copy of the Form and proof of service to efile@nycourts.gov. Once submitted the Queens County Clerk will send the application to Justice Johnson's Chambers to approve or deny.

Note: "eTrack" is a case tracking service that enables parties to track active Civil Supreme Court cases and to receive notice of scheduled appearances and/or "control dates". Parties and/or their counsel must be registered for the eTrack service for all Part 11 cases. To register or log-in, please visit: <http://iapps.courts.state.ny.us/webcivil/etrackLogin>.

DO NOT MAIL IN ANY COURTESY COPY OF PAPERS with the following exceptions: Documents requiring Justice Johnson's signature, including proposed orders and stipulations, must be e-filed with NYSCEF and sent via email to QSCPART11@nycourts.gov.

OR

Working copies are not required but **Part 11 will accept** properly marked courtesy hard copies, ONLY, if hand-delivered to Courtroom B-10 on the day the motion is calendared

MOTION CALENDAR

1. Motions assigned to Part 11, shall be made returnable and noticed to be heard before **the Hon. Denise N. Johnson, Part 11 on Mondays at 10:00am**

FAILURE TO NOTICE A MOTION IN COMPLIANCE WITH THE DESIGNATED JUDGE, DAY, TIME, PART, AND LOCATION AS INDICATED ABOVE MAY RESULT IN THE MOTION BEING "MARKED OFF," without prejudice.

2. **E-FILED CASES** - APPEARANCES FOR MOTIONS NOT RELATED TO DISCOVERY DO NOT REQUIRE AN IN PERSON APPEARANCE AND WILL BE HELD VIRTUALLY AT THIS TIME and will be considered on submission unless otherwise notified by the court. See page 5, for Discovery motions.
3. **NON-E-FILED** CASES REQUIRE AN IN-PERSON APPEARANCE ON THE CALENDAR DATE. For instructions on converting a case to E-Filing, see the E-Filing section above.

4. The movant and/or cross-movant are required to submit a Motion Submission Form by email to QSCPART11@nycourts.gov, **NO LATER than two (2) BUSINESS days prior to the calendared date and time.**

The Motion Submission Form can be found at this link: [Motion Submission Form](#).

5. Requests for adjournment: see Adjournments section below.
6. Stipulations regarding pending motions must be e-filed at least two (2) business days prior to the calendared date and time.
7. The Court, upon its discretion, may schedule oral arguments after submission. Any requests for oral argument must be indicated on the Motion Submission Form.
8. All motion papers submitted to the Court must comply with 22 NYCRR § 202.5 which can be found at the following link: [Uniform Rules for N.Y. State Trial Courts](#).
9. In addition to the requirements of 22 NYCRR § 202.5, all pages and paragraphs are to be numbered, and must include the Motion Sequence Number.

FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION MAY RESULT IN THE REJECTION OF THE NON-COMPLIANT SUBMISSION.

10. The Court **will not consider papers** e-filed or sent to chambers, or to the Part, **after the motion or cross motion(s) has been marked “fully submitted,”** without prior consent of the Court.
11. For more information you can visit the Motion Support web page by clicking this link: [Motion Support](#).

ORDERS TO SHOW CAUSE and EMERGENCY APPLICATIONS

1. For up-to-date information regarding Orders to Show Cause and Ex-Parte Orders please visit the following link: [Ex-Parte](#).

ADJOURNMENTS

1. Motions may be adjourned on consent with a fully executed stipulation by all parties with the adjourned dated. The fully executed stipulation must be submitted to the Part Clerk, no later than two (2) business days prior to the calendar date and time, via email at QSCPART11@nycourts.gov.

2. Applications for adjournments made less than two (2) business days prior to the scheduled date will be denied, except for a reason pursuant to Rules of Chief Administrative Judge Rule 125.1, medical emergency, other exigent circumstance, or unavailability of the Court.
3. Absent extenuating circumstances, consent adjournments shall be limited to one (1). Thereafter, the parties **MUST** contact the Part Clerk via email at QSCPART11@nycourts.gov if seeking any further adjournments.
4. All adjournments are subject to final approval by Justice Johnsson in advance of a scheduled Court appearance as per the Part Rules. Counsel or parties are required to confirm all adjournment requests prior to the scheduled court date via email QSCPART11@nycourts.gov

DISCOVERY CONFERENCES AND DISPUTES

1. Conferences are held at the discretion of the Court.
2. Prior to bringing a Discovery-related motion, all parties must seek leave from the assigned Compliance Conference Judge. For more information, click this link [Compliance Conference Notice](#)
3. Part 11 will conduct IN-PERSON conferences on any discovery-related motions on the day the matter is calendared.

i.e., Motions to Vacate Note of Issue, Motions to Restore, Motions to Strike Pleadings, Motions to Demand Bill of Particulars, Motions to Preclude.

PRELIMINARY and COMPLIANCE CONFERENCES

1. Part 11 does not hold Preliminary Conferences or Compliance Conferences. **DO NOT CALL CHAMBERS** with questions regarding Preliminary Conferences and/or Compliance Conferences.
2. For information regarding Preliminary Conferences please click the following link: [Preliminary Conference Part](#)
3. For more information regarding Compliance Conferences please click the following link: [Compliance Conference Part](#).
 - a. Effective February 7, 2022, Compliance Conference Orders will be automatically generated by the assigned Compliance Conference Part.

- b. The so-Ordered Compliance Conference Order will be forwarded to the County Clerk. A copy can be obtained via NYSCEF for e-filed cases or from the County Clerk, for non-e-filed cases. No appearance is required.
- c. Parties should refer to the assigned Justice part rules for further guidance. The following email addresses may be used to contact the Compliance Conference Parts:
 - i. Hon. Tracy Catapano-Fox – CSP1@nycourts.gov
 - ii. Hon. Laurentina McKetney-Butler – CSP2@nycourts.gov
 - iii. Hon. Sally Unger – CSP3@nycourts.gov –

VIRTUAL CONFERENCES – GENERAL PROTOCOL and DECORUM

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 do not have access to video equipment.
6. If an individual is unable to appear via video, that individual should contact the part email QSCPART11@nycourts.gov or call the Part at (718) 298-1875
7. The parties are encouraged to log on early to ensure proper and punctual appearance.
8. 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.
9. **PARTIES ARE TO MAINTAIN DECORUM OF AN IN-PERSON COURTROOM.**

TRIALS

1. Upon assignment to Part 11, 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. Prior to the commencement of trial, the parties shall provide the court with **properly marked hard copies** of Pleadings, Bill of Particulars, Witness list [including their availability], Exhibit list, Deposition Transcripts, proposed jury instructions in compliance with the 2022 Pattern Jury Instructions (PJI), and a proposed verdict sheet.

Parties should also provide courtesy copies of the aforementioned via email at QSCPART11@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.

VIRTUAL BENCH TRIALS

For Virtual Bench Trial Protocols and Procedures please click this link: [Virtual Bench Trial Protocols and Procedures Manual](#).

SUMMARY BENCH TRIALS

For more information on Summary Bench Trials please click this link: [Summary Bench Trials - 11 JD Queens Civil Supreme | NYCOURTS.GOV](#).

SUMMARY JURY TRIALS

For more information on Summary Jury Trials please click this link: [Summary Jury Trials - 11 JD Queens Civil Supreme | NYCOURTS.GOV](#).

ALTERNATIVE DISPUTE RESOLUTION

1. If, at any point, the parties decide that they would benefit from the Alternative Dispute Resolution Program (ADR), they should write a joint letter to the Court asking to be referred to ADR. In that letter, they should state whether they prefer discovery to be stayed or continued during the mediation process.

2. The Court may also order parties to the ADR without the parties' request or consent.
3. For more information regarding the ADR, please visit the following link: [Alternative Dispute Resolution](#).

SETTLEMENTS AND DISCONTINUANCES

If an action is settled, discontinued, or otherwise disposed of, the moving party on any pending motion that remains outstanding is directed to e-file a letter or stipulation withdrawing the pending motion via the NYSCEF system **AND** email it to QSCPART11@nycourts.gov.

All stipulation of discontinuances must be accompanied by proof of filing with the County Clerk and payment of the appropriate fee pursuant to CPLR § 8020(d)(1).

SUBPOENAS

A party seeking to have a subpoena signed by Justice Johnson, must submit a courtesy copy of the subpoena with an accompanying affidavit in support to chambers via the Part email at QSCPART11@nycourts.gov.

INFANT COMPROMISE ORDERS

1. Applications for Infant Compromise Orders shall be made pursuant to CPLR § 1207(a) and shall be supported by hard copy documentation required under CPLR § 1208 and 22 NYCRR § 202.67. Applications submitted without the appropriate documentation will be denied.
2. Infant compromise hearings will be scheduled by the Court and the parties will be notified of the hearing date by email.
3. Instructions for filing Infant's Compromise and the checklist of documents can be found at the following link: [Infant Compromise Instructions](#).

Foreclosures:

Any party wishing to schedule a conference for a foreclosure matter shall submit a letter to the Court via email at QSCPART11@nycourts.gov. Such request shall be forwarded to the Foreclosure Settlement Conference Part where foreclosure conferences are being conducted by Court Attorney-Referees.

Uncontested Matrimonials:

1. If corrections are requested on e-filed cases, please email Chambers at QSCPART11@nycourts.gov to advise that the documents have been uploaded to NYSCEF.
2. For hard copy cases, all corrections must be sent to Chambers by regular mail only. Do NOT mail papers to the Matrimonial Clerk's Office.

Parties will be allowed thirty (30) days to submit corrections. The failure to timely submit corrections may result in dismissal of the action

Updated Part 11 Rules as of January 25, 2023