

## PART 15 RULES, PRACTICES, AND PROCEDURES

JUSTICE JANICE A. TAYLOR

Supreme Court of the State of New York, Civil Term

88-11 Sutphin Blvd Jamaica, NY 11435

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Presiding Justice: Hon. Janice A. Taylor

Principal Law Clerk: Lance E. Philadelphia, Esq.

Assistant Law Clerk: Marium Sulaiman, Esq.

Part Clerk: Joyce M. Knight

Justice Taylor's Chambers: (718) 298-1194

Part 15 Clerk/Courtroom: (718) 298-1110

Part 15 Email: [QSCPART15@nycourts.gov](mailto:QSCPART15@nycourts.gov)

IAS Motion Support Office: (718) 298-1009

Ex Parte Support Office: (718) 298-1018

Trial Scheduling Part: (718) 298-1048

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

### GENERAL

1. All questions regarding motions, adjournments, calendar calls, and scheduling should be made via the Part email at [QSCPART15@nycourts.gov](mailto:QSCPART15@nycourts.gov) and NOT to chambers.
2. Please notify the Court, especially while a motion is pending before Justice Taylor, if the action has been settled, discontinued, and/or the motion has been resolved via email at [QSCPART15@nycourts.gov](mailto:QSCPART15@nycourts.gov) and cc to ALL parties to the action.
3. 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](#).
4. Part 15 is entirely an electronic part. Justice Taylor does not accept working copies of motions/documents. DO NOT MAIL IN ANY COURTESY COPY OF PAPERS, as they will be discarded.
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>.

## COMMUNICATIONS WITH PART 15 AND CHAMBERS

1. Counsel and litigants (represented or self-represented) are advised that Justice Taylor, her Principal Law Clerk, Assistant Law Clerk, and Part Clerk may not engage in any *ex parte* communications.
2. Absent exigent circumstances, telephone calls will be entertained by chambers only on Monday or Friday afternoons. No calls concerning pending matters will be entertained without all attorneys and *Pro-Se* litigants on a conference call with chambers, other than for scheduling purposes. Letters which require action, or which have not been copied to all parties or their attorneys, if they have one, will not be entertained. Litigants should refrain from contacting chambers by fax or e-mail without express permission of the Court.
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 shall include all parties.**

## ELECTRONIC FILING

1. All cases in Part 15 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 also visit: [Queens Supreme Court E-filing web page](#) .
2. To convert a non-e-file case to e-filing, the parties must execute this form: [Stipulation and Consent to E-filing Form](#) and send a fully executed form to [efile@nycourts.gov](mailto:efile@nycourts.gov) .
3. “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 15 cases. To register or log-in, please visit: <http://iapps.courts.state.ny.us/webcivil/etrackLogin> .
4. Please do not send courtesy copies of any documents that were e-filed, with the following exceptions:
  - a. Documents requiring Justice Taylor’s signature, including proposed orders and stipulations, must be e-filed with NYSCEF and sent via email to [QSCPART15@nycourts.gov](mailto:QSCPART15@nycourts.gov).

## INFANT COMPROMISE ORDERS

Applications for Infant Compromise Orders shall be made pursuant to CPLR § 1207 (a) and shall be supported by the documentation required under 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 email.

All counsel desiring the checklist for documents and information that must be submitted should get the checklist and the link for the PDF is contained herein: [ICO CheckList2.PDF](#)

## MOTION CALENDAR CONFERENCES

1. Prior to resorting to motion practice, parties are strongly encouraged to schedule a virtual conference with the Court to resolve any ongoing non-dispositive or ancillary disputes. Counsel **MUST** be fully familiar with the matter in dispute and must have authority to bind their clients at the conference.
2. This rule does not apply to applications for counsel to be relieved, or to dispositive motions, such as summary judgment motions.

## MOTION CALENDAR

1. **Justice Taylor's motion Day is Tuesday. The first call of the calendar is at 9:30 AM and second call is at 10:30 AM. The motion calendar will be on submission only.** Appearance is not required, nor are working copies required.
2. The movant and/or cross-movant will be required to **submit a Motion Submission Form** by email to [QSCPART15@nycourts.gov](mailto:QSCPART15@nycourts.gov) **no later than two (2) business days [forty-eight (48) business hours] prior to the calendared date and time.** The Motion Submission Form can be found by clicking on this link: [Motion Submission Form Link](#).
3. Any request for adjournments, see adjournment section below.
4. Stipulations regarding pending motions must be e-filed on NYSEF **and** emailed to [QSCPART15@nycourts.gov](mailto:QSCPART15@nycourts.gov) at least two (2) business days [forty-eight (48) business hours] prior to the calendared date and time.
5. The Court, upon its discretion, shall schedule oral arguments after submission of the motions. Any requests for oral argument must be indicated on the Motion Submission Form and will be held virtually via Microsoft Teams.

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.**
7. Moving papers, with an affidavit of good faith where required by Uniform Rule 202.7, shall be filed, and submitted, with the IAS Motion Support Office at least five business days prior to the scheduled return date in order to be placed on the Part motion calendar for the noticed day.
8. Answering papers will be accepted only during the two calendar calls on the return date of Part 15.
9. Cross-motions must be timely filed pursuant to the C.P.L.R. along with proof of payment of the statutory motion fee in order to be accepted and considered. Cross-motions will be considered responsive in nature.
10. Motions marked “final” will be taken on submission on the “final” return date with all papers which have been submitted by that date, without further adjournment.
11. On the return date, the motion(s) will be submitted, adjourned (see below), or conferenced by the Justice, or her designee, or otherwise treated pursuant to the discretion of the Justice. (Rulings on applications will also be made at this time). On the return date, a briefing schedule may be issued with dates for responsive papers, if an adjournment is requested. In the event that such a schedule is issued, all parties must comply with the schedule. The failure to serve responsive papers in accordance with the briefing schedule shall result in the rejection of those papers on the adjournment date.
12. The Court will not consider papers e-filed or sent to chambers, or to the Part, after submission of the motion or cross motion(s) without prior consent of the Court.
13. All motions, other than discovery-related motions (see below), will be SUBMITTED for determination, and a later appearance by counsel or a Pro-se litigant is not required. Oral argument will be entertained in extraordinary circumstances, at the discretion of the Justice. Requests for oral argument must be made by stating “Oral Argument Requested” in bold caps above the words “Notice of Motion” or “Order to Show Cause” in the moving papers, or above the words “Affirmation in Opposition” in responsive papers.

14. The movant shall notify the Court immediately, in writing, of the withdrawal of any pending motion or application by emailing the Part at [QSCPART15@nycourts.gov](mailto:QSCPART15@nycourts.gov) and uploading a letter/stipulation withdrawing the motion on NYSCEF.

#### **Resolution of Motions:**

15. In any case where a motion is “marked-off” for non-compliance with these Part Rules, a new motion for the original relief sought may be filed. A motion to restore, renew or reargue is not required. Copies of motions, applications, decisions, orders will not be sent to counsel or *Pro-Se* litigants unless deemed necessary by this Court. Decisions or orders can be found on NYSCEF.

#### **Discovery-Related Motions:**

16. All motions related to discovery, including, but not limited to, motions to compel discovery (CPLR 3124), punish for failure to disclose (CPLR § 3126), strike actions from the calendar for want of discovery or for a protective order (CPLR § 3103) may require a virtual conference.
17. An appearance on discovery-related motions will require the attendance of all parties knowledgeable about the case and fully authorized to settle or enter into binding stipulations, at a conference, with the date and time as scheduled by the Justice or her designee. Discovery-related virtual conferences via Microsoft Teams will be held on Tuesday afternoons, unless otherwise scheduled. Discovery-related motions will be marked off for no appearance by the movant at said conference, and responsive papers stricken for lack of appearance by the opposing party at said conference. The Court strongly encourages parties to resolve discovery-related motions by stipulation, which will then be “so-ordered” by the Court if the terms are acceptable to the Court. In such case, a discovery-related conference will not be required.

#### **Motions to Renew, Reargue or Vacate a Prior Order:**

18. Motions or applications seeking reconsideration of a prior order must contain a copy of the Court’s original decision and copies of all papers submitted in support, and in opposition to, the original motion.

#### **ADJOURNMENTS OF MOTIONS**

1. Motions may be adjourned by the court upon submission of a stipulation signed by all appearing counsel, or by parties appearing *Pro Se*. The stipulation should state that the

matter is being adjourned “to a date convenient to the Court.” In the event that counsel, or a *pro se* litigant, cannot secure the consent of the other parties, the party seeking an adjournment must fill out and submit, to Part 15 by email at [QSCPART15@nycourts.gov](mailto:QSCPART15@nycourts.gov) and efile on NYSCEF, the necessary motion submission form seeking an adjournment at least 48 business hours prior to the call of the calendar, detailing the reasons that the adjournment is sought and the steps taken to secure consent of all parties. 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. All adjournments are subject to final approval by the Judge in advance of a scheduled Court appearance as per this Part’s Rules. Counsel or parties are required to confirm all adjournment requests prior to the scheduled court date via email to [QSCPART15@nycourts.gov](mailto:QSCPART15@nycourts.gov).

2. All stipulations for an adjournment must be sent to Part 15 by email at [QSCPART15@nycourts.gov](mailto:QSCPART15@nycourts.gov) and uploading on NYSCEF no later than 5:00 P.M. on the business day prior to the return date. The Court will choose the adjourned date for all adjournments and cannot honor dates chosen by the parties, due to scheduling constraints.
3. Except for motions for summary judgment, in no event shall more than TWO (2) adjournments be granted on motions. Motions for Summary Judgment shall be allowed no more than THREE (3) adjournments to allow all necessary moving papers, cross-motions, opposition papers, and reply papers to be submitted.
4. The Court requests that members of the bar make every effort to provide their co-counsel and adversaries with advance notice of all applications.

## CONFERENCES AND DISCOVERY DISPUTES

1. At this time, all conferences will be conducted virtually via Microsoft Teams.
2. Prior to filing a discovery-related motion, *i.e.*, including, but not limited to, Motions to Vacate the Note of Issue, Motions to Restore, Motions to Strike Pleadings, Motions to Demand a Bill of Particulars, and Motions to Preclude, the prospective movant must email [QSCPART15@nycourts.gov](mailto:QSCPART15@nycourts.gov), **copying ALL parties**, to request the scheduling of a discovery conference. The email should include a summary of the discovery-related issues.
3. If the parties are exploring settlement, and would like a conference for the sole purpose of exploring resolution of the case, they parties may send an email to [QSCPART15@nycourts.gov](mailto:QSCPART15@nycourts.gov), **copying ALL parties**, to request that the court schedule a virtual settlement conference.

## PRELIMINARY and COMPLIANCE CONFERENCES

Please click on the following links: [Preliminary Conference Part](#) and [Compliance Conference Part Memo](#) for information regarding the Preliminary Conference Part and Compliance Conference Part.

## 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 Justice.
4. Recording the proceeding by anyone other than the Justice, 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 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 email [QSCPART15@nycourts.gov](mailto:QSCPART15@nycourts.gov) or call chambers at (718) 298-1194.

## TRIALS

1. Upon assignment to Part 15, 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(s) of particulars, a witness list, an exhibit list, proposed jury instructions and a proposed verdict sheet via email at [QSCPART15@nycourts.gov](mailto:QSCPART15@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 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 Manuel](#) .

## **SUMMARY BENCH TRIALS and SUMMARY JURY TRIALS**

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

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

## **ALTERNATIVE DISPUTE RESOLUTION**

1. If, at any point, the parties decide that they would benefit from the Alternative Dispute Resolution (“ADR”) program, 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 program without their request or consent.
3. For more information regarding the ADR program, please contact the ADR Coordinator, Linda Dardis, Esq., at [qscadr@nycourts.gov](mailto:qscadr@nycourts.gov), or visit <http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/adr/index.shtml>

## **SETTLEMENTS AND DISCONTINUANCES**

If an action is settled, discontinued or otherwise disposed of, parties shall immediately inform the Court by submission of a copy of the Stipulation or a letter directed to the Clerk of the Part and sending it via email to [QSCPART15@nycourts.gov](mailto:QSCPART15@nycourts.gov). All Stipulations of Discontinuances



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

## **STAYS**

1. The parties shall notify the Court immediately, in writing, of any stays imposed, other than stays enacted by the signing of a temporary restraining order (“TRO”) issued by this Justice. Said notification should include documentary evidence of the enactment of the stay.
2. The parties shall immediately notify the Court, in writing, of the lifting of any stay, other than stays enacted by the signing of a TRO issued by this Justice. Said notification of the lifting of a stay should include documentary evidence that the stay has been lifted.
3. The afore-mentioned notices must be made by stipulation, or upon written notice to all parties or their attorneys, if represented.

## **Ex-Parte Applications**

### **Order to Show Cause:**

1. Applicants seeking judicial review, signature and fixing of a return date of Orders to Show Cause must comply with Uniform Rule § 202.7(d).
2. A virtual appearance is required for all Orders to Show Cause submitted as an Emergency. Reply affirmations or reply affidavits will only be permitted at the discretion of the Court.
3. Proof of service, as directed by the Court, of the Order to Show Cause must be presented by the calendar call on the return date of the application. In the case of an Order to Show Cause presented in an electronically filed (“e-filed”) action, a working copy of the proof of service is to be presented by the calendar call.

### **Ex-Parte Orders:**

4. In e-filed actions, a copy of all supporting papers must be submitted to the Ex-Parte clerk with the submission of the Order. The failure to submit a copy will result in denial.

### **Temporary Restraining Orders:**

5. Except as hereinafter provided, when an Order to Show Cause presented for signature makes a provision for a TRO or other interim relief pending determination of the motion,

the party seeking such relief must give notice of at least one business day, said notice consisting of at least 24 hours, to his or her adversary of the date and time when, and the location where, the order to show cause will be presented and the relief being requested. To the extent practicable, the notice must be accompanied by a copy of the papers the party seeking relief intends to present to the court for filing. If notice has been given, the Order to Show Cause must be accompanied by an affidavit or affirmation stating the time, place, by whom given, the manner of such notification, including the manner in which the proposed filing was served, and, to the extent known, the position taken by the opposing party. If notice has not been given, and/or a copy of the papers the party seeking relief intends to present to the court for filing has not been served, the affidavit or affirmation shall state whether the applicant has made an attempt to give notice and/or make such service, and the reasons for the lack of success. If the applicant is unwilling to give notice and/or to make the required service, the affidavit or affirmation shall state the reasons for such unwillingness.

6. If notice is given by telephone, the telephone number must be included in the above-referenced affidavit or affirmation submitted by the party seeking interim relief. If notice is given by fax, confirmation of the fax must be provided. Notification by e-mail will not be permitted.
7. An Order to Show Cause providing for a TRO must be virtually presented for signature by the party's attorney or by the party, if such party is proceeding *Pro-Se*. Where the adversary has appeared for presentation of the application, the party seeking relief and/or the party opposing the relief sought may request the opportunity to present argument to the Court. Such request shall be determined in the sole discretion of the Court.

Updated as of September 16, 2021