

Part 16 & CSCP3 RULES, PRACTICES, AND PROCEDURES

Claudia Lanzetta, AJSC

Supreme Court, Queens County, Civil Term

Chambers: 89-17 Sutphin Boulevard, Suite 568, Jamaica, New York 11435

Courtroom: 88-11 Sutphin Boulevard, Jamaica, New York 11435, Room 314

Principal Law Clerk: Carina Vitucci, Esq. Assistant

Law Clerk: Iris Santiago, Esq.

Part Clerk: Danielle Beckett

Chambers: 718.298.1654

Part 16 Clerk/Courtroom: 718.298.1652

Part 16 Email: QSCPart16@nycourts.gov

CSCP3 Email: CSCP3@nycourts.gov

Virtual Links: *Scroll to the end of Part Rules for virtual links.*

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

*Please note that the court is always happy to assist the parties with their proceedings.

*Cooperation with these rules, practices, and procedures is required and appreciated. *Please note Part 16 and CSCP3 are distinct parts and should be treated accordingly. *These rules are effective **February 6, 2024**, and subject to periodic updating. Please check them regularly.

GENERAL

1. Please notify the court, especially when a motion is pending, if the action has been settled, discontinued, stayed due to bankruptcy, death of a party or military service, and/or the motion has been resolved via email at QSCPart16@nycourts.gov. Please cc ALL parties to the action on the email.
2. **Please advise the court in advance of the necessity for interpreters on trials or other types of appearances (virtual or otherwise; *see below*).**
3. Parties are requested to familiarize themselves with the new Uniform Civil Rules for the Supreme Court and County Court. Please refer to [Part 202 Uniform Civil Rules](#).

4. For the most up-to-date information concerning the handling of matters before the 11th Judicial District Civil Term (Queens Supreme Court) please refer to [11 JD Queens Civ Term](#).
5. Other part rules can be found at [Part Rules](#).

COMMUNICATIONS WITH PART 16 AND CHAMBERS

1. Counsel and litigants (represented or self-represented) are advised that Justice Lanzetta, her Principal Law Clerk, Assistant Law Clerk, and Part Clerk may NOT engage in *ex parte* or one-sided communications. **Any and all communications with chambers shall include all parties.**
2. All questions regarding motions, adjournments, calendar calls, and scheduling should be made via email at QSCPart16@nycourts.gov. The subject of any and all emails should be a clear indication of the email's purpose, to ensure proper recipient within chambers.

ELECTRONIC FILING

1. Please refer to A/O-115-20 ([A/O](#)) regarding electronic filing via the New York State Courts E-Filing System (NYSCEF). Attorneys are expected to familiarize themselves with NYSCEF procedures at [NYSCEF Login](#). For more information on e-filing rules, parties may also visit: [Queens Supreme Court E-file Web Page](#).
2. To convert a non e-file case to e-filing, execute the appropriate form (check [NYSCEF Forms](#)) and send it to 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. Parties and/or their counsel are encouraged to register for the etrack service for Part 16 cases. To register or login, please visit: [etrack login](#).
4. The court prefers courtesy copies NOT be sent of any documents that were e-filed EXCEPT documents requiring the judge's signature, such as stipulations and proposed Orders, which must be e-filed with NYSCEF **and** sent via email to QSCPart16@nycourts.gov. *The court is not notified when a document is e-filed in NYSCEF.*

ORDERS TO SHOW CAUSE AND EMERGENCY APPLICATIONS

1. An emergency judge is available in the Supreme Court building located at 88-11 Sutphin Boulevard, Jamaica, New York 11435 to hear emergency/essential applications.
2. All emergencies and Order to Show Cause applications assigned to Part 16 shall be made returnable on the part's return date (*see below re: Motions*).
3. Appearances are **mandatory** for all Order to Show Cause applications, (*see below re: Motions for appearance rules*). Failure to appear on the return date may result in the Order to Show Cause being marked off calendar. If an Order to Show Cause is marked off for non-compliance with the Part Rules, a new Order to Show Cause for the original relief may be filed in accordance with the Part Rules. An Order to Show Cause to Restore, Renew, or Reargue the original Order to Show Cause is NOT required UNLESS the non-compliance and resultant marking occur on more than one occasion.
3. Filing parties are advised to consult Uniform Rules for the State Trial Courts §202.7(f) concerning notification. Please refer to this link as needed [Uniform Rules](#).
4. Filing parties are also advised to check the court's website for up-to-date information regarding Orders to Show Cause and *Ex Parte* Orders, as well as for information regarding the necessary Emergency Affidavit at [Ex Parte](#).

SUBPOENAS

A party seeking to have a subpoena signed shall submit a courtesy copy of the subpoena with an accompanying affidavit in support of the request to have the subpoena So Ordered, to chambers, via email at QSCPart16@nycourts.gov.

MOTION PRACTICE- CALENDARS, CONFERENCES, ADJOURNMENTS

1. **All motions shall be returnable and heard on Mondays at 10:00 a.m. virtually via Microsoft Teams (link below) EXCEPT discovery motions, for which an INPERSON appearance is required. *In-person appearances are in 88-11 Sutphin Blvd, Jamaica, NY 11435, Room 314.***
2. **Appearances are mandatory for ALL motions and applications.** Failure to appear on the return date may result in the motion or application being marked off calendar. If a motion or application is marked off for non-compliance with the Part Rules, a new motion for the original relief may be filed in accordance with the Part Rules. A motion to Restore, Renew, or Reargue the original Motion is NOT required UNLESS the noncompliance and resultant marking occur on more than one occasion.

3. ALL fully submitted motions will be conferenced/orally argued following the call of the calendar. The court may elect to hold these conferences/oral arguments IN-PERSON on a later day and time specified during the calendar call.
4. Movant and/or cross-movant should submit a Motion Submissions Form via email to QSCPart16@nycourts.gov no later than 2 business days prior to the calendared date and time, i.e. to be received no later than the Thursday morning before the Monday call. The Motion Submission Form can be found by clicking this link [Motion Support Form Link](#).
5. Stipulations regarding pending motions should be e-filed and sent via email to QSCPart16@nycourts.gov at least 2 business days prior to the calendared date and time.
6. All motion papers submitted to the Court shall be in compliance with **22 NYCRR §§202.5 and 202.8, 8a-g**. In addition to these requirements, all pages and paragraphs are to be numbered. Failure to comply with these requirements MAY result in rejection of the non-compliant submission.
7. The court will NOT consider Sur-Replies or additional papers filed after submission of the motion UNLESS the parties were granted permission to so file.
8. **Conferences:** The court is happy to entertain pre-motion conferences to resolve any ongoing non-dispositive or ancillary disputes, including discovery disputes, provided the parties have already had a Preliminary Conference and a Compliance Conference. Counsel appearing for these conferences (and any conference with the court) MUST be fully familiar with the matter in dispute and must have authority to bind their clients at conference. A conference pursuant to this rule may be requested via email to cvitucci@nycourts.gov.
9. **Discovery Motions:** ALL discovery motions are expected to settle/resolve via stipulation (see #8). If not done on calendar, requests to So-Order a stipulation should be made via email to QSCPart16@nycourts.gov.
10. **Adjournments:** Motions may be adjourned on consent provided a written and fully executed stipulation is submitted to the Part Clerk no later than 2 business days prior to the calendar date and time via email at QSCPart16@nycourts.gov. Non-compliant stipulations or late requests MAY be denied, and counsel is responsible to confirm the status of their adjournment request. Consent adjournments, absent extenuating circumstances and in compliance with the Rules of Chief Administrative Judge 125.1 re: medical emergency, other exigent circumstance, or unavailability of the court, **shall be limited to 2**. Any further request for an adjournment MUST be made via email to QSCPart16@nycourts.gov, and are subject to approval by the Judge.

PRELIMINARY AND COMPLIANCE CONFERENCES

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

There are 3 Compliance Parts and parties should refer to the assigned Justice's Part Rules for further guidance. The following email addresses may be used to contact the CC Parts:

1. Hon. Joseph J. Esposito – CSCP1@nycourts.gov
2. Hon. Laurentina McKetney-Butler – CSCP2@nycourts.gov
3. Hon. Claudia Lanzetta – CSCP3@nycourts.gov

COMPLIANCE PART 3 RULES

1. **No appearance is necessary on the FIRST Compliance Conference date. An Order is automatically generated and obtainable via NYSCEF or the County Clerk.**

Auto Orders Before August 14, 2023: The order will contain a “within” date for submission of a Certification Order that says all discovery is complete. That submission date will be the next calendar “appearance” date (*see* #3).

Auto Orders After August 14, 2023: The order will contain a “within” date for submission of a Certification Order that says all discovery is complete. The order will also contain a Note of Issue “on or before” filing date. NO appearance date will be generated by virtue of this Order (*see* #4).

2. Compliance conferences are held virtually on Tuesdays and Thursdays at 10:00 a.m. via the following link: [CSCP3 Virtual Appearance Link](#). (Wednesday appearances will be held until they expire or are administratively adjourned.)

The calendar is called, and matters are handled in order of readiness

3. Matters on the Calendar: If your case is on the calendar and **“CERT ORDER DUE – NO APPEARANCE”** is indicated, your appearance is NOT required. Email the Order to CSCP3@nycourts.gov for signing.

A. If you are not prepared to submit the Certification Order **AND there are discovery disputes**, appear for a conference on the calendared date.

B. If you are not prepared to submit the Certification Order **BUT there are NO discovery disputes** you do not have to appear, submit a stipulation (*see* #6) addressing outstanding discovery and providing the court with space for a new Certification Order date and/or a Note of Issue date.

Every effort should be made to comply with all discovery deadlines and dates set by the court. Multiple requests to extend these dates will be scrutinized.

If your case is on the calendar and “**VIRTUAL CONF**” is indicated, this is the result of a prior request to conference, and you must appear per #5 below.

4. Matters Not on the Calendar: A compliance conference should be requested by any party, on notice to all parties in the action, if the parties have been unable to resolve outstanding discovery disputes, after good faith attempts have been made, and a judicial ruling on the discovery dispute(s) is needed. Requests should be made via email to CSCP3@nycourts.gov. Upon receipt, the matter will be added to the next available calendar date with the notation “**VIRTUAL CONF**”. (Specific times may eventually be assigned for the conferences).
5. **There shall be no adjournments of requested conferences.** Attorneys with knowledge of the status of discovery are expected to appear.
6. Any documents submitted for so-ordering or signing must be clearly signed by all parties and indicate the signatories.
7. Emails to CSCP3@nycourts.gov: This email should ONLY be used: 1) to request a conference if your case is not already calendared and *there is a discovery dispute*; 2) to request a stipulation be so ordered; 3) to request a Certification Order be signed; or 4) to submit a proposed order. All emails MUST include the caption and index number. If requesting a conference, the discovery disputes requiring the court’s assistance should be outlined. If submitting documents, it should be noted if and when the case is calendared, or if the submission is per a held conference. Non-compliant emails will not be considered and will be summarily removed from the mailbox.

TRIALS

1. **Be prepared**: Upon assignment, all parties appearing for trial must be familiar with the case, ready, and authorized to participate in settlement discussions and/or to proceed to trial in accordance with the following scheduling directive. This includes consideration of the availability of ALL intended witnesses.
2. **Scheduling**: The trial will be conducted on a continuous daily basis until conclusion during regular operational hours. Tort actions are generally bifurcated, and the expectation is that a trial on damages will immediately follow a verdict in favor of liability. No adjournments or delays during trial will be accepted absent exigent circumstances.

3. Submissions: All counsel must submit to the court, prior to the commencement of trial, marked pleadings, copies of the bill of particulars, a witness list, exhibit list, proposed jury instructions, in compliance with the most up-to-date version of the PJIs, and a proposed verdict sheet via email at cvitucci@nycourts.gov. Courtesy copies are appreciated of these documents.
4. 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 affirmation and motion should be submitted via email at cvitucci@nycourts.gov and courtesy copies are appreciated.

SUMMARY JURY TRIALS AND SUMMARY BENCH TRIALS

For more information on Summary Jury Trials visit [Summary Jury Trials](#). Please note, the court will comply with all rules and procedures for SJTs, including but not limited to, the requirement of a written and fully executed stipulation and the imposition of time limits.

For more information on Summary Bench Trials visit [Summary Bench Trials](#).

SETTLEMENTS AND DISCONTINUANCES

1. If the parties are exploring settlement and would like a settlement conference for the purpose of exploring resolution, the parties may request such a conference via email to cvitucci@nycourts.gov cc'ing ALL parties and indicating a preference for in-person or virtual.
2. If an action is settled, discontinued, or otherwise disposed of, parties should inform the court by submission of a copy of the stipulation or a letter directed to the Part Clerk, either of which should be sent via email to OSCPart16@nycourts.gov. Either document should advise of any open motions on the settled matter and withdraw same as moot. All stipulations of discontinuance must be accompanied by proof of filing with the County Clerk and payment of the appropriate fee (*see* CPLR §8020[d][1]).

UNCONTESTED MATRIMONIALS

1. The court will expeditiously review and determine all uncontested matrimonial applications it receives. Any questions about applications should be submitted via email to cvitucci@nycourts.gov.
2. If the application is incomplete or needs corrections, the court will notify the parties through NYSCEF (or email). The parties will be given **45 days** to correct the

deficiencies. **Failure to timely correct, without good cause, will result in dismissal of the action without prejudice.**

3. For more information about matrimonial actions visit these links: [Matrimonial - Divorce](#) ; [Uncontested Divorce Program](#); and [Divorce Forms](#).

INFANT COMPROMISE ORDERS

1. Applications for Infant Compromise Orders shall be made pursuant to CPLR §1207 and shall be supported by the documents required under CPLR 1208 and 22 NYCRR §202.67.
2. Hearings will be scheduled by the Court and the parties will be notified via NYSCEF or email. Generally, these infant compromise hearings will be conducted virtually (*see below re: virtual appearances*)
3. For the checklist of documents and information that must be submitted click here [ICO Checklist](#) .

VIRTUAL PROCEEDINGS/APPEARANCES PROTOCOLS

1. During virtual proceedings/appearances, the parties should maintain the same decorum that exists in all in-person court proceedings. Specifically, attorneys and litigants should be punctual, appear in professional attire, minimize distractions and background noise in the environment, be courteous and respectful when others are speaking, and mute microphones when not in use.
2. Every effort should be made to appear via video with cameras and audio engaged. Telephonic appearances shall be limited.
3. Documents and evidence being relied on during the appearance/proceeding, other than a virtual appearance for a motion calendar, should be emailed to the court at cvitucci@nycourts.gov prior to the appearance/proceeding.
4. **Recording by anyone other than the Judge, Court Reporter, or other Court personnel is PROHIBITED.**
5. Parties with questions and/or issues appearing virtually, in general, or specifically, via video, should contact chambers via email at cvitucci@nycourts.gov.
6. For more information on virtual appearances/proceedings visit this link [Virtual Bench Trial Protocols and Procedures Manual](#) .

****ALTERNATIVE DISPUTE RESOLUTION****

The court *strongly* encourages all parties to consider Alternative (*Appropriate*) Dispute Resolution, including court-sponsored or private mediation, arbitration, conceding liability, and/or establishing high/low parameters, in resolving their matters. If interested, please notify the court via email to cvitucci@nycourts.gov and the court would be happy to engage in a virtual conference to explore the options further. Any questions regarding ADR may be submitted to the court via the same email. The court MAY order parties to ADR without request or consent.

Mediation: If court-sponsored mediation is requested an Order of Reference will be issued; if private, the parties are requested to keep the court apprised of the mediation's progress and/or results. Parties should also indicate whether they prefer discovery be stayed or continued during the process.

Arbitration: If the parties are proceeding to arbitration, an email to that effect should be submitted to the court.

For more information regarding the ADR program, please visit [11th JD Sup CivQueens-ADR Program](#).

VIRTUAL LINKS

· Microsoft Teams Link for **Part 16 Monday Motion Calendar** ○

Video/Audio - [Click here to join the meeting](#)

□ Meeting ID: 281 389 262 347

Passcode: FResq4 ○

Telephonically by calling:

□ (347) 378-4143 (US, NYC) □ (833) 262-7886 (US Toll Free)

□ Phone Conference ID: 933 979 648#

· Microsoft Teams Link for **Part 16 Conferences/Hearings**

□ Video/Audio - [Click here to join the meeting](#)

□ Meeting ID: 221 381 810 420

Passcode: r58ukp

○ Telephonically by calling:

- (347) 378-4143 (US, NYC)
- (833) 262-7886 (US Toll Free)
- Phone Conference ID: 730 399 701#

· Microsoft Teams Link for **Compliance Part 3**

- Video/Audio – [Click here to join the meeting](#) □ Telephonically by calling:
- (347) 378-4143 (US, NYC)
- (833) 262-7886 (US Toll Free)
- Phone Conference ID: 292 547 844#