

**PART 17 – RULES, PRACTICES, AND PROCEDURES**

**JUSTICE JOSEPH J. ESPOSITO**

**Supreme Court of the State of New York, Civil Term**

**88-11 SUTPHIN BOULEVARD**

**JAMAICA, NEW YORK 11435**

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**Presiding Justice:** Joseph J. Esposito

**Principal Law Clerk:** Fatima Mustafa, Esq.

**Assistant Law Clerk:** Frank Armano, Esq.

**Justice Chambers:** (718)-298-0674

**Part 17 Email:** [QSCPart17@NYCourts.GOV](mailto:QSCPart17@NYCourts.GOV)

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**PURSUANT TO THE NEW PROCEDURES GOVERNING COURT OPERATIONS IMPLEMENTED TO ADDRESS THE COVID-19 (CORONAVIRUS) HEALTH EMERGENCY, AND PURSUANT TO THE MOST RECENT ADMINISTRATIVE DIRECTIVES CONCERNING DISCOVERY MATTERS, THE FOLLOWING PART RULES, WHICH SUPERSEDE ALL PREVIOUS PART RULES, SHALL APPLY TO ALL PART 17 MATTERS:**

**NO TELEPHONE INQUIRIES CONCERNING MOTIONS OR APPLICATIONS SHALL BE MADE TO CHAMBERS.** All such inquiries must be made to the Motion Support Office (718-298-1009), the Ex Parte Office (718-298-1018) or to the Clerk of Part 17 by email at [QSCPart17@nycourts.gov](mailto:QSCPart17@nycourts.gov).

**NO CORRESPONDENCE OR PAPERS SHALL BE MAILED TO CHAMBERS FOR ANY REASON WHATSOEVER, ANY SUCH CORRESPONDENCE OR PAPERS WILL NOT BE READ OR OPENED BUT WILL BE DISCARDED.**

**Any communication to chambers shall be by e-mail only and may not be made ex-parte but shall include all parties and may only be made upon approval of the Court by seeking permission to do so by contacting Part 17 by e-mail at [QSCPart17@nycourts.gov](mailto:QSCPart17@nycourts.gov).** If the action or petition has been settled and/or discontinued, or the motion or application has been resolved, please inform Part 17 via e-mail at [QSCPart17@nycourts.gov](mailto:QSCPart17@nycourts.gov) and file a copy of a stipulation of discontinuance and/or settlement under cover letter, directed to the Clerk of Part 17. If a case has been stayed, either by operation of law or by an order of a court, the movant shall immediately inform the Clerk of Part 17 of such stay via e-mail. Except for noted exceptions, any unsolicited e-mail correspondence to Chambers will be disregarded.

Documents requiring the signature of Justice Esposito, including proposed orders and stipulations to be so-ordered must be e-filed and sent by e-mail to [QSCPart17@nycourts.gov](mailto:QSCPart17@nycourts.gov).

## **COMMUNICATIONS WITH PART 17 AND CHAMBERS**

1. Counsel and litigants (represented or self-represented) are advised that Justice Joseph J. Esposito, his/her Principal Law Clerk, Chambers Secretary, 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 via email at [QSCPart17@nycourts.gov](mailto:QSCPart17@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 shall include all parties.**

## **ELECTRONIC FILING**

1. All cases in Part 17 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 17 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 Esposito’s signature, including proposed orders and stipulations, must be e-filed with NYSCEF and sent via email to [QSCPart17@nycourts.gov](mailto:QSCPart17@nycourts.gov)

## **MOTIONS 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**

All motions and petitions shall be made returnable in Part 17 of this Courthouse on Wednesdays at 10AM. Per Court directives noticed to the Bar, calendars resumed on July 20, 2020, and are now virtual. **The calendars in Part 17 are submission only.** There shall be no oral argument of any motion, petition or application, with the exception of motions/orders to show cause for a preliminary injunction containing a temporary restraining order, in which case a hearing shall be conducted virtually via Teams conference. There shall be no physical appearance for any calendar.

The movant/cross-movant or petitioner must complete and e-mail a motion submission form to [QSCPart17@nycourts.gov](mailto:QSCPart17@nycourts.gov) no later than 48 Hours, 2 Business days prior to 9:30 a.m. of the calendar date of the motion, petition or application. Motion submission forms may be accessed by visiting

[https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/motion\\_submission\\_form.pdf](https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/motion_submission_form.pdf).

**The motion submission form is mandatory and must be received by Part 17 within the aforementioned time frame or it will not be considered.** The motion submission form is equivalent of an appearance by the movant, petitioner or applicant. **Failure to file a motion submission form shall result in the motion/cross-motion, petition or application being marked “off-calendar, no appearance movant.”** With regard to adjourned matters, movants/cross movants must submit a new motion submission form each time the matter is on the calendar. Please note that an “off-calendar” marking is not a denial of the motion or application but is merely a clerical disposition. The effect of a motion or application being marked off-calendar is that the motion or application is deemed never to have been made, the significance which is that the movant or petitioner will have to file and serve a new notice of motion, order to show cause or notice of petition, with a new set of supporting papers, and the filing of the original application that was marked off will not toll any applicable periods of limitation or deadlines. Consequently, there is no cognizable grounds under the CPLR for re-argument or renewal of a matter that was marked off-calendar or for restoration to the motion calendar of the matter that was marked off, and any motions made under such grounds will be denied outright.

All opposition must be submitted within the designated 48-hour time frame or will not be considered. No opposition will be accepted unless there is sufficient time for opposing counsel to reply.

Requests within the motion submission form for a virtual conference will only be allowed upon this Court’s discretion after the submission of the motion/application.

All requests for adjournment must be set forth in either a motion submission form or, in the alternative, by way of a stipulation or letter that is both e-filed and e-mailed to [QSCPart17@nycourts.gov](mailto:QSCPart17@nycourts.gov). All adjournments must be requested within 48 Hours, 2 Business days in advance unless there are extenuating circumstances.

## **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 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 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 [QSCPart17@nycourts.gov](mailto:QSCPart17@nycourts.gov).

## **FORECLOSURE MOTIONS AND STATUS/SETTLEMENT CONFERENCES**

All counsel must submit a letter to the Court via email at [QSCPart17@nycourts.gov](mailto:QSCPart17@nycourts.gov) if they wish to schedule a conference. Such request will then be forwarded to the foreclosure department for scheduling. Foreclosure conferences are currently being held with Court Attorney Referees.

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

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> “

## **UNCONTESTED MATRIMONIAL**

1. If corrections are requested on e-filed cases, please email Chambers at [QSCPart17@nycourts.gov](mailto:QSCPart17@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.
3. Parties will be allowed 30 days to submit corrections. The failure to timely submit corrections may result in the dismissal of the action.

## **TRIALS**

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.

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 counsel for all parties with a copy. No adjournments or delays during trial will be accepted unless exigent circumstances arise.

The trial will be conducted on a continuous daily basis until conclusion. Tort actions are generally bifurcated, but not always. The Court expects that any trial on damages will follow immediately after a verdict finding the defendant liable.

No adjournments or delays during trial will be accepted absent exigent circumstances.

## **SUMMARY JURY TRIAL RULES**

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](#)

## **SETTLEMENT AND DISCONTINUANCES**

If an action is settled, discontinued or otherwise disposed of, parties should 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 [QSCPart17@nycourts.gov](mailto:QSCPart17@nycourts.gov). All Stipulations of Discontinuances must be accompanied by proof of filing with the County Clerk and payment of the appropriate fee [CPLR 8020(d)(1)].

**Updated as of: November 3, 2021**