

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

Presiding Justice: Joseph J. Esposito
Principal Law Clerk: Fatima Mustafa, Esq.
Assistant Law Clerk: Frank E. Armano, Esq.

Justice Chambers: (718)-298-1113
Part 17 Email: QSCPart17@NYCourts.GOV
City Compliance Email: CSCPI@NYCourts.GOV

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.

COMMUNICATIONS WITH PART 17 AND CHAMBERS

1. Counsel and litigants (represented or self-represented) are advised that Justice Joseph J. Esposito, 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 via email at 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 .
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

MOTIONS CALENDAR CONFERENCES

1. Prior to resorting to motion practice, parties are strongly encouraged to schedule an **in-person** 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. **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 in-person. There shall be no physical appearance for any calendar otherwise.

Motion submission forms are no longer required by Par 17. All requests for adjournment AND/OR conferences must be made at least 48-hours prior to the return date *via* email to QSCPart17@nycourts.gov or, in the alternative, by way of a stipulation or letter that is both e-filed and e-mailed to QSCPart17@nycourts.gov. Conferences will be held in-person.

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.

CITY COMPLIANCE PART: CSCPI

Effective October 6, 2023, Justice Joseph J. Esposito will preside over the City Compliance Part.

1. Effective February 7, 2022, the initial Compliance Conference Order is automatically issued after the Preliminary Conference Order. The automatic Compliance Order contains a date for the submission of a Certification Order which states that all discovery is complete. The Court will not issue a Note of Issue date until a Certification Order has been executed.
2. A compliance conference may be requested by any party, on notice to all parties in the action(s), if: (1) discovery is not completed as set forth in the Compliance Conference Order and will prevent the timely submission of a Certification Order; or, (2) the parties have been unable to resolve outstanding discovery issues, after good faith attempts have been made, and a judicial ruling on the discovery issue(s) is needed. Requests for adjournments of scheduled compliance conferences, are generally not granted. An attorney with knowledge of the status of the discovery in the action is expected to appear.
3. A request for a compliance conference, must be made via email to CSCPI@nycourts.gov. The subject line must include the name of the case and the Index Number(s) and the body of the request must outline the discovery issues for which the Court's assistance is required.
4. If an action has been consolidated for all purposes, for joint discovery and trial, or solely for joint trial, the court must be informed of such consolidation in any request for a compliance conference, additionally, the parties in all actions must be notified of the request for a compliance conference.
5. Conferences will be scheduled by the Court for the next available date and a Teams invitation link will be forwarded to the attorneys at the email addresses CCed to the email communication. Appearances by all parties is mandatory at Compliance Conferences scheduled by the Court.
6. All conferences will begin promptly at the scheduled time and will proceed with the parties present. If a party is unable to join the conference due to a technical issue, that party should

contact one of the other party(s) and attempt to join the conference by calling into the conference using the phone number provided in the Teams invitation.

7. All parties are expected to comply with the Compliance Conference Orders issued by the Court. Compliance Conference orders will be made available on the NYSCEF System (if the action was e-filed) or from the County Clerk (if the action was not e-filed).
8. Any e-mail inquiries to this Part must include in the subject line, the index number(s) and caption of the action(s) at issue. Additionally, all parties (including those self-represented) that have Page 3 of 5 [08/2022] appeared in the action shall be copied on any email sent to the Part, either by email or first-class mail. Only compliance conference or discovery inquiries should be forwarded to this Part. Failure to comply with this paragraph may result in a delay in processing the inquiry. Please do not include the Court on e-mail communications between the parties during the exchange of discovery materials.
9. Discovery must be complete prior to the Certification Order date set by the Court. The Certification Order date may be extended at a compliance conference, at the discretion of the Court.
10. If discovery is completed on or before the date set forth in the Compliance Conference Order and a compliance conference is not required, the parties may e-mail a fully executed Certification Order (with personal or digital signatures) to CSCP1@nycourts.gov for the issuance of a Note of Issue date.
11. . If an action is settled, discontinued or otherwise disposed of, while active in the Compliance Conference Part, the plaintiff shall notify the Court through NYSCEF and e-mail a copy to CSCP1@nycourts.gov
12. If the parties wish to extend the CERT Order due date and/or the Note of Issue date, such requests can be made via email to CSCP1@nycourts.gov. Do not request a conference to request such extensions.

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.

FORECLOSURE MOTIONS AND STATUS/SETTLEMENT CONFERENCES

All counsel must submit a letter to the Court via email at 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, 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 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.

SUBPOENAS

A party seeking to have a subpoena signed must submit the subpoena, with a brief affirmation of explanation, to the Part email – QSCPART17@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. All applications shall be accompanied by a completed [Checklist](#) to ensure its supported by the necessary information and documentation. Applications submitted without the appropriate information and 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. The infant and the infant's guardian MUST appear at the hearing.

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. 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: February 16, 2024