

Part 21 – RULES, PRACTICES AND PROCEDURES

JUSTICE DONNA-MARIE E. GOLIA

Supreme Court of the State of New York
Queens County, Civil Term
89-17 Sutphin Blvd., Jamaica, NY 11435
Part 21, Courtroom 302

Appellate Term, Second Department
Second, Eleventh and Thirteenth Judicial Districts
141 Livingston Street, 15th Floor
Brooklyn, NY 11201

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IAS Motion Support Office	(718) 298-1009
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Trial Scheduling Part	(718) 298-1048

General

1. No telephone or inquiries concerning motions or applications may be made to chambers. All questions regarding motions, adjournments and scheduling should be made via e-mail at gscpart21@nycourts.gov.
2. Any attorney appearance on a case for any purpose must be familiar with the case, ready and authorized to resolve any and all issues, including those pertaining to settlement and ADR.
3. Do not carbon copy the Court on letters or e-mails exchanged between parties.
4. Counsel and litigants (represented or self-represented) are advised that Justice Golia, her Law Clerks, and Part Clerk will not engage in any *ex parte* communication.
5. No rulings will be made over telephone.
6. Counsel shall notify the Court of any settlement or resolution of pending motions via e-mail at gscpart21@nycourts.gov. Please be sure to copy all parties on every correspondence. If an action is settled, discontinued, or otherwise disposed of, please refer to the Part Rules below regarding settlements and discontinuances.

Virtual Conferences

1. All conferences for Part 21 will be conducted virtually via Microsoft TEAMS until further notice.
2. All lawyers and litigants shall identify themselves at the beginning of each virtual appearance. Each participant shall list their first and last names for every virtual conference and identify which party they represent (ex: First, Last – Plaintiff).
3. All microphones shall be muted when not in use.
4. Courtroom rules and decorum apply – speak one at a time and do not interrupt other speakers, including the Judge.
5. Recording the proceeding by anyone other than the Judge, Court Reporter or other Court personnel, is **PROHIBITED**.
6. Judges and attorneys 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.
7. If an individual is unable to appear via video, that individual should contact the part e-mail at gscpart21@nycourts.gov.

Preliminary Conference

1. Please refer to the link below for information on Preliminary Conferences:
https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/pc_announcement_instr.pdf

Compliance Conference

1. Please refer to the link below for information on Compliance Conferences:
https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/bar_notice.pdf

Alternative Dispute Resolution (ADR)

1. Please refer to the link below for information on ADR:
<http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/adr/index.shtml>
2. The ADR Coordinator for Supreme Court, Queens County is Linda Dardis, Esq. Ms. Dardis' e-mail address is gscadr@nycourts.gov and telephone number is (718) 298-1031.

Motion Practice

1. All motions shall be made returnable in Part 21 of this Courthouse on Mondays at 9:30 a.m. The motions will be conferenced and/or orally argued virtually via Microsoft TEAMS at the Court's discretion until further notice. The parties will be sent a Microsoft TEAMS invitation in advance of the conference date. There shall be **no** physical appearance for any calendar due to COVID-19 safety concerns.
2. Virtual appearance of counsel and self-represented litigants is mandatory on all Orders to Show Cause, motions which seek to continue a temporary restraining order and any discovery-related applications.
3. If oral argument is requested, such request shall appear on the Notice of Motion (22 NYCRR 202.8[d]).
4. Discovery motions require inclusion of an affirmation of good faith, setting forth, in detail, the efforts utilized by the movant to obtain discovery prior to requesting judicial intervention in compliance with Uniform Rule § 202.7. Conclusory statements or failure to demonstrate good faith efforts may result in summary denial of the motion.
5. On the return date of the initial motion, a briefing schedule will be issued with dates for responsive papers. This schedule shall be conveyed verbally or in writing to the parties or their counsel and shall appear on the face of the motion papers. Failure to comply or serve responsive papers in accordance with the briefing schedule shall result in the rejection of those papers on the adjournment date.
6. In any case where a motion is "Marked Off" for non-compliance with the Part Rules such as improper notice, a new motion for the original relief sought may be filed in accordance with the Part Rules. A motion to restore, renew or reargue is **not** required.

Adjournments on Motions

1. To the extent that any party to the proceeding seeks an adjournment of a motion, they shall make every effort to notify their adversaries and co-counsel of all applications for adjournments in advance. If consent for an adjournment cannot be obtained, an application must be made to Justice Golia prior to the return date of the motion. The granting or denial of the adjournment is within the sound discretion of the Court.
2. Motions may be adjourned on consent by providing a written stipulation signed by counsel for all parties no later than two (2) business days prior to the return date of the motion.

3. Absent extenuating circumstances, consent adjournments will be limited to one (1). Thereafter, parties seeking further adjournments must seek approval from the Court by contacting gscpart21@nycourts.gov.
4. No motion shall be adjourned more than the aggregate period of 60 days from the original return date of said motion unless otherwise directed by the Court.
5. Stipulations of adjournments will not be granted via telephone.
6. The Court may administratively reschedule any application or motion noticed for a holiday or a day on which the Part is closed. Should the Part administratively reschedule, the movant will be responsible for notifying all parties of the administratively rescheduled date and providing proof of same to the Part on the rescheduled adjournment date.

Motion Papers/Orders to Show Cause/Ex-Parte Applications

1. For information on e-filing, please see the link below:
<http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/efile.shtml>
2. All Notices of Motion, Notices of Petition, Orders to Show Cause and *ex-parte* applications submitted, and all responsive papers, shall be in compliance with Uniform Rule § 202.5. Failure to notice a motion in compliance with the designated day, time and location may result in the motion being “Marked Off” calendar without prejudice.
3. In addition to the requirements above, all pages and paragraphs must be numbered. All exhibits are to be preceded by an exhibit tab. All submissions are to be securely fastened so as to prevent the papers from being lost. All papers shall be printed on one side of the page only. Failure to comply with the requirements of this section may result in the rejection of the offending submission. Separate responsive papers, including supporting exhibits and memoranda of law, even if duplicative, must be submitted to each separate motion. A single set of responsive papers addressing separate motions will **not** be accepted.
4. The Court will not consider papers after the submission of the motion or cross-motion(s) that do not have proof of payment of the appropriate fee (CPLR § 8020[a]) or without prior consent of the Court.
5. Reference to deposition testimony or any other voluminous exhibits annexed to a motion must include pinpoint citations.
6. If there is a discrepancy between the relief sought in the Notice of Motion and the relief sought in the supporting papers, the Notice of Motion is controlling.

Any application to seal documents must include the nature of the document, the reason for the sealing request and “good cause” shown (22 NYCRR 216.1). The Court will consider the application to seal documents via Order to Show Cause or Notice of Motion. To e-file documents under seal, the parties or their counsel are directed to follow the procedures set forth by the County Clerk. See the link below: <http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/efile.shtml>

7. Motion decisions are not mailed to the parties or their counsel and the Court does not notify the parties of a decision. The parties must follow-up for a decision with the County Clerk or online.
8. Any party who e-files an Infant’s Compromise, Order to Show Cause and/or an *ex-parte* application for the Court’s signature shall include a copy of the confirmation notice received from NYSCEF upon the electronic filing of such document.

Trials

1. At this time, no jury trials are being held.
2. Notwithstanding the rule above, all counsel must submit to the Court, prior to the commencement of a jury trial, the following:
 - A. The information of all trial counsel;
 - B. Marked pleadings and bill(s) of particulars;
 - C. A list of proposed witnesses. If a witness needs an interpreter, please indicate the language and dialect, if applicable;
 - D. Estimated length of trial;
 - E. Any prior decisions in the case;
 - F. Any notices to admit, with responses;
 - G. Copies of transcripts of depositions intended for use at trial. If any part of a deposition is to be read into evidence (as distinguished from mere use on cross-examination) you must, in advance, provide the Court and your adversary with the page and line number of all such testimony so that all objections can be addressed prior to use.
 - H. In the case of a jury trial, proposed jury instructions from the most current PJI and proposed jury verdict sheet;
 1. Any changes counsel may wish to make to the PJI charge(s) must be submitted in writing with the appropriate case citations to the Court and opposing counsel.

I. A short (one or two lines) summary of your party's claims to be used by the Court in its preliminary instructions to the jury before opening statements;

J. Motions *in limine* – On the first appearance 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;

K. Copies of any statutes, codes, or rules and regulations which are pertinent to the case.

3. All trial exhibits should be pre-marked for identification, and copies of a list of exhibits must be given to the Court before the trial begins. Plaintiff's exhibits are to be marked numerically and defendant's exhibits are to be marked alphabetically.

4. Counsels are encouraged to stipulate to exhibits and facts not in dispute and which can be pre-marked into evidence.

5. The trial will be conducted on a continuous daily basis until conclusion. Tort actions are generally bifurcated. The Court expects that any trial on damages will follow immediately after a verdict finding the defendant liable.

Summary Bench Trials

1. Information on virtual Summary Bench Trials can be found at:
<http://ww2.nycourts.gov/summary-bench-trials-11-jd-queens-civil-supreme-31086>

Settlements and Discontinuances

1. If the parties are exploring settlement of the case and would like a settlement conference, the parties may send an e-mail to gscpart21@nycourts.gov and copy all parties to request a virtual settlement conference.
2. If an action is settled, discontinued, or otherwise disposed of, counsel shall immediately inform the Court by submission of a copy of the stipulation of settlement or discontinuance via e-mail to gscpart21@nycourts.gov. All stipulations of settlement or discontinuances must be accompanied by proof of payment of the appropriate fee (CPLR § 8020[d][1]).

Uncontested Matrimonial Actions

1. Where matrimonial papers have been rejected by the Court for revision, all revised matrimonial papers must be resubmitted by the date set forth in the rejection letter or

the action may be dismissed as abandoned. All revisions are to be submitted in compliance with the directions set forth in the rejection letter.

2. **Do not** appear in person or call chambers to inquire about the status of your case. Please consult e-courts to check if your judgment has been signed.

Family Court

1. Information pertaining to Family Court can be found at:
<http://ww2.nycourts.gov/COURTS/nyc/family/index.shtml>
2. Information pertaining to virtual appearances in Family Court can be found at:
<http://www.nycourts.gov/LegacyPDFS/COURTS/nyc/family/Guide-to-Virtual-Appearances.pdf>

Appellate Term, Second Judicial Department

1. Information pertaining to the Appellate Term, Second Judicial Department can be found at:
<http://www.courts.state.ny.us/courts/AD2/AppellateTerm.shtml>