

Civil Term - Part Rules, Part 22, Courtroom 22

Justice Lee A. Mayersohn
88-11 Sutphin Blvd.
Jamaica, NY 11435

Chambers Ph: (718) 298-1626
Courtroom Ph: (718) 298-1037
Law Secretary: Leigh K. Cheng
Secretary: Jessica L. Davis

Preliminary Conference

A preliminary conference shall be scheduled automatically by the Court within forty-five (45) after filing a Request for Judicial Intervention, pursuant to 22 NYCRR 202.12(b); or upon filing a written Request for a Preliminary Conference with the Jamaica Clerk's Office, Room 140, in compliance with 22 NYCRR 202.12(a); or an appropriate notice is filed in malpractice or certiorari cases pursuant to 22 NYCRR 202.56 and 202.60.

All preliminary conferences will be held on Mondays at 9:30 a.m. at the Preliminary Conference Part, Room 314 at the Jamaica courthouse located at 88-11 Sutphin Blvd., Jamaica, NY, and are presided over by the court-appointed Referee, unless otherwise directed by the Court. Failure to appear at the scheduled preliminary conference may result in discovery being ordered ex-parte or any other appropriate sanction, including preclusion or dismissal ordered. Any inquiry pertaining to preliminary conferences shall be made to the Preliminary Conference Part at (718) 298-1046.

Compliance Conferences

Conferences shall be held before Justice Ritholtz in Room 313 at the Jamaica courthouse.

Compliance conferences shall be held on the date scheduled in the Preliminary Conference Order. Any inquiry pertaining to compliance conferences shall be made to the Compliance Conference Part at 718-298-1093.

Motion Practice

The Motion Calendar for Justice Mayersohn will be called in Courtroom 22 of the Jamaica Supreme Court Courthouse located at 88-11 Sutphin Blvd Jamaica, NY 11101-4335, every Tuesday at 9:30 AM. PROMPTLY.

MANDATORY APPEARANCE IS REQUIRED by counsel with knowledge of the case and with full authority to settle or enter into binding stipulations on the return date. In the case of e-filed motions, a hard copy must be submitted to the Court on the return date.

On the return date, motions will be conferenced and/or orally argued at the discretion of the Court.

DO NOT CALL CHAMBERS FOR ADJOURNMENTS.

Motions may be adjourned on consent provided a written stipulation of counsel is submitted to the Court on the return date. All stipulations must contain the signature of the attorney consenting to the adjournment. A form which contains only the name of the firm on the stipulation will not be accepted. Stipulations must also contain a schedule for exchange of opposition and reply papers occurring

prior to the adjourned date. If consent for an adjournment cannot be obtained, an application must be made to Justice Mayersohn by counsel on the return date. Calendar service or non-attorneys will not be permitted to make applications for adjournment. Counsel are expected to notify their adversaries of their intention to seek an adjournment.

Adjournments will be limited to two, absent extenuating circumstances. The answering papers, including cross motions, affirmations in opposition and reply affirmations, will be accepted only on the return or adjourned date in the Part. The court will not consider papers sent to Chambers or to the Part after full submission of the motion or cross motion(s). Nor will it accept cross-motions that do not have proof of payment of the appropriate fee. (CPLR § 8020[a]).

All motions and ex-parte applications submitted shall be in compliance with Uniform Rule § 202.5. In addition to these requirements, all pages and paragraphs must be numbered. All exhibits are to be preceded by a numbered exhibit tab which protrudes from the stack of papers. All submissions are to be securely fastened so as to prevent the papers from being lost. Failure to comply with the requirements of this section may result in rejection of the non-complying papers.

Copies of decisions on motions will be mailed to attorneys and pro se litigants who provide the Part with a stamped, self-addressed envelope at the time of final submission of their motion. If no stamped, self-addressed envelope is provided, it will be the responsibility of the respective attorneys and pro se litigants to follow up with the appropriate clerk's office to obtain a copy of the decision.

All inquiries to case or calendar status are to be made to the appropriate clerk's office.

IAS Motion Support Office (718) 298-1009

Ex-Parte Support Office (718) 298-1018

Infant's Compromise Orders

Before submission of an infant's compromise order, counsel shall obtain from the Clerk of Part 22 an infant's compromise checklist to ensure the submission of all necessary information and documentation. Infant's compromise orders sent to chambers without the required completed worksheet will be returned to counsel.

Proof of payment of any appropriate fee is required.

Infant compromise hearings will be scheduled by the Court and the plaintiff will be informed of the hearing date by mail

Uncontested Matrimonials

Any corrections to a rejected set of matrimonial papers must be submitted to the Matrimonial Clerk and NOT directly to chambers.

This Court takes seriously its duty to protect children in calculating child support. Unsupported deviations from the guidelines will result in rejections and thus slow down the sought-after judgment of divorce. Deviations from child support guidelines must be thoroughly explained in an affidavit of the party, without resorting to conclusory language, and in the attorney's affirmation.

Trials

Plaintiff's counsel shall requisition the file to the Part 22 courtroom immediately after assignment of the case to this Part. Counsel should ascertain the availability of all witnesses and subpoenaed documents. Any special needs, e.g., interpreter, easels, blackboards, shadow boxes, television, subpoenaed material, etc., must be reported to the Court Officer, in advance, so as not to delay the progress of the trial.

All counsel must submit to the Court, prior to the commencement of trial, marked pleadings, a copy of the bill of particulars, a witness list, exhibit list, proposed jury instruction and a proposed jury verdict sheet. Counsel must also know the availability of all witnesses who they intend to call during trial.

With regard to suggested jury charges and a suggested verdict questionnaire, amendments thereto shall be permitted at the final charge conference. Jury charges should be referred to by PJI number and topic. If any changes to the PJI are suggested, then the entire proposed charge should be set forth and the changes should be highlighted. Citations to appropriate statutory or common law authority must be given in support of suggested non-PJI jury charges or suggested PJI modifications.

To the extent any part of a deposition is to be read into evidence (as distinguished from mere use on cross-examination) counsel must, in advance, provide the Court and your adversary with the page and line numbers of all such testimony, so that all objections may be addressed prior to use before the jury.

Pre-trial conferences will be held prior to every trial.

At this conference counsel should be prepared to:

1. Discuss settlement;
2. Advise the Court as to all anticipated disputed issues of law and fact, and provide the Court with copies of all statutory and common law authority upon which counsel will rely;
3. Stipulate to undisputed facts and the admissibility of clearly admissible documents and records;
4. Advise the Court of any anticipated in limine motions or evidentiary objections which counsel intends to make. Motions in limine may be made orally, however they must be supported by a memorandum of law. Any written motions in limine require proof of payment of the appropriate fee. Counsel shall provide the Court and all parties with copies. All prior decisions and orders relevant to any in limine application must be provided to the Court..
5. Advise the Court of any anticipated requests for a jury instruction relating to missing witnesses and/or documents;
6. Advise the Court of any anticipated request for apportionment as to alleged culpable non-parties pursuant to CPLR Article 16.
7. Discuss scheduling and the estimated length of the trial. Counsel should alert the Court as to any anticipated problems regarding the attendance at trial of parties, attorneys or essential witnesses and any other practical problems that the Court should consider in scheduling.

The trial will be conducted on a continual daily basis until its conclusion. No adjournments or delays during trial will be accepted, unless exigent circumstances exist.

Tort actions are generally bifurcated. The Court expects, that any trial on damages will follow immediately after a verdict finding the defendant liable.

The Court encourages trial exhibits be pre-marked for identification and, where possible, that parties stipulate to the admissibility of clearly admissible documents and records.

Counsel should alert the Court, at the pre-trial conference, as to any anticipated problems regarding the attendance at trial of parties, attorneys or essential witnesses and any other practical problems that the Court should consider in scheduling.

Settlements and Discontinuances

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 a letter directed to the Clerk of the Part. All stipulations of discontinuances must be accompanied by proof of payment of the appropriate fee. (CPLR §8020(d)(1)).