

**PART 24
and
Compliance Conference Part III**

JUSTICE SALLY E. UNGER (Acting)
RULES, PRACTICES, AND PROCEDURES
Supreme Court of the State of New York, Civil Term
89-17 Sutphin Blvd
Jamaica, NY 11435
Chambers (718) 298-1731

Part 24 Email: gscpart24@nycourts.gov
Compliance Conference III Email: cscp3@nycourts.gov

Presiding Justice:	Hon. Sally E. Unger	IAS Motion Support Office	(718) 298-1009
Principal Law Clerk:	Beverly George, Esq.	Ex Parte Support Office	(718) 298-1018
Assistant Law Clerk:	Iris Santiago, Esq.	Trial Scheduling Part	(718) 298-1048
		DCM Clerk's Office	(718) 298-1140
		Compliance Conference Part	(718) 298-1081

GENERAL

1. In addition to the rules of Part 24 and Compliance & Settlement Conference Part III, Counsel are advised to familiarize themselves with the promulgated rules of the Chief Administrative Judge of the State of New York contained in AO/270/2020, which takes effect on February 1, 2021.
2. All appearances, except trials, shall be by remote access via Microsoft TEAMS until further notice. Trials are being conducted in person.
3. All communication and correspondence with the **Part 24** must be done **only** by email to gscpart24@nycourts.gov or by telephone at 718-298-1731. The Court will not be accepting any correspondence via mail or fax.
4. All questions regarding motions, adjournments, calendar calls, and scheduling should be made **only** via email to gscpart24@nycourts.gov and NOT to chambers. The Court will not acknowledge exparte communications.
5. All questions regarding Compliance Conferences assigned to Justice Unger, should be made **only** via email to cscp3@nycourts.gov and NOT to chambers. The Court will not acknowledge exparte communications.
6. Part 24 is entirely an e-filing part. Justice Unger does not accept working copies of motions/documents. DO NOT MAIL IN ANY COURTESY COPY OF PAPERS as they will be discarded.
7. 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:
<http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/index.shtml>

COMMUNICATION WITH PART 24 AND CHAMBERS

1. The email address of this Part is gscpart24@nycourts.gov.
2. Counsel and litigants (represented or self-represented) are advised that they must not engage in any ex parte communications with Justice Unger, her Court Attorneys and/or the Part Clerks.
3. Absolutely no telephone inquiries concerning motions or applications may be made to Chambers. Such inquiries shall be addressed to gscpart24@nycourts.gov.
4. Do not send any letters, documents, papers, mail, or facsimile unless expressly permitted by these Practice Rules or by prior approval of the Court.
5. **All communications with chambers shall include all parties.**

COMPLIANCE & SETTLEMENT CONFERENCE PART III

The email addresses for all Compliance Settlement Conference Parts are as follow:

CSCP1@nycourts.gov

supervised by Hon. Tracy Catapano Fox

CSCP2@nycourts.gov

supervised by Hon. Laurentina McKetney-Butler

CSCP3@nycourts.gov

supervised by Hon. Sally E. Unger

Note that:

1. Compliance & Settlement Conferences held in this Part are scheduled for 10:00am, **Tuesdays, Wednesdays, and Thursdays**, and are handled on a first come, first-serve basis.
2. Please click on the following link on the date directed to join the scheduled [Compliance Conference](#). If you are having trouble logging in, try using another device.
3. More information about the [Compliance & Settlement Conference Part](#) can be found on the Court's website.
4. Appearances are not required on initial Compliance Conferences. The order will be automatically generated, and a future date will be assigned. Check eCourts for future dates.

ELECTRONIC FILING

1. Pursuant to Administrative Order AO-115-20/NYSCEF, all cases assigned to Part 24 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 at <http://iapps.courts.state.ny.us/nyscef/Login>. For more information on e-filing rules, visit: <http://www.nycourts.gov/courts/1jd/supctmanh/efiling.shtml>.
2. "eTrack" is a case tracking service that enables parties to track active Supreme Court cases and receive notice of scheduled appearances. Parties and/or their counsel must be registered for the eTrack service for all Part 24 cases. To register or log-in, please visit <http://iapps.courts.state.ny.us/webcivil/etrackLogin>.

3. Documents requiring Justice Unger's signature, including subpoenas, proposed orders, and stipulations, must be e-filed with NYSCEF, and sent via email to gscpart24@nycourts.gov.

ORDERS TO SHOW CAUSE and EMERGENCY/ESSENTIAL APPLICATIONS

1. An Emergency Judge is available remotely in the Queens County Supreme Court building, located at 88-11 Sutphin Boulevard, Jamaica, NY 11435 to hear emergency/essential applications.
2. Requests for emergency processing will not be entertained unless submitted in person by the requesting attorney.
3. Filing parties are advised to consult Uniform Rules for the New York State Trial Courts 202.7(f) concerning notification.
4. For up-to-date information regarding Orders to Show Cause and Ex-parte Orders visit: <http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/exparte.shtml>.

MOTION CALENDAR

1. All Part 24 motions shall be made returnable on **Thursdays at 10:00 a.m.**
2. The Court may administratively reschedule any application or motion noticed for a holiday or a day on which the Part is closed. Information will be available on e-courts. Should the Part administratively reschedule a motion, 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.
3. The movant and/or cross-movant will be required to submit a Motion Submission Form https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/motion_submission_form.pdf by email to gscpart24@nycourts.gov **no later than two (2) business days (48 hours) prior to the calendared date and time.**
4. Stipulations regarding pending motions must be e-filed at least two (2) business days (48 hours) prior to the calendared date and time.
5. All motion papers submitted to the Court shall comply with 22 NYCRR §202.5. In addition, Counsel are advised to adhere to the length of papers set forth in 22 NYCRR 202.8-b. **FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION MAY RESULT IN THE REJECTION OF THE NONCOMPLIANT SUBMISSION.**
6. Each electronically submitted memorandum of law, affidavit and affirmation exceeding 4500 words shall include bookmarks providing a listing of the document's contents and facilitating easy navigation by the reader within the document. (See 22 NYCRR §202.5(a)(2)).
7. In any case where a motion is "Marked Off" for non-compliance with the Part Rules such as improper notice, or failure to appear in court as required by the Part Rules, 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.

8. The parties shall notify the court immediately if they are withdrawing any pending motion or application in the event a matter is settled or discontinued. Stipulations of settlement or discontinuance shall immediately be sent via email to chambers and filed with the court.

Discovery Motions

Pursuant to Administrative Order dated June 22, 2020, all Discovery related motions are strongly discouraged. On any discovery-related motion or application, attorneys are encouraged to conference the issues among themselves with the expectation that the issues will be resolved by stipulation. All stipulations must indicate that the motion, and any cross-motion, is/are being withdrawn pursuant to the stipulation and must be signed by the attorneys and e-filed before the scheduled time and date of the calendar. Any items of discovery not specifically identified as outstanding at the time of the stipulation resolving the motion are deemed waived.

No motion relating to disclosure, or a Bill of Particulars will be accepted without an affirmation of good faith, as outlined in 22 NYCRR §202.7.

Summary Judgment Motions

Counsel are advised to familiarize themselves with 22 NYCRR §202.8-g concerning Summary Judgment Motions and note the following when submitting motion papers.

- a. A separate, short and concise statement, in numbered paragraphs, of the material facts as to which the moving party contends there is no genuine issue to be tried, must be annexed to the notice of motion
- b. Opposing papers must include correspondingly numbered paragraphs responding to each numbered paragraph in the statement of the moving party and, if necessary, additional paragraphs containing a separate short and concise statement of the material facts as to which it is contended that there exists a genuine issue to be tried.
- c. Each numbered paragraph in the statement of material facts required to be served by the moving party will be deemed to be admitted unless specifically controverted by a correspondingly numbered paragraph in the statement required to be served by the opposing party.
- d. Each statement of material fact by the movant or opponent pursuant to subdivision (a) or (b) including each statement controverting any statement of material fact, must be followed by citation to evidence submitted in support of or in opposition to the motion.

Appearances

1. The Court, upon its discretion, shall schedule oral arguments after submission of the motions. Any requests for oral argument must be indicated on the Motion Submission form and will be held virtually via Microsoft Teams.
2. Counsel who appears before the Court must be familiar with the case, be fully prepared and authorized to discuss and resolve all issues. Failure to comply with this rule may be treated as a default for purposes of 22 NYCRR §202.27 and/or may be treated as a failure to appear for purposes of Rule 130.2.1. (See 22 NYCRR §202.1).

3. The movant's failure to appear will result in the motion being marked off the calendar. The opponent's failure to appear will result in the motion being submitted without opposition.

ADJOURNMENTS OF MOTIONS

1. Motions may be adjourned on consent via the Motion Submission Form https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/motion_submission_form.pdf **no later than two (2) business days (48 hours) prior to the calendared date and time.**
2. Absent extenuating circumstances, consent adjournments shall be limited to one (1). Thereafter, the parties **MUST** contact Chambers via email at gscpart24@nycourts.gov if seeking any further adjournments.

CONFERENCES AND DISCOVERY DISPUTES ON PART 24 CASES

1. Prior to filing a discovery-related motion i.e., Motion to Vacate the Note of Issue, Motion to Restore, Motion to Strike Pleadings, Motion to Demand Bill of Particulars, Motion to Preclude, the parties are directed to send an email to the assigned Compliance & Settlement Conference Parts (CSCP1, CSCP2 or CSCP3), with a courtesy copy to ALL parties requesting a virtual conference. The email should include a summary of the discovery related issues.
3. If the parties are exploring settlement of the case and would like a settlement conference for the sole purpose of exploring resolution of the case, the parties may send an email to gscpart24@nycourts.gov with a cc to ALL to request a virtual settlement conference.

VIRTUAL CONFERENCES – GENERAL PROTOCOL

1. All lawyers and litigants should identify themselves on screen.
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 or Court Attorney.
4. Recording the proceeding by anyone other than the Judge, Court Reporter, or other Court personnel, is **PROHIBITED**.
5. 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.
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 gscpart24@nycourts.gov, (or cscp3@nycourts.gov for compliance and settlement conferences).

TRIALS

Be Prepared

1. Upon assignment to Part 24, all parties appearing for trial must be familiar with the case, ready, and authorized to participate in settlement discussions and/or proceed to trial. (See 22 NYCRR §202.27).
2. The trial will be conducted on a continuous daily basis until its conclusion. Tort actions are generally bifurcated. The Court expects that any trial on damages will follow immediately after a verdict in favor of liability.
3. No adjournments or delays during trial will be accepted absent exigent circumstances.

Pre-Marking of Exhibits

1. Counsel are directed to consult with each other prior to trial and pre-mark exhibits, pursuant to 22 NYCRR §202.34.

Pre-trial Memoranda, Exhibit Book & Request for Jury Instructions:

1. Counsel are directed to consult 22 NYCRR §202.20h concerning the submission of pre-trial memoranda, exhibit book and requests for jury instructions.
2. All counsel must submit to the Court, prior to the commencement of trial, marked pleadings, copies of the bill of particulars, a witness list, an exhibit list, proposed jury instructions and a proposed verdict sheet via email to gscpart24@nycourts.gov.

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.

SUMMARY JURY TRIALS

In light of COVID –19 and the global pandemic, please check the Queens Supreme Court – Civil Term webpage for updates regarding Summary Jury Trials.
<http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/index.shtml>

SETTLEMENTS AND DISCONTINUANCES

Counsel, including self-represented litigants are under a continuing obligation to notify the court as promptly as possible in the event that an action is settled, discontinued, or otherwise disposed of, or if a case or motion has become wholly or partially moot, or if a party has died or filed a petition in bankruptcy. Such notification must be made to the Court in writing (22 NYCRR §202.28).

Submissions to the court must be made to gscpart24@nycourts.gov and e-filed via AO-115-20/NYSCEF. 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)].

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. Applications submitted without the appropriate 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.

All counsel desiring the checklist for documents and information that must be submitted should get the checklist and the link for the PDF is contained herein: [ICO CheckList2.PDF](#)

ALTERNATIVE DISPUTE RESOLUTION

1. Should counsel wish to proceed with a settlement conference before a justice or judge other than Justice Unger, counsel may jointly request the Court grant a separate settlement conference. The request may be made at any time in the litigation. (See 22 NYCRR §202.29)
2. If at any point, the parties decide that they would benefit from the 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.
3. The Court may also order parties to the ADR program without the parties' request or consent.
4. For more information regarding the ADR program, please visit:
<http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/adr/index.shtml>

Updated as of April 20, 2023