

## HON. WYATT N. GIBBONS-PART 25G PART RULES

88-11 Sutphin Boulevard  
Courtroom 41  
Jamaica, NY 11435  
Courtroom Phone: (718) 298-1925  
Chambers Phone: (718) 298-1548

Principal Law Clerk: Schuyler J. Gordon, Esq.  
Secretary: Debra Konecko

Email: [QSCPart25@nycourts.gov](mailto:QSCPart25@nycourts.gov)  
Virtual Courtroom for Motion Calendar ONLY:  
<https://tinyurl.com/QSCPart25Motions>

### I. Orders to Show Cause to Appoint a Guardian:

- A) *Contact Information for Interested Parties:* Petitioner’s attorney must submit a list of email addresses for all parties required to receive notice to the Part via email – [QSCPART25@nycourts.gov](mailto:QSCPART25@nycourts.gov) – seven (7) days prior to the hearing date.
- B) *Microsoft Teams:* All parties must be able to appear remotely - by both audio and video – on the return date scheduled. Microsoft Teams is the teleconferencing platform used by the New York State Unified Court System. Teams can be accessed via desktop app on Windows, MacOS, or Linux; through a compatible web browser such as Microsoft Edge or Google Chrome; or via mobile app. **All parties and counsel are responsible for ensuring their systems are functional and compatible with Microsoft Teams in advance of the hearing date.** More information is available at <https://www.microsoft.com/en-us/microsoft-365/microsoft-teams/download-app>
- C) *Attendance of AIP at Remote Conference:* Petitioner’s attorney shall be responsible for ensuring the Alleged Incapacitated Person (“AIP”) has the capability to appear via Microsoft Teams on the hearing date, unless the AIP’s appearance has been previously waived. **If the AIP requires the assistance of an interpreter to participate in the hearing, the Petitioner must notify the Court seven (7) days prior to the hearing date.**
- D) *Adjournment by Stipulation:* Applications for adjournments must be by stipulation signed by all parties and the Court Evaluator/Attorney for the AIP, as well as approved by the Court prior to the date the matter appears on the calendar. All stipulations of adjournment must indicate whether the Alleged Incapacitated Person will suffer any harm by the adjournment. Please contact the Part via email – [QSCPART25@nycourts.gov](mailto:QSCPART25@nycourts.gov) or 718-298-1548 to discuss available adjourn dates before entering into the Stipulation.
- E) *Court Evaluator Reports:* The Report of the Court Evaluator shall be emailed to [QSCPART25@nycourts.gov](mailto:QSCPART25@nycourts.gov) at least two (2) days prior to the return date of the Order to Show Cause. The Report of Court Evaluator **SHOULD NOT** be shared with the parties without prior authorization from the Court. If this matter is an e-filed case, the Court Evaluator **SHOULD NOT** e-file the Report prior to the hearing. If the matter has not been converted to e-file, the original Report of Court Evaluator shall be mailed or hand delivered to the Guardianship Department for filing.

- F) *Affidavits of Service*: Affidavits of Service of the Order to Show Cause must be filed with the Guardianship Department or by e-file no later than ten (10) days prior to the return date.
- G) *Legal Fees*: Counsel seeking legal fees must ensure their Affirmations of Legal Services are E-Filed AND emailed to [QSCPART25@nycourts.gov](mailto:QSCPART25@nycourts.gov) on or before the noticed settlement date of the Order and Judgment. Affirmations of Legal Services should include detailed timesheets, and a summary of hours worked for each attorney or paralegal. Failure to timely submit Affirmations of Legal Services may result in denial of fee applications. Under no circumstances will an Order and Judgment be held more than fourteen (14) days from its noticed settlement date to await Affirmations of Legal Services.

II. Motions:

- A) *Motion Date*: All Motions/Petitions other than to appoint a Guardian are heard on Tuesdays at 9:30 A.M. The motion calendar will be called remotely in a Microsoft Teams meeting, and can be accessed at <https://tinyurl.com/QSCPart25Motions>. **All parties and counsel are responsible for ensuring their systems are functional and compatible with Microsoft Teams in advance of the motion date.** See Rule I (B) for more information.
- B) *Notice of Motion*: The Notice of Motion **MUST** indicate that the return date will be a virtual appearance, and **MUST** include the link to the motion calendar on the first page (<https://tinyurl.com/QSCPart25Motions>.)
- C) *Scheduling*: Prior to filing a motion, please contact the part via email - [QSCPART25@nycourts.gov](mailto:QSCPART25@nycourts.gov) for the next available motion date.
- D) *Contact Information for Interested Parties*: The movant/movant's attorney **MUST** also submit the Guardianship Motion Submission Form providing a list of email addresses for all parties required to receive notice, including all pro-se parties, to the part via email - [QSCPART25@nycourts.gov](mailto:QSCPART25@nycourts.gov) – seven (7) days prior to the return date of the motion.
- E) *Waiver of Appearance for Self Represented Litigants*: If pro-se parties do not oppose the relief requested and are unable to appear virtually, a signed, notarized waiver of the party's objections and right to appear must be electronically filed with the Court prior to the return date.
- F) Petitions for the sale of real property must include the publication provision pursuant to Real Property Actions and Proceedings Law ("RPAPL") § 1722. The publication must include a provision that directs any potential bidders to provide his/her email address to the Part via email - [QSCPART25@nycourts.gov](mailto:QSCPART25@nycourts.gov) – at least five (5) days prior to the return date of the Order to Show Cause. Petitions for the sale of real property must also include a provision for the appointment of an appraiser to be filled in by the Court.

III. All Other Filings:

- A) **All Proposed Orders in E-Filed Cases MUST be E-Filed.** After E-filing a proposed order, Counsel must send an email to [GUARDIANSHIPQUEENS@nycourts.gov](mailto:GUARDIANSHIPQUEENS@nycourts.gov) to alert them to the filing. The email should include the AIP's name, the index number of the matter, and the NYSCEF document number of the proposed order.
- B) All other filings on cases not yet converted to E-File should be mailed to the courthouse, Attention: Guardianship Department. **NO FILINGS SHALL BE MAILED DIRECTLY TO CHAMBERS.**