

**Supreme Court
11th Judicial District
Queens County, NY
88-11 Sutphin Boulevard
Jamaica, NY 11435
Part 27 Rules**

Justice Darrell L. Gavrin

Principal Law Clerk: A. Ageyeva, Esq.

Secretary: Valerie L. Traverson

Courtroom 68

Part Clerk: Chris Nies

Courtroom Phone: (718) 298-1640

ALL MOTIONS MUST BE NOTICED FOR TUESDAY @ 10:30 A.M.

**Appearances are mandatory for ALL motions and applications.
All motions and applications will be conferenced.**

Any attorney appearing on a case for any purpose **MUST** be familiar with the case, prepared, and authorized to resolve any and all issues, including discovery and settlement.

Failure to notice a motion in compliance with the designated day, time and location above may result in the motion being **MARKED OFF** calendar without prejudice.

There will be a second calendar call immediately after the first calendar call.

Oral argument will be entertained only in the Court's discretion.

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, 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.

Papers will not be accepted prior to the call of the calendar except stipulations **withdrawing** motions or applications. Such stipulations may be submitted on the morning of the return date in person, fax or service.

The parties shall notify the Court **immediately** of the withdrawal of a pending motion or application when the matter is settled or discontinued. Stipulations of settlement or discontinuance shall immediately be sent by fax to Chambers and filed with the County Clerk.

On any discovery related motion or application, attorneys are encouraged to conference the issues among themselves with the view towards resolution by stipulation. All stipulations must indicate that the motion, and any cross-motion, is/are being resolved pursuant to the stipulation and must be signed by the attorneys appearing at the calendar call.

The parties shall use stipulation forms provided by Part 27.

All papers **MUST** be submitted in person by counsel or *pro se* litigants on the return date of the motion or application. The Part **does not** accept any papers by mail, fax or service. Any papers sent to chambers will not be considered.

Any sur-reply papers on motions, reply papers on Orders to Show Cause, or any additional papers once a motion is marked “fully submitted” will not be accepted without leave of Court. **Cross motions** shall **NOT** be considered as opposition to main motions. Papers proffered in opposition to the main motion shall be separately backed and not included in the cross motion. Likewise, papers proffered in opposition to a cross motion shall be separately backed and not part of a reply.

Motions to renew and/or reargue shall contain a copy of the Court’s original decision and copies of all papers submitted in support of the original motion.

For all **E-FILED** matters and all motions, **WORKING COPIES** of all motion/responsive papers **MUST** be submitted to the Court at the call of the calendar. Failure to present the required working copy at the calendar call will result in the matter being **MARKED OFF** the calendar. Failure to notice a motion in compliance with the designated day, time and location may result in the matter being marked off the calendar.

All motion papers shall have the sequence number and calendar number written, numbered pages and be securely fastened and all exhibits annexed thereto shall be preceded by a numbered protruding tab.

In any case where a motion is **MARKED OFF** for non-compliance with the Part Rules such as improper notice, failure to appear in Court as required by the Part Rules, or failure to provide a working copy of an e-filed motion, a new motion for the original relief sought may be filed in accordance with the Part Rules. A motion to restore, renew and/or reargue is **NOT** required.

The first adjournment on consent will be allowed upon written stipulation. All stipulations must contain the signature of all attorneys/*pro se* litigants in the action consenting to the adjournment and contain a schedule of opposition and reply due dates.

Requests for an adjournment beyond **ONE** will be granted in the Court’s discretion.

Stipulations requesting consent adjournments or withdrawing motions prior to the return date may be sent to gscpart27@nycourts.gov

The Court requests that members of the bar make every effort to provide their co-counsel and adversaries with advance notice of all applications.

In the event an adjournment on the initial return date is granted, a briefing schedule will be issued with dates for responsive papers. This schedule shall be in writing by the attorneys and shall appear on the face of the motion papers. Failure to serve responsive papers in accordance with the briefing schedule may result in those papers being rejected on the adjournment date.

Copies of motion, or application decisions or orders **WILL NOT** be sent to counsel or *pro se* litigants unless deemed necessary by the Part. Decisions or orders can be retrieved on-line or at the County Clerk's Office, room 106, located in the Jamaica courthouse.

Calls regarding the status of any decision on motions or applications **WILL NOT** be entertained by chambers, but must be made **ONLY** to the Clerk of Part 27 at 718-298-1640.

Further inquiries should be directed to the Motion Support Office at (718) 298-1009 or ExParte Support Office at (718) 298-1018.

Trial Preparation and Trials

Pre-Trial Conferences will be held prior to the start of 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 in evidence.
4. Advise the Court of any anticipated *in limine* motions or evidentiary objections which counsel intends to make.
5. Advise the Court of any anticipated requests for jury instruction.
6. Advise the Court of any anticipated request for apportionment as to alleged culpable non-parties pursuant to CPLR Article 16.
7. Discuss scheduling as well as the number of availability of all witnesses and subpoenaed documents. The Court should be alerted as to any anticipated problems regarding the attendance at trial of parties, attorneys or essential witnesses, as well as any other practical problems related to scheduling.

Trials will be conducted on a continual basis until conclusion. No adjournments or delays during the trial will be accepted, unless exigent circumstances arise. Expert witnesses shall adhere to the court's schedule not theirs.

Motions *in limine* may be made orally, however must be supported by a concise (1-2 page) written memorandum of law to be submitted to the Court and provided to opposing counsel, with a copy of any cases cited and the pages of evidence law treaties cited therein. All prior decisions and orders relevant to any *in limine* application must be provided to the Court. All written motions *in limine* require proof of payment of the required fee.

Plaintiff's counsel shall requisition the file to Part 27 courtroom immediately after assignment of the case to the part. Counsel must advise the Court, Part Clerk and Court Officer or any special needs, e.g., easels, blackboards, shadow boxes, television, subpoenaed material, etc., in advance, so as not to delay the progress of the trial. **Requests for interpreters must be made immediately upon assignment of the case to the Court, Part Clerk and Judge's Law Secretary.**

Prior to the start of a trial, plaintiff's counsel shall furnish the court with copies of marked pleadings, the bill of particulars, and a copy of any statutory provisions in effect at the time the cause of action arose, upon which any party relies. Additionally, counsel for all parties shall provide to the Court:

- a. A list of exhibits to which parties are expected to stipulate.
- b. All reports, depositions and written statements which may be used to either refresh a witnesses recollection and/or cross-examine the witness.
- c. To the extent 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(ies) with the page and line number of all such testimony. Objections may be addressed prior to use before a jury.
- d. A list of the names of all witnesses to be called.
- e. Proposed jury charges and proposed verdict sheets before opening statements. Jury charges should be referred to by PJI number and topic. Amendments thereto shall be permitted at the final charging conference. If any changes are suggested, then the entire proposed change should be set forth, and the changes highlighted. Pertinent appropriate statutory or common law authority in a brief written memorandum must be given in support of suggested non-PJI charges, any special charges, or suggested PJI modifications. Copies of any additional code/VTL shall be provided to the court.

Infant's Compromise Orders

Before submission of an infant's compromise order, counsel shall obtain from Part 27 clerk an infant compromise checklist to ensure the submission of all necessary information and documentation. Orders sent to chambers without all of the required paperwork will be returned to counsel. Proof of payment of required fees is also required. Hearings will be scheduled by the Court and plaintiff's counsel will be notified by mail/phone of the hearing date.

Uncontested Matrimonials

Matrimonial papers must be submitted directly to chambers no later than the date provided for the Uncontested Matrimonial Submission Checklist.

(Revised 9/19/19)