

Civil Term - Part Rules

Compliance Conference and Settlement Part 2 (CSCP2)

Part 28

Justice Laurentina S. McKetney Butler

Supreme Court of the State of New York

Queens County Civil Term

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NYcourts.gov/courts/11jd/supreme/civilterm/index.shtml

GENERAL

1. Ex-Parte Communications: **NO** ex-parte communications will be accepted by Chambers. All written communications to Chambers must be forwarded to all parties in the action(s) by email, or mail, as appropriate. Ex-parte telephone calls will not be entertained.
2. Discovery Communications: Do not include the court on the service or exchange of discovery demands or responses.
3. Virtual Appearances: Unless otherwise notified, all conferences, oral arguments and hearings will be conducted virtually on Microsoft Teams. All Teams links will be forwarded by the Court and all invitees are expected to appear via video and audio. Individuals that experience problems joining the link should attempt to inform the Court by trying to join the conference using the phone number set forth in the invitation or by emailing Chambers at the appropriate email address.

Virtual proceedings are official Court appearances. Parties should maintain the decorum that exists in all courtroom proceedings; should appear in professional attire; minimize distractions in their environment; use video, as well as audio equipment; and, mute their microphones when other parties are speaking. The recording of any virtual appearance by anyone other than the Judge, Court Reporter or other Court personnel, is **PROHIBITED**.

4. Special Accommodations: If an interpreter or other accommodation is required, please notify the Court at least 48 hours in advance in order that appropriate accommodations can be made.

COMPLIANCE CONFERENCE AND SETTLEMENT PART 2 (CSCP2)

1. The Compliance Conference and Settlement Part was revised as of February 7, 2022. If a Preliminary Conference Order **and** Compliance Conference Order(s) were issued prior to February 7, 2022 the parties should continue to complete discovery as ordered in the previously issued Orders and continue to appear for all compliance conferences scheduled (or rescheduled) by the Court. To the extent the dates in prior compliance orders have expired and the parties are unable to stipulate to a discovery schedule, a compliance conference may be requested by emailing CSCP2@nycourts.gov with an outline of the discovery issues for which the Court's assistance is required.
2. Effective February 7, 2022, the initial Compliance Conference Order is automatically issued after the Preliminary Conference Order. The automatic Compliance Conference Order contains a date for the submission of a Certification Order which states that all discovery is complete. The court will not issue a Note of Issue date until a Certification Order has been executed.
3. A compliance conference may be requested by any party, on notice to all parties in the action(s), **if:** (1) discovery is not completed as set forth in the Compliance Conference Order and will prevent the timely submission of a Certification Order; or, (2) the parties have been unable to resolve outstanding discovery issues, after good faith attempts have been made, and a judicial ruling on the discovery issue(s) is needed. Requests for adjournments of scheduled compliance conferences, are generally not granted. An attorney with knowledge of the status of the discovery in the action is expected to appear.
4. A request for a compliance conference, must be made via email to CSCP2@nycourts.gov. The subject line must include the name of the case and the Index Number(s) and the body of the request must outline the discovery issues for which the Court's assistance is required.
5. If an action has been consolidated for all purposes, for joint discovery and trial, or solely for joint trial, the court must be informed of such consolidation in any request for a compliance conference, additionally, the parties in all actions must be notified of the request for a compliance conference.
6. Conferences will be scheduled by the Court for the next available date and a Teams invitation link will be forwarded to the attorneys at the email addresses on file in the court records. **Appearances by all parties is mandatory at Compliance Conferences scheduled by the Court.**
7. All conferences will begin promptly at the scheduled time, and will proceed with the parties present. If a party is unable to join the conference due to a technical issue, that party should contact one of the other party(s) and attempt to join the conference by calling into the conference using the phone number provided in the Teams invitation.
8. All parties are expected to comply with the Compliance Conference Orders issued by the Court. Compliance Conference orders will be made available on the NYSCEF System (if the action was e-filed) or from the County Clerk (if the action was not e-filed).
9. Any e-mail inquiries to this Part must include in the subject line, the index number(s) and caption of the action(s) at issue. Additionally, all parties (including those self-represented) that have

appeared in the action shall be copied on any email sent to the Part, either by email or first class mail. Only compliance conference or discovery inquiries should be forwarded to this Part. Failure to comply with this paragraph may result in a delay in processing the inquiry. Please do not include the Court on e-mail communications between the parties during the exchange of discovery materials.

10. Discovery must be complete prior to the Certification Order date set by the Court. The Certification Order date may be extended at a compliance conference, at the discretion of the Court.
11. If discovery is completed on or before the date set forth in the Compliance Conference Order and a compliance conference is not required, the parties may e-mail a fully executed Certification Order (with personal or digital signatures) to CSCP2@nycourts.gov for the issuance of a Note of Issue date.
12. If an action is settled, discontinued or otherwise disposed of, while active in the Compliance Conference Part, the plaintiff shall notify the Court through NYSCEF **and** e-mail a copy to CSCP2@nycourts.gov.

MOTIONS

1. The Part 28 motion calendar is held on Tuesdays at 10:00 A.M., Part 28 motions made returnable on any other day will be administratively adjourned to the next available Tuesday.
2. The motion calendar is submission only. Appearances and working copies are not required for E-filed motions. As of April 25, 2022, appearances are required for hard-copy filed motions. Parties that E-file motion papers are required to complete and submit a Motion Submission Form, by email to QSCPart28@nycourts.gov no later than two (2) business days prior to the return date. The Motion Submission Form is available on the website address listed above.
3. Requests for adjournments should be made with a Motion Submission Form. No more than two adjournments may be made by use of the Motion Submission Form, thereafter, adjournments are at the discretion of the Court. Any adjournment, including the second adjournment, which exceeds 30 days must be approved by the Court.
4. Requests for oral argument should be indicated on the motion/cross motion **and** Motion Submission Form. The Court, at its discretion, shall schedule oral arguments after submission of the motion(s). (see 22 NYCRR §§202.8(d) and 202.8-f). Oral arguments will be conducted virtually via Microsoft Teams
5. All motion papers submitted to the Court shall be in compliance with 22 NYCRR §§202.5-b and 202.5-bb and all other applicable rules and regulations. Additionally, all pages and paragraphs must be numbered.
6. The Court will not consider papers e-filed after the submission date, without prior consent of the Court and a stipulation between the parties. In no event should motion papers be e-mailed to Chambers, without prior consent of the Court.

7. If an action is settled, discontinued or otherwise disposed of while a motion is pending, the moving party shall provide a letter or stipulation withdrawing the pending motion by uploading such document into the NYSCEF system **and** emailing a copy to QSCPart28@nycourts.gov. All stipulations of discontinuance must be accompanied by proof of filing with the County Clerk and payment of the appropriate fee pursuant to CPLR 8020(d)(1).

UNCONTESTED MATRIMONIAL APPLICATIONS

1. Questions about uncontested matrimonial applications assigned to this Part should be submitted to QSCPart28@nycourts.gov. Information about uncontested matrimonial actions can be found on the website listed above.
2. If an uncontested matrimonial application is incomplete or needs revision the Court will notify the parties as appropriate. If filed through NYSCEF, any additional documentation or revisions requested by the Court must be filed through NYSCEF, **additionally**, an email must be sent to QSCPart28@nycourts.gov advising the Court that the revisions have been filed and setting forth the revisions made. All revisions must be filed through NYSCEF simultaneously.

If the application was made by hard copy, additional documents or revisions requested by the Court must be submitted simultaneously by first class mail to Justice Laurentina S. McKetney Butler, at the address set forth above or, by email to the Court at QSCPart28@nycourts.gov (include the Index Number and name of the case in the subject line).

3. The parties will be given 45 days to make and submit revisions. Failure to respond timely may result in dismissal of the action, without prejudice.

INFANT COMPROMISES

1. Proposed Infant Compromise Orders may be submitted, through NYSCEF, mail, or in-person together with all relevant documentation (see, CPLR §§1207(a) and 1208 as well as 22 NYCRR §202.67). After reviewed, the court will issue a Memorandum requesting additional information or revisions, if needed, or scheduling a hearing. If a response to the Memorandum is not received within 45 days of the Memorandum, the application may be denied without prejudice to resubmit.
2. Infant Compromise hearings scheduled by the Court will generally be held via Microsoft Teams with virtual links forwarded to the parties by the Court. Both video and audio functions must be used during virtual hearings. Hearings will be held in person at the discretion of the Court.

TRIALS

1. Prior to the commencement of a jury trial Counsel for all parties must submit to the Court, the following:

- A. Information for all trial counsel;
 - B. Marked pleadings and bill(s) of particulars;
 - C. Proposed jury instructions from the most current Pattern Jury Instructions (PJI), together with any case law to support additions/changes to PJI charges, if any;
 - D. Proposed jury verdict sheet;
 - E. List of proposed witnesses.
 - F. Copies of deposition transcripts intended for use at trial indicating the page and line number of all testimony,
 - G. Copies of any statutes, codes, rules and/or regulations that may be relied upon in the case.
2. During the pre-trial conference counsel should inform the Court of any special accommodations required to proceed with the trial, e.g. an interpreter, easel, blackboard, television, etc.
 3. Counsel is responsible for obtaining subpoenaed materials from the Subpoenaed Records room prior to trial.
 4. Counsel is encouraged to stipulate to exhibits and facts not in dispute.
 5. Trials are expected to continue day to day until complete,

SUMMARY JURY TRIALS

Information on Summary Jury Trials can be found by searching for Summary Jury Trials at the website provided above.

SUMMARY BENCH TRIALS

Information on Summary Bench Trials can be found by searching for Summary Bench Trials at the website provided above.

VIRTUAL BENCH TRIALS

Information on Virtual Bench Trial Protocols and Procedures can be found by searching for Virtual Bench Trials at the website provided above.

ALTERNATIVE DISPUTE RESOLUTION

Information on Alternative Dispute Resolution can be found by searching the website provided above.