

Supreme Court, Queens County, Civil Term - Part Rules, Part 30
Justice Chereé A. Buggs

88-11 Sutphin Boulevard
Jamaica, NY 11435
Chambers Phone: (718) 298-1117
Courtroom Phone: (718) 298-1042
Part 30 E-mail: QSCPart30@nycourts.gov
Facsimile: (212) 618-0512

Principal Law Clerk: Melissa B. Deberry
Assistant Law Clerk: Jay S. Teng
Part Clerk: Joyce M. Knight

Rules effective as of October 20, 2023

General Rules for Motions

All motions shall be made returnable on Monday at 10 a.m. at the Jamaica Courthouse located at 88-11 Sutphin Boulevard, Jamaica, NY 11435, Part 30. **All motion papers for matter subject to electronic filing (“e-filing”) pursuant to the Rules of the Chief Administrator shall be electronically filed (“e-filed”).** Failure to notice a motion in compliance with the designated day, time, location and Part number above may result in the motion being denied without prejudice. If a motion is filed contemporaneously with the Request for Judicial Intervention (RJI), before movant has become aware of the assigned justice and part, movant must either conform the Notice of Motion to include the aforesaid information prior to the return date, and file and serve an Amended Notice of Motion to nonmoving parties, **OR** send notice to the nonmoving parties of the information and e-file proof of such notice. Failure to do one or the other in the instance of a contemporaneous RJI/motion filing will result in the motion being denied without prejudice.

All movants/cross-movants must submit a Motion Submission Form (https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/motion_submission_form.pdf) via e-mail to the Part e-mail QSCPart30@nycourts.gov no later than two (2) business days before the calendared date and time of the motion.

Matters Which Have Not Been Converted to E-Filing

On matters which have not been converted to e-filing, all responsive papers (opposition and reply) must be submitted in person on the return date of the motion or application. The Part does not accept any responsive papers by mail, by fax or scanned and sent via e-mail without express Court permission. Affidavits of service and proposed orders on cases which are not e-filed must be submitted in hard copy form.

In-Person Appearances Required for Discovery Motions

The parties must appear IN PERSON for all discovery related motions. If the parties fail to appear, the motion will be marked off or defaulted.

Non-Discovery Related Motions

All substantive motions (non-discovery related) will be decided on submission only, unless the parties request a conference, or the court finds an oral argument necessary. Conferences and oral arguments will be IN PERSON on the motion return date, unless otherwise directed by the Court.

Administrative Rescheduling of Motions

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.

New Motion after Court Marks Original Motion Off the Calendar or Dismisses Without Prejudice

In any case where a motion is **MARKED OFF** or **DISMISSED WITHOUT PREJUDICE**, 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.

Withdrawal of Motion/Application and Settlement, Discontinuance, or other Disposition of Case

The parties shall notify the Court **immediately** upon withdrawing any pending motion or application, or when a matter is settled, discontinued or otherwise disposed. Stipulations of settlement or discontinuance shall immediately be e-mailed to QSCPart30@nycourts.gov and e-filed. Please include the motion return date and sequence number in the e-mail.

Sur-Reply Papers/Reply Papers to Orders to Show Cause

The New York State Civil Practice Law and Rules (CPLR) does not provide for **sur-reply papers**; accordingly, no such papers are permitted without the express permission of the Court. Likewise, as set forth in N.Y. Comp. Codes R. & Regs. (NYCRR) Tit. 22 §202.8-d, **reply papers to an Order to Show Cause** shall be accepted only with advance permission of the Court.

Motions to Renew and/or Reargue

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.

Discovery Motions

On any discovery-related motion or application, attorneys are encouraged to conference the issues among themselves with the goal of resolving the matter by stipulation.

All stipulations must indicate that the motion, and any cross-motions, is/are being *withdrawn* pursuant to the stipulation, and must be signed by the attorneys. All stipulations must be e-filed. Requests for stipulations to be so-ordered shall be sent to the Part at QSCPart30@nycourts.gov. Said stipulations shall be e-filed prior to submission to the Part. Any items of discovery not specifically identified as outstanding at the time of the stipulation resolving the motion are deemed waived.

Pursuant to NYCRR §202.20-f(b), “[a]bsent exigent circumstances, prior to contacting the court regarding a disclosure dispute, counsel must first consult with one another in good faith effort to resolve all disputes about disclosure. Such consultation must take place by an in-person or telephonic conference. In the event that a discovery dispute cannot be resolved other than through motion practice, **each such discovery motion shall be supported by an affidavit or affirmation from counsel attesting to counsel having conducted an in-person or telephonic conference, setting forth the date and time of such conference, persons participating, and the length of time of the conference.** The unreasonable failure or refusal of counsel to participate in a conference requested by another party may relieve the requesting party of the obligation to comply with this paragraph and may be addressed by the imposition of sanctions pursuant to Part 130...[T]he moving party...shall, in an affidavit or affirmation, detail the efforts made by the moving party to obtain such a conference and set forth the responses received.” Failure to include the required supporting affidavit regarding conferencing or efforts to conference to resolve the disclosure dispute prior to making a motion shall result in the discovery motion being marked off.

Settlement Conferences/Discovery Conferences

Requests for a virtual settlement or discovery conference can be e-mailed to QSCPart30@nycourts.gov. All parties must consent to the conference prior to e-mailing the Court. Unless the Court advises otherwise, all conferences will take place via Microsoft TEAMS. The Court will send a link to the parties for the virtual conference.

Certification/Compliance Conferences

All certification and compliance cases for City of New York Part cases will be conducted by Part 17 (Hon. Joseph J. Esposito).

Appearances and Adjournments

A notice of appearance shall be e-filed prior to the scheduled appearance.

At least one (1) day prior to the scheduled motion or proceeding date, Counsel/parties must notify any and all other counsel/parties of any intention to seek an adjournment, and if possible, obtain consent of all parties.

Adjournments may be sought by e-mail to QSCPart30@nycourts.gov at least one (1) day prior to the scheduled motion or proceeding, stating the reason for seeking the adjournment, and if not on consent, the efforts made to seek such consent from the other parties. All stipulations of adjournment shall also be sent to the above e-mail address. **All adjournments are subject to the final approval by the Judge in advance of a court date.** Requests for an adjournment beyond ONE will be granted sparingly, in the Court's discretion.

All adjournments on the grounds of engagement of counsel shall be granted only upon submission of an Affirmation of Actual Engagement with specific details. Such affirmation must e-mailed to QSCPart30@nycourts.gov at least one (1) day prior to the Court appearance, and e-filed.

Briefing Schedules

When the Court gives a briefing schedule upon an adjournment, such schedule shall be conveyed verbally or in writing to the attorneys. Failure to comply or serve responsive papers in accordance with the briefing schedule shall result in the rejection of those papers on the adjournment date.

Communication with the Court

Parties represented by counsel must communicate with the chambers staff through their counsel only. There shall be no ex parte communication with the Court.

For all court appearances, notification for Court Interpreter Services shall be made to the court as soon as practicable.

Order To Show Cause and Emergency/ Injunctive Relief

All emergency applications must be accompanied by a separate "Emergency Affidavit" which does not pray for the underlying relief requested but rather addresses: i) why the application must be entertained forthwith; and ii) why the application could not have been brought to the court's attention earlier.

Oral arguments must be requested by the parties, the court shall decide whether to conference the case prior to the oral argument.

Requests to So-Order Stipulations

Requests to so-order stipulations should be e-mailed, with a PDF format of the stipulation signed by the necessary parties attached, to QSCPart30@nycourts.gov. The stipulation must not contain typewritten "signatures," but must contain a copy of actual or electronic signatures. The stipulation must be e-filed prior to being e-mailed.

Status of Decisions

Copies of motion or application decisions or orders WILL NOT be sent to counsel unless deemed necessary by the Part. Decisions or orders can be retrieved online or at the County Clerk's office located in the Jamaica courthouse, Room 106. Calls regarding the status of a motion or application decision are properly made to the Part Clerk, at (718) 298-1042. Further inquiries should be directed to the Motion Support Office at (718) 298-1009 or, if an ex parte matter, to Ex Parte Support Office at (718) 298-1018.

Uncontested Matrimonial Matters

The court will expeditiously review and determine all uncontested matrimonial application it receives. If the uncontested matrimonial application is incomplete or needs corrections, the Court will notify the parties by mail. The parties will be given 45 days to correct the deficiencies and resubmit by mail to: Chambers of Justice Buggs, New York State Supreme Court, 88-11 Sutphin Blvd., Jamaica, NY 11435. Failure to timely do so will result in dismissal of the action without prejudice.

Any questions about uncontested matrimonial applications assigned to Justice Buggs should be submitted to QSCPart30@nycourts.gov.

Alternative Dispute Resolution (ADR)

If at any point, the parties decide to utilize ADR to resolve their matter, they should write a joint letter to the Part advising of the same. In that letter, they should state whether they prefer discovery to be stayed or continued during the mediation process.

If the parties would like to be referred to the New York State Unified Court System's ADR Program, they should jointly advise the court in their letter, asking to be referred to ADR. Please note that the Court may also order parties to the ADR program without the parties' request or consent.

For more information regarding the court system's ADR program, please visit: <https://ww2.nycourts.gov/courts/11jd/supreme/civilterm/adr/index.shtml>.

Trials

Prior to the commencement of trial, all counsel must submit to the court marked pleadings, a copy of the Bill of Particulars, a witness list, proposed jury instructions, and a proposed verdict sheet. Additionally, upon assignment to Part 30 for trial, the court must be advised of any intent to make a motion in limine.

Rules and procedures for Summary Jury Trials can be found here: https://www.nycourts.gov/LegacyPDFS/courts/11jd/supreme/civilterm/partrules/sjt_rules_packet.pdf.