

## ***Civil Term - IAS Part 31, Courtroom 208,***

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Justice Frederick D. R. Sampson  
25-10 Court Square  
Long Island City, NY 11101

Chambers Phone: (718) 298-1671  
Courtroom Phone: (718) 298-1666  
Facsimile: (212) 720-9465

Law Secretary: Ms. Margaret Carucci, Esq.  
Legal Secretary: Ms. T. Best  
Part Clerk: Mr. J. Rutherford

### **Motions**

All motions shall be made returnable and heard on Thursdays at **9:30 a.m.** at the Long Island City Courthouse located at 25-10 Court Square, Long Island City, NY, 11101 in Courtroom 208.

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

There will be a second calendar call at 10:30.

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.

The parties shall notify the court immediately 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 facsimile to chambers and filed with the court.

### **Appearances**

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

Appearances are mandatory for ALL motions and applications.

All motions and applications will be conferenced

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 All stipulations must indicate that the motion, and any crossmotion, is/are being withdrawn pursuant to the stipulation and must be signed by the attorneys appearing at the calendar call.

Any items of discovery not specifically identified as outstanding at the time of the stipulation resolving the motion are deemed waived.

## Paper Submissions

All responsive papers must be submitted in person by counsel on the return date of the motion or application. The Part does not accept any responsive papers by mail or by fax.

Papers shall not be accepted prior to the call of the calendar with one exception only: stipulations withdrawing motions or applications. Such stipulations may be submitted on the morning of the return date in person or by service.

No Sur-Reply papers (without express permission of the court).

No additional papers shall be accepted after a motion is marked “fully submitted”.

All exhibits **MUST** have tabs. All non conforming papers will be rejected.

Cross- motions shall **NOT** be considered as opposition to main motions. Papers proffered in opposition to the main motion shall be contained in a standalone document and not subsumed in a cross-motion. Likewise, papers proffered in opposition to a cross-motion shall be a standalone document and not subsumed in a Reply. Failure to comply with the requirements of this section may result in the rejection of the offending motion.

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.

On any application subject to **E-FILE**:

**A working copy must be submitted at the call of the calendar.** Failure to present the required working copy at the calendar call will result in the matter being denied. Each working copy must include, firmly affixed to the back of the motion papers, a copy of the confirmation notice received from the NYSCEF site upon the electronic filing of such documents. A party that has opted out of participation in e-file will file documents in hard copy which will include, on a separate page firmly affixed thereto, the “NOTICE OF HARD COPY SUBMISSION– E-FILED CASE” form, which can be found on the NYSCEF site at <https://iapps.courts.state.ny.us>

All motion papers, including working copies, shall be securely fastened and shall have protruding exhibit tabs. Non-conforming papers may be rejected by the Court.

## Adjournments

Adjournments on consent will be allowed upon written stipulation subject to Court’s approval. All stipulations must contain the signature of all attorneys consenting to the adjournment. Stipulations requesting a consent adjournment or withdrawing an application may be submitted during the call of the calendar **ONLY** and **NOT** by mail, fax or telephone call.

## 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 on-line or at the County Clerk’s office located in the Jamaica courthouse, Room 106.

Calls regarding the status of a motion or application decision will be entertained only for decisions that have been pending for more than 60 days. In that case, the request **MUST** be in writing, contain the name of the matter, index number and date the motion was marked submitted.

Further inquiries should be directed to the Motion Support Office at 718-298-1009 or Ex-Parte Support Office 718-298-1018.

## Preliminary Conference

Preliminary Conferences will be held every Monday at 9:30 a.m. in the P.C. Part, located at 88-11 Sutphin Blvd., Jamaica, N.Y., room 3002, unless parties are otherwise notified by the Court. Counsel attending the conference must be fully familiar with and authorized to settle, stipulate or dispose of the proceedings. There shall be no more than one consent adjournment by written stipulation, signed by all parties, and presented to the referee on the date of the scheduled Preliminary conference. Such adjournment shall be for a period of no more than 14 days, unless approved by the referee. Any further adjournments shall be by application to the referee, in person, upon notice to all other parties. A Preliminary Conference Order will issue setting forth the issues resolved, issues to be determined at trial, a timetable for completion of disclosure proceedings, the Compliance Conference date, and the date for filing the Note of Issue. No adjournments of any dates of scheduled discovery will be permitted without leave of court. Be further advised that no ex-parte application for adjournments will be entertained. Counsel for all parties must appear at all scheduled Preliminary Conferences and, whether present or not, will be bound by all orders of the court issued in connection therewith. Failure to comply with the foregoing may result in discovery ordered ex parte, dismissal, inquest or other sanctions. Further, the order shall contain dates certain for which discovery shall be conducted. Any Preliminary Conference Orders for which dates are left empty or marked "to be determined" shall be rejected, and not signed by this Court. Any inquiries pertaining to Preliminary Conferences shall be made to the Preliminary Conference Part at (718)-298-1046.

## Compliance Conference

Compliance conference shall be held on the date scheduled in the Preliminary Conference Order. Conferences shall be held before Justice Esposito in Room 313 of the Courthouse located at 88-11 Sutphin Blvd., Jamaica, N.Y. Any inquiries pertaining to Compliance Conferences shall be made to the Compliance Conference Part at (718)-298-1093. Motion Procedure (for motions made in unassigned cases):

1. Moving papers are to be filed in the Clerk's Office pursuant to Uniform Rule 202.8(b) and the instructions under the listings for this court in the Law Journal. Such papers shall be filed in the IAS Motion Support Office at 88-11 Sutphin Blvd, Jamaica, N.Y., at least seven (7) business days prior to the scheduled return date in order to be placed on the Part motion calendar for the day noticed. Answering papers will be accepted only on the return date in the Part. Service requirements under CPLR 2214 and 2215 will be strictly enforced.
2. No motion relating to disclosure or a bill of particulars will be accepted by the Clerk's Office without an affirmation of good faith as required by Uniform Rule 202.7.
3. All initial motions filed in the Clerk's Office will be heard for all purposes in the Part on the rescheduled date indicated in the Law Journal publication of the IAS assignment.
4. The motion appearance requirements in the Part are specified in the Motion Practice section below.

## Trials

All counsel must submit to the Court, prior to the commencement of trial, a Trial Book containing, inter alia, marked pleadings, a copy of the bill of particulars, a witness list, an exhibit sheet, a

proposed verdict sheet and proposed jury instructions written in the narrative and verbatim as counsel would have the Court to charge. If the proposed jury instructions are verbatim from the Pattern Jury Instructions ("PJI"), only PJI numbers are necessary. If a PJI is being modified, the exact language must be submitted together with the appropriate authority therefor. In the case of a bench trial, all counsel must submit a witness list, proposed findings of fact and a memorandum of law. The trial will be conducted on a continual basis until conclusion. No adjournments will be permitted unless exigent circumstances exist. The parties must notify the court of all legal issues and shall furnish the court with copies of the cases and authority relied upon, highlighting in yellow the appropriate portion supporting their positions. The parties must be present for settlement or discontinuance of any case on trial, whereupon there shall be a complete Allocution of the plaintiff.

## Settlements and Discontinuances

If an action is settled, discontinued or otherwise disposed of, counsel shall immediately comply with section 202.28 of the Court Rules, as amended.