

# **Justice Frederick D. R. Sampson**

Queens Supreme Court, Civil Term, IAS Part 31

88-11 Sutphin Boulevard, N.Y. 11435

Courtroom

Courtroom: (718) 298-1666

Chambers: (718) 298-1671

Facsimile: (212) 720 -9465

Law Secretary: Ms. M. Carucci

Part Clerk: Mr. J. Rutherford

Legal Secretary: Ms. T. Best

## **GENERAL RULES**

1. All questions regarding motions, adjournments, calendar calls, and scheduling should be made via email at [QSCPart31@nycourts.gov](mailto:QSCPart31@nycourts.gov) and NOT to chambers.
2. Please notify the Court, especially while a motion is pending before Justice Sampson, if the action has been settled, discontinued, and/or the motion has been resolved please inform the Court via email at [QSCPart31@nycourts.gov](mailto:QSCPart31@nycourts.gov), with a cc to ALL parties.
3. Part 31 is entirely an e-filing part. Justice Sampson does not accept working copies of motion/documents. DO NOT MAIL IN ANY COURTESY COPY OF PAPERS as they will be discarded.
4. For the most up-to-date information concerning the handling of matters before the 11<sup>th</sup> Judicial District Civil Term (Queens Supreme Court), please refer to: <http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/index.shtml>.

## **COMMUNICATIONS WITH PART 31 AND CHAMBERS**

1. Counsel and litigants (represented or self-represented) are advised that Justice Sampson, his Law Clerk, Law Secretary, and Part Clerk may not engage in any ex parte communications.
2. Absolutely no telephone inquiries concerning motions or applications may be made to chambers, such inquiries or concerns shall be addressed to the Part Clerk at (718) 298-1666 or via email at [QSCPart31@nycourts.gov](mailto:QSCPart31@nycourts.gov).

3. Do not send any letter, documents, papers, mail, or facsimile unless expressly permitted by these Practice Rules or by prior approval of the Court to the part or chambers.
4. **Any and all communications with chambers shall include all parties.**

## **ELECTRONIC FILING**

1. All cases in Part 37 are required to be electronically filed through the New York State Courts E-Filing (NYSCEF) system. Attorneys are expected to familiarize themselves with NYSCEF procedures at <http://iapps.courts.state.ny.us/nyscef/Login>. For more information on e-filing rules, parties may also visit: [Queens Supreme Court E-filing web page](#)
2. "eTrack" is a case tracking service that enables parties to track active Civil Supreme Court cases and to receive notice of scheduled appearances. Parties and/or their counsel must be registered for the eTrack service for all Part 31 cases. To register or log-in, please visit: <http://iapps.courts.state.ny.us/webcivil/etrackLogin>.
3. Please do not sent courtesy copies of any documents that were e-filed, with the following exceptions:
  - a. Documents requiring Justice Sampson's signature, including proposed orders and stipulations, must be e-filed with NYSCEF and sent via email to [QSCPart31@nycourts.gov](mailto:QSCPart31@nycourts.gov).

## **ORDERS TO SHOW CAUSE and EMERGENCY/ESSENTIAL APPLICATIONS**

1. 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.

2. Filing parties are advised to consult uniform rules for the New York State Trial Courts 202.7(f) concerning notification.
3. For up-to-date information regarding Orders to Show Cause and Ex-parte Orders visit <http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/exparte.shtml>.

## **MOTION CALENDAR**

1. All motions shall be made returnable and heard on Wednesday at 9:30am starting May 5<sup>th</sup>, 2021. The motion calendar will be on submission only. Appearance is not required, nor are working copies required.
2. The movant and/or cross-movant will be required to submit a **Motion Submission form** [Microsoft Word - Mot Submission with title complete \(nycourts.gov\)](#) by email to [QSCPart31@nycourts.gov](mailto:QSCPart31@nycourts.gov) **no later than two (2) business days [forty-eight (48) business hours] prior to the calendared date and time.**
3. Any requests or an adjournment, see adjournment section below.
4. Stipulations regarding pending motions must be e-filed and emailed to the part at [QSCPart31@nycourts.gov](mailto:QSCPart31@nycourts.gov) least two(2) business days [forty-eight (48) business hours] prior to the calendared date and time.
5. The Court, upon its discretion, shall schedule oral arguments after submission of the motions. Any requests for oral argument must be indicated on the Motion Submission Form and will be held virtually via Microsoft TEAMS.
6. All motion papers submitted to the Court shall be in compliance with 22 NYCRR §202.5. In addition to the requirements of 22 NYCRR §202.5, all pages and paragraphs are to be numbered. **FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION MAY RESULT IN THE REJECTION OF THE NONCOMPLIANT SUBMISSION.**
7. The Court will not consider papers e-filed or sent to chambers, or to the Part, after submission of the motion or cross motion(s) without prior consent of the Court.
8. No Sur-Reply papers (without express permission of the court). No additional papers shall be accepted after a motion is marked "fully submitted".

Cross- motions shall **NOT** be considered as opposition to main motions. Papers proffered in opposition to the main motion shall be contained in a stand alone 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 papers.

9. All papers submitted via NYSCEF must be properly labeled so as to give the Court notice as to what's being submitted, ie. opposition, reply, cross-motion etc. Furthermore, all exhibits accompanying motions and cross-motions must be labeled and identified so as to give the Court notice as to what is submitted in support.

## **ADJOURNMENTS OF MOTIONS**

1. Motions may be adjourned on consent provided a written stipulation of all parties is submitted to the Part Clerk no later than two (2) business days [forty-eight (48) business hours] prior to the calendar date and time via email at [QSCPart31@nycourts.gov](mailto:QSCPart31@nycourts.gov). All stipulations must be fully executed by all parties consenting to the adjournment date.
2. Applications for adjournments made less than two (2) business days prior to the scheduled date will be denied, except for a reason pursuant to Rules of Chief Administrative Judge Rule 125.1, medical emergency, other exigent circumstance or unavailability of the Court. All adjournments are subject to final approval by the Judge in advance of a scheduled Court appearance as per this Part's Rules. Counsel or parties are required to confirm all adjournment requests prior to the scheduled court date via email to [QSCPart31@nycourts.gov](mailto:QSCPart31@nycourts.gov).
3. Absent extenuating circumstances, consent adjournments shall be limited to one (2). Thereafter, the parties **MUST** contact chambers via email at [QSCPart31@nycourts.gov](mailto:QSCPart31@nycourts.gov) is seeking any further adjournments.

## **CONFERENCES AND DISCOVERY DISPUTES**

1. At this time all conferences will be conducted virtually via Microsoft TEAMS.
2. Prior to the virtual conference all the parties must properly complete the TEAMS Scheduling Form and return it via email at [QSCPart31@nycourts.gov](mailto:QSCPart31@nycourts.gov).
3. If the parties are exploring settlement of the case and would like a settlement

conference for the sole purpose of exploring resolution of the case, the parties may send an email to [QSCPart31@nycourts.gov](mailto:QSCPart31@nycourts.gov) with a cc to ALL to request a virtual settlement conference.

## **PRELIMINARY and COMPLIANCE CONFERENCES**

Until further notice, PC Orders are being automatically issued without the necessity of an appearance; however, please refer to specific rules of the PC Part, which can be found here: [Preliminary Conference Part](#)

Compliance conferences shall be held on the date scheduled in the Preliminary Conference Stipulation and Order. Conferences shall be held before either Justice Mojgan Lancman or Justice Tracy Catapano-Fox. Note that there are no in-person appearances at this time. Please refer to the specific rules of the Compliance Part, which can be found here: [Compliance Conference Part Memo](#)

## **VIRTUAL CONFERENCES - GENERAL PROTOCOL**

1. All lawyers and litigants should identify themselves at the beginning of each appearance.
2. All microphones should be muted when not in use.
3. Courtroom rules apply - speak one at a time do not interrupt other speakers, including the Judge.
4. Recording the proceeding by anyone other than the Judge, Court Reporter or other Court personnel, is PROHIBITED.
5. Judges and attorneys should make every effort to appear via video, with cameras engaged. Telephone appearances should be limited to litigants who are unable to appear via video.
6. Maintain the decorum of an in-person courtroom. Lawyers and litigants should appear from an office or quiet space. Background noise is detrimental to the conditions necessary to ensure an accurate transcript and diminishes the decorum of the proceeding.

7. If a individual is unable to appear via video, that individual should contact the part email [QSCPart31@nycourts.gov](mailto:QSCPart31@nycourts.gov).

## **TRIAL**

1. All counsel must submit to the Court, prior to the commencement of trial, marked pleadings, copies of the bill of particulars, a witness list, an exhibit list, proposed jury instructions and a proposed verdict sheet via email at [QSCPart31@nycourts.gov](mailto:QSCPart31@nycourts.gov).
2. The trial will be conducted on a continuous daily basis until its conclusion. Tort actions are generally bifurcated. The Court expects that any trial on damages will follow immediately after a verdict in favor of liability.
3. No adjournments or delays during trial will be accepted absent exigent circumstances.

## **VIRTUAL BENCH TRIALS**

For Virtual Bench Trial Protocaols and Procedures please click this link:

[Virtual Bench Trial Protocols and Procedures Manuel](#) .

## **SUMMARY BENCH TRIALS and SUMMARY JURY TRIALS**

For more information on Summary Bench Trials please click this link: [Summary Bench Trials - 11 JD Queens Civil Supreme | NYCOURTS.GOV](#) .

For more information on Summary Jury Trials, please click this link:

[Summary Jury Trial - 11JD Queens Supreme Civil | NYCOURTS.GOV](#)

## **SETTLEMENTS AND DISCONTINUANCES**

If an action is settled, discontinued or otherwise disposed of parties should immediately inform the Court by submission of a copy of the Stipulation or an affirmation directed to chambers via email to [QSCPart31@nycourts.gov](mailto:QSCPart31@nycourts.gov). All Stipulations of Discontinuances must be accompanied by proof of filing with the County Clerk and payment of the

appropriate fee [CPLR §8020(d)(1)].

## **INFANT COMPROMISE ORDERS**

Applications for Infant Compromise Orders shall be made pursuant to CPLR §1207(a) and shall be supported by the documentation required under CPLR §1208 and 22 NYCRR §202.67. Applications submitted without the appropriate documentation will be denied. Infant Compromise hearings will be scheduled by the Court and the parties will be notified of the hearing date by email.

[ICO CheckList2.PDF](#)

## **ALTERNATIVE DISPUTE RESOLUTION**

1. If, at any point, the parties decide that they would benefit from the ADR program, they should write a joint letter to the Court asking to be referred to ADR. In that letter, they should state whether they prefer discovery to be stayed or continued during the mediation process.
2. The Court may also order parties to the ADR program without the parties's request or consent.
3. For more information regarding the ADR program, please contact the ADR Coordinator, Linda Dardis, Esq. at [gscadr@nycourts.gov](mailto:gscadr@nycourts.gov), or visit <http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/adr/index.shtml>