

PART 32 – RULES, PRACTICES, AND PROCEDURES
JUSTICE LUMARIE MALDONADO-CRUZ
Supreme Court of the State of New York, Civil Term
Part 32 & Nuisance Abatement Part (NAB) - Courtroom 233
25-10 Court Square, Long Island City, NY 11101

Presiding Justice: Hon. Lumarie Maldonado-Cruz
Principal Law Clerk: Christina Borges, Esq.
Assistant Law Clerk: Itzel Figueroa
Part Clerk: Sara Seaton

Chambers: (718) 298-1670
Part 32 Clerk/Courtroom: (718) 298-1747
Part 32 Email: QSCPART32@nycourts.gov
Nuisance and Abatement
Part Email: QSCNAB@nycourts.gov

IAS Motion Support Office: (718) 298-1009
Ex Parte Support Office: (718) 298-1018
Trial Scheduling Part: (718) 298-1048

Part 32 and NAB Rules are effective as of February 15, 2024, and supersede all previous rules.

GENERAL

1. All parties appearing before Judge Maldonado-Cruz shall appear in proper business attire. No hats, no jeans. Blazers must be worn at all times. All cellphones must be turned off.
2. All questions regarding motions, adjournments, calendar calls, and scheduling should be made to the Part email at QSCPART32@nycourts.gov for Part 32 matters or QSCNAB@nycourts.gov for Nuisance and Abatement matters and NOT to chambers.
3. Please notify the Court, especially while a motion is pending before Justice Maldonado-Cruz, if the action has been settled, discontinued, and/or the motion has been resolved via email at QSCPART32@nycourts.gov for Part 32 matters or

QSCNAB@nycourts.gov for Nuisance and Abatement matters and copy (cc) to ALL parties to the action.

4. The parties are required to familiarize themselves with the new Uniform Civil Rules for the Supreme Court. Please refer to this link [Uniform Civil Rules](#).
5. Part 32 and NAB are entirely electronic parts. Justice Maldonado-Cruz does not accept working copies of motions/documents. DO NOT MAIL IN ANY COURTESY COPY OF PAPERS as they will be discarded.
6. For the most up-to-date information concerning the handling of matters before the 11th Judicial District Civil Term (Queens Supreme Court), please refer to: <http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/index.shtml>.
7. Part 32 does not schedule or conduct Preliminary or Compliance Conferences. All questions regarding Preliminary Conferences and/or Compliance Conferences should be made to the respective part, NOT Part 32. See page 6 for more information.

COMMUNICATIONS WITH PART 32 & NAB AND CHAMBERS

1. Counsel and litigants (represented or self-represented) are advised that Justice Maldonado-Cruz, her Principal Law Clerk, Assistant Law Clerk, 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) 298-1747 OR VIA EMAIL AT QSCPART32@NYCOURTS.GOV FOR PART 32 MATTERS OR QSCNAB@NYCOURTS.GOV FOR NUISANCE AND ABATEMENT MATTERS.
3. DO NOT SEND ANY LETTERS, 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 must include all parties.**

ELECTRONIC FILING

1. All cases in Part 32 and NAB 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. For more information on e-filing rules, parties may also visit: [Queens Supreme Court E-filing web page](#) .

2. To convert a non-e-filed case to e-filing:
 - a. With Consent of all parties - the parties can execute the Stipulation and Consent to E-Filing form which can be obtained at this link: Stipulation and Consent to E-filing Form and send it to efile@nycourts.gov.
 - b. Without Consent of all parties - If a party is unable to obtain consent from all the parties, the party requesting conversion can submit an application not the Court - 3 Form 28 which can be found by clicking this link: Letter Application to Convert Pending Action to E-Filing.

The requesting party must serve all parties to the action with Form 28. Then email a copy of the Form and proof of service to efile@nycourts.gov. Once submitted the Queens County Clerk will send the application to Justice Maldonado-Cruz's Chambers to approve or deny.

Note: "eTrack" is a case tracking service that enables parties to track active Civil Supreme Court cases and to receive notice of scheduled appearances and/or "control dates". Parties and/or their counsel must be registered for the eTrack service for all Part 32 cases. To register or log-in, please visit: <http://iapps.courts.state.ny.us/webcivil/etrackLogin> .

1. Please do not send courtesy copies of any documents that were e-filed, with the following exceptions:
 - a. Documents requiring Justice Maldonado-Cruz's signature, including proposed orders and stipulations, must be e-filed with NYSCEF and sent via email to QSCPART32@nycourts.gov for Part 32 matters or QSCNAB@nycourts.gov for Nuisance and Abatement matters, as a Word document.

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.

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.

All counsel desiring the checklist for documents and information that must be submitted should get the checklist and the link for the PDF is contained herein: [ICO CheckList2.PDF](#)

MOTION CALENDAR CONFERENCES

1. Prior to resorting to motion practice, parties are strongly encouraged to schedule a conference with the Court to resolve any ongoing non-dispositive or ancillary disputes. Counsel MUST be fully familiar with the matter in dispute and must have authority to bind their clients at the conference.
2. This rule does not apply to applications for counsel to be relieved, or to dispositive motions, such as summary judgment motions.

PART 32 MOTION CALENDAR

1. **All motions shall be made returnable and heard before the Hon. Lumarie Maldonado-Cruz, Part 32 on Wednesdays at 10:00 a.m. IN-PERSON appearances are required for all calendar dates,** working copies are not required. Part 32 is no longer accepting motion submission forms.

FAILURE TO NOTICE A MOTION IN COMPLIANCE WITH THE DESIGNATED JUDGE, DAY, TIME, PART, AND LOCATION AS INDICATED ABOVE MAY RESULT IN THE MOTION BEING “MARKED OFF,” without prejudice.

2. All motions, ie Affirmations and Memorandums of Law, shall not be longer than fifteen (15) pages each.
3. Any request for adjournments, see adjournment section below.

4. Summary judgment motions shall be filed **NO LATER THAN 120 DAYS** after filing the Note of Issue unless otherwise directed by the Court.
5. Stipulations regarding pending motions must be e-filed and emailed to QSCPART32@nycourts.gov Part 32 matters at least two (2) business days [forty-eight (48) hours] prior to the calendared date and time.
6. The Court, **upon its discretion**, shall schedule oral arguments after submission of the motions.
7. 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.**
8. The Court **will not consider** papers e-filed or sent to chambers, or to the Part, **after the motion or cross motion(s) has been marked “fully submitted,”** without prior consent of the Court.

NAB CALENDAR

1. **All submissions shall be made returnable and heard before the Hon. Lumarie Maldonado-Cruz, Part NAB on Mondays at 10:30 a.m. IN-PERSON appearances are required for all calendar dates.**
2. Any request for adjournments, see adjournment section below.
3. Stipulations regarding pending motions must be e-filed and emailed to QSCNAB@nycourts.gov for Nuisance and Abatement matters at least two (2) business days [forty-eight (48) hours] prior to the calendared date and time.
4. The Court, **upon its discretion**, shall schedule oral arguments after submission of filings.
5. 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.**

6. The Court **will not consider** papers e-filed or sent to chambers, or to the Part, **after the motion or cross motion(s) has been marked “fully submitted,”** without prior consent of the Court.

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) hours] prior to the calendar date and time via email at QSCPART32@nycourts.gov. All stipulations must be fully executed by all parties consenting to the adjournment date and must be uploaded to NYSCEF.
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 QSCPART32@nycourts.gov.
3. All adjournments are subject to final approval by Justice Maldonado-Cruz in advance of a scheduled Court appearance as per the Part Rules. Counsel or parties are required to confirm all adjournment requests prior to the scheduled court date via email QSCPART32@nycourts.gov.

STATUS OF DECISIONS

1. Decisions or Orders can be retrieved online or at the Queens County Clerk’s Office located in the Jamaica courthouse, Room 106. Further inquiries should be directed to the Foreclosure Support Office at (718)298-1092, the Motion Support Office at (718)298-1009, or Ex-Parte Support Office at (718)298-1018.
2. **PARTIES CANNOT, UNDER ANY CIRCUMSTANCES, CALL CHAMBERS FOR AN UPDATE.**

CONFERENCES AND DISCOVERY DISPUTES

1. Conferences are held at the discretion of the Court.

2. Prior to bringing a Discovery-related motion, all parties must seek leave from the assigned Compliance Conference Judge. For more information, see [comp conf notice.pdf \(nycourts.gov\)](#)
3. Discovery motions will not be accepted by this part unless a Compliance Conference has been conducted and with proof thereof. Any motions made without an Affirmation from the movant that a conference with the Court was held shall result in denial of the motion.
4. A Note of Issue shall not be filed until the Court directs or the parties certify, via stipulation and/or Certification Order, that all discovery is complete.
5. Third-party actions shall be commenced promptly upon discovery of the identity of the third-party defendant(s), but not more than **30 days after the completion of depositions**, unless for good cause shown.

PRELIMINARY and COMPLIANCE CONFERENCES

Please click on the following links: [Preliminary Conference Part](#) and [comp conf notice.pdf \(nycourts.gov\)](#) for information regarding the Preliminary Conference Part and Compliance Conference Part.

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 and 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. All appearing parties should make every effort to appear via video, with cameras engaged. Telephonic 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 an individual is unable to appear via video, that individual should contact the part email QSCPART32@nycourts.gov or call the Part at (718) 298-1747.

TRIALS

1. Upon assignment to Part 32, all parties appearing for trial must be familiar with the case, ready, and authorized to participate in settlement discussions and/or proceed to trial.
2. Prior to the commencement of trial, the parties shall provide the court with **properly marked hard copies** of Pleadings, Bill of Particulars, Witness list [including their availability], Exhibit list, Deposition Transcripts, proposed jury instructions in compliance with the 2022 Pattern Jury Instructions (PJI), and a proposed verdict sheet.

Parties should also provide courtesy copies of the aforementioned via email at QSCPART32@nycourts.gov.

3. Motions *in limine* - On the first appearance in the Part for trial, any party intending to make a motion *in limine* shall submit a brief written affirmation setting forth the nature of the application and any supporting statutory or case law. The party shall furnish the court with an original and one copy and provide to all parties with a copy.
4. 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.
5. No adjournments or delays during trial will be accepted absent exigent circumstances.

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](#)

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 without the parties' request or consent.
3. For more information regarding the ADR, please contact the ADR Coordinator, Linda Dardis, Esq. at qscadr@nycourts.gov, or visit <http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/adr/index.shtml>

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 a letter directed to the Clerk of the Part and sending it via email to QSCPART32@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)].

All Stipulations of Settlement are to be on the record with all parties present.

Foreclosures: Any party wishing to schedule a conference for a foreclosure matter shall submit a letter to the Court via email at QSCPART32@nycourts.gov. Such request shall be forwarded to the Foreclosure Settlement Conference Part where foreclosure conferences are being conducted by Court Attorney-Referees.

Uncontested Matrimonials:

1. If corrections are requested on e-filed cases, please email Chambers at QSCPART32@nycourts.gov to advise that the documents have been uploaded to NYSCEF.
2. For hard copy cases, all corrections must be sent to Chambers by regular mail only. Do NOT mail papers to the Matrimonial Clerk's Office.
3. Parties will be allowed thirty (30) days to submit corrections. The failure to timely submit corrections may result in dismissal of the action.

Updated Part 32 and NAB Rules as of February 15, 2024