

Part 35 – RULES, PRACTICES, AND PROCEDURES

JUSTICE TIMOTHY J. DUFFICY
Supreme Court of the State of New York
Part 35, Courtroom 43
Queens County – Civil Term
88-11 Sutphin Boulevard, Jamaica, New York 11435

Presiding Justice: Hon. Timothy J. Dufficy
Principal Law Clerk: John J. Darcy, Esq.
Assistant Law Clerk: Matthew J. Ryan, Esq.
Part Clerk: Daisy Melendez

Chambers: 718-298-1785
Part Clerk/Courtroom: 718-298-1116
Part 35 E-mail: QSCPart35@nycourts.gov

IAS Motion Support Office: 718-298-1009
Ex-Parte Support Office: 718-298-1018
Trial Scheduling Part: 718-298-1048
DCM Clerks Office: 718-298-1140
Court Help Center 718-298-1024
Court Help Center E-mail: CourtHelpQueens@nycourts.gov

Part 35 Rules effective as of September 18, 2023 and supersede all previous rules.

GENERAL

IMPORTANT – Individual Court Parts DO NOT receive email notifications when papers are uploaded to NYSCEF. Papers that require Court action, such as Subpoenas, a Stipulation of Discontinuance, or a request to “so-order” a stipulation, should be emailed to chambers at QSCPart35@nycourts.gov in addition to being uploaded to NYSCEF.

NOTE: Justice Dufficy does not “so-order” stipulations to: amend pleadings; to change venue; or to consolidate cases. Parties seeking such relief should move by Notice of Motion.

1. All questions regarding motions, orders to show cause, adjournments, calendar calls, and scheduling should be made via email at QSCPart35@nycourts.gov and **NOT** to chambers.

2. **Motion Submission Forms are no longer required by Part 35.**
3. Please notify the Court IMMEDIATELY, especially while a motion is pending, if the action or petition has been settled, discontinued, and/or the motion has been resolved, via email at QSCPart35@nycourts.gov, and COPY ALL parties to the action.
4. The parties are required to familiarize themselves with the new Uniform Civil Rules for the Supreme Court, Queens County. Please refer to this link: [Uniform Civil Rules](#)
5. For the most up-to-date information concerning the handling of matters before the 11th Judicial District Civil Term (Queens Supreme Court), please click this link: [11th JD Queens Supreme Civil Term](#)
6. Part 35 does not schedule or conduct Preliminary, Compliance or Non-Compliance Conferences. All questions regarding these Conferences should be made to the respective part, NOT Part 35. See page 5 for more information.

COMMUNICATIONS WITH PART 35 AND CHAMBERS

1. Counsel and Litigants (represented or self-represented) are advised that Justice Dufficy, his 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 718-298-1116 or via email at QSCPart35@nycourts.gov
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 35 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 visit the following link: [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, not the Court, can submit an application in the form of an Ex Parte order via an EF-28 Form, which can be found by clicking this link: [Letter Application to Convert Pending Action to E-Filing](#).

The requesting party must: (1) serve all parties to the action with the completed EF 28 Form; and (2) email a copy of the completed EF 28 Form and proof of service to efile@nycourts.gov. Once submitted, the Queens County Clerk will send the application to Justice Dufficy to approve or deny.

MOTIONS

1. Motions assigned to Part 35, shall be made returnable and noticed to be heard before **the Hon. Justice Dufficy, Part 35, on Tuesdays, at 10:30 a.m. in Courtroom 43, at the Jamaica Courthouse, 88-11 Sutphin Boulevard, Jamaica, NY 11435.**

IMPORTANT: 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. AS OF October 17, 2023, **ALL APPEARANCES FOR ALL MOTIONS WILL BE HELD IN-PERSON.**

Part 35 requires properly marked courtesy hard copies of all filings; hand delivered to Courtroom 43 on the day the motion is calendared.

See page 5, for Discovery motions.

3. Requests for adjournment: see Adjournments section below.
4. Stipulations regarding pending motions must be e-filed at least two (2) business days prior to the calendared date and time.
5. The Court, upon its discretion, may schedule oral arguments after submission.
6. All motion papers submitted to the Court must comply with 22 NYCRR § 202.5 which can be found at the following link: [Uniform Rules for N.Y. State Trial Courts](#).
7. In addition to the requirements of 22 NYCRR § 202.5, all pages and paragraphs are to be numbered, and must include the Motion Sequence Number.

FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION MAY RESULT IN THE REJECTION OF THE NON-COMPLIANT 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.
9. Justice Dufficy does not “so-order” stipulations to: amend pleadings; to change venue; or to consolidate cases. Parties seeking such relief should move by Notice of Motion.
10. For more information you can visit the Motion Support web page by clicking this link: [Motion Support](#).

ORDERS TO SHOW CAUSE and EMERGENCY APPLICATIONS

1. For up-to-date information regarding Orders to Show Cause and Ex-Parte Orders please visit the following link: [Ex-Parte](#).

ADJOURNMENTS

1. Motions may be adjourned on consent with a fully executed stipulation by all parties with the adjourned dated. The fully executed stipulation must be submitted to the Part Clerk, no later than two (2) business days prior to the calendar date and time, via email at QSCPart35@nycourts.gov
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.
3. Absent extenuating circumstances, consent adjournments shall be limited to one (1). Thereafter, the parties **MUST** contact the Part Clerk via email at QSCPart35@nycourts.gov if seeking any further adjournments.
4. All adjournments are subject to final approval by the Justice Dufficy 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 to QSCPart35@nycourts.gov

DISCOVERY CONFERENCES AND 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, click this link [Compliance Part Rules](#).

3. Part 35 will conduct IN-PERSON conferences on any discovery-related motions on the day the matter is calendared.

All Counsel should be familiar with the case and have the authority to enter into a binding stipulation, that will be “so-ordered” by Justice Dufficy.

i.e., Motions to Vacate Note of Issue, Motions to Restore, Motions to Strike Pleadings, Motions to Demand Bill of Particulars, Motions to Preclude.

4. Do not submit stipulations requested to be “so-ordered” by Justice Dufficy without speaking with the Principal Law Clerk or the Assistant Law Clerk beforehand.

PRELIMINARY, COMPLIANCE and NON-COMPLIANCE CONFERENCES

1. Part 35 does not hold Preliminary, Compliance, or Non-Compliance Conferences. **DO NOT CALL CHAMBERS** with questions regarding Preliminary, Compliance, and/or Non-Compliance Conferences.
2. For information regarding Preliminary Conferences, please click the following link: [Preliminary Conference Part](#).
3. For more information regarding Compliance Conferences, please click the following link: [Compliance Conference Part](#).
 - a. Effective February 7, 2022, Compliance Conference Orders will be automatically generated by the assigned Compliance Conference Part
 - b. The so-Ordered Compliance Conference Order will be forwarded to the County Clerk. A copy can be obtained via NYSCEF fore e-filed cases or from the County Clerk, for non-e-filed cases. No appearance is required.
 - c. Parties should refer to the assigned Justice part rules for further guidance. The following email addresses may be used to contact the Compliance Conference Parts:

Compliance Part 1 – CSP1@nycourts.gov

Compliance Part 2 – CSP2@nycourts.gov

Compliance Part 3 – CSP3@nycourts.gov
4. For more information regarding Non-Compliance Conferences, please click the following link: [Non-Compliance Part](#).
 - a. Effective August 14, 2023, and until further notice, cases wherein the parties have not fully complied with the directives set forth in Compliance Conference Orders

dated prior to February 7, 2022, will be conferenced in the Non-Compliance Part in Courtroom 314. For more information concerning the Non-Compliance Part, please contact 718-298-1089 or qnsnoncompliancepart@nycourts.gov

VIRTUAL CONFERENCES – GENERAL PROTOCOL and DECORUM

1. As of August 1, 2023, all appearances are presumed in-person unless otherwise explicitly stated by the Court. Should the Court grant a virtual appearance, all parties must adhere to the following rules.
2. All lawyers and litigants should identify themselves at the beginning of each appearance.
3. All microphones should be muted when not in use.
4. Courtroom rules apply, speak one at a time and do not interrupt other speakers, including the Judge.
5. Recording the proceeding by anyone other than the Judge, Court Reporter, or other Court personnel, is PROHIBITED.
6. All appearing parties should make every effort to appear via video, with cameras engaged. Telephonic appearances should be limited to litigants who do not have access to video equipment.
7. If an individual is unable to appear via video, that individual should contact the part email QSCPart35@nycourts.gov or call the Part Clerk at 718-298-1116.
8. The parties are encouraged to log on early to ensure proper and punctual appearance.
9. 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.

10. PARTIES ARE TO MAINTAIN DECORUM OF AN IN-PERSON COURTROOM

TRIALS

1. Upon assignment to Part 35, 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, Expert Witness Disclosure, proposed jury instructions in compliance with the 2022 Pattern Jury Instructions (PJI), requests to charge and a proposed verdict sheet.

Parties should also provide courtesy copies of the aforementioned via email at QSCPart35@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 plaintiff on liability.
5. No adjournments or delays during trial will be accepted absent exigent circumstances.

VIRTUAL BENCH TRIALS

For Virtual Bench Trial Protocols and Procedures please click this link: [Virtual Bench Trial Protocols Manual](#).

SUMMARY BENCH TRIALS

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

ALTERNATIVE DISPUTE RESOLUTION

1. If, at any point, the parties decide that they would benefit from the Alternative Dispute Resolution Program (ADR), 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 visit the following link: [Alternative Dispute Resolution](#).

SETTLEMENTS AND DISCONTINUANCES

If an action is settled, discontinued, or otherwise disposed of, the moving party on any pending motion that remains outstanding is directed to e-file a letter or stipulation withdrawing the pending motion via the NYSCEF system **AND** email it to QSCPart35@nycourts.gov

All stipulation of discontinuances must be accompanied by proof of filing with the County Clerk and payment of the appropriate fee pursuant to CPLR 8020(d)(1).

SUBPOENAS

A party seeking to have a subpoena signed by Justice Dufficy, must submit a courtesy copy of the subpoena with an accompanying affidavit in support to chambers via the Part email at QSCPart35@nycourts.gov

INFANT COMPROMISE ORDERS

1. Applications for Infant Compromise Orders shall be made pursuant to CPLR 1207(a) and shall be supported by hard copy documentation required under CPLR 1208 and 22 NYCRR 202.67. Applications submitted without the appropriate documentation will be denied.
2. Infant compromise hearings will be scheduled by the Court and the parties will be notified of the hearing date by the email to the consenting attorney on record.
3. Instructions for filing Infant's Compromise and the checklist of documents can be found at the following link: [Infant Compromise Order Checklist](#).
4. Part 35 requires courtesy hard copies of all required documents be delivered to the Part's courtroom at Courtroom 43.

UNCONTESTED MATRIMONIAL APPLICATIONS

1. The Court will expeditiously review and determine all uncontested matrimonial applications it receives. Any questions on uncontested matrimonial applications assigned to Part 35 should be submitted to QSCPart35@nycourts.gov Further information about matrimonial actions can be found here: [Matrimonial Matters](#).
2. If the matrimonial application is incomplete or needs corrections, the Court will notify the parties via a Notice of Defect – mailed to the self-represented plaintiff or to the plaintiff's attorney by email or phone, as to what additional information or corrections are needed. The parties will be given thirty (30) days to correct the deficiencies. Required corrections **must** be uploaded to NYSCEF and an email must be sent to chambers to inform the Part that the corrections have been made to: QSCPart35@nycourts.gov Failure to provide the additional information or corrections will result in dismissal of the action without prejudice.

Revised: September 19, 2023