

## ***Civil Term - Part Rules, Part 35, Courtroom 43***

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**JUSTICE TIMOTHY J. DUFFICY**  
**Supreme Court of the State of New York**  
**Queens County - Civil Term**  
**Part 35 Courtroom 43**  
**88-11 Sutphin Boulevard, Jamaica NY 11435**  
**Chambers: (718) 298-1785**  
**Courtroom/Part Clerk: (718) 298 - 1116**  
**Part 35 E-mail: [QSCPart35@nycourts.gov](mailto:QSCPart35@nycourts.gov)**

Principal Law Clerk: Kimberly D. Tivin, Esq.

Secretary to Justice: Lori B. Rodman

Part Clerk:

Motion Support Office (718) 298-1009

Ex Parte Support Office (718) 298-1018

Trial Scheduling Part (718) 298-1048

Court Clerk's Office (DCM) (718) 298-1140

### General

**IMPORTANT NOTE: Individual Court Parts do not receive notifications when E-filed papers are entered into the Queens County Clerk - NYSCEF system. Any papers that the court must take action on, such as: stipulation to be so ordered, stipulation of discontinuance, letter by movant withdrawing a motion(s), proposed orders or judgements must be sent to chambers via E-mail at [QSCPart35@nycourts.gov](mailto:QSCPart35@nycourts.gov)**

- I. All questions regarding motions, orders to show cause, adjournments, calendar calls, and scheduling should be made via email at [QSCPart35@nycourts.gov](mailto:QSCPart35@nycourts.gov) and NOT to chambers.
- II. A Motion Submission Form (MSF) must be sent 48 hours prior to a return date.  
[https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/motion\\_submission\\_form.pdf](https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/motion_submission_form.pdf)  
[https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/motion\\_submission\\_form.pdf](https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/motion_submission_form.pdf) y email to [QSCPart35@nycourts.gov](mailto:QSCPart35@nycourts.gov) Part 35's Chamber's voice mail also has detailed instruction as to how to get the MSF from the UCS website if you are having problems with the link. To listen to the voice mail, call Chambers **before** 9:00 a.m. or **after** 5:00 p.m.
- III. Please notify the Court, especially while a motion is pending, if the action has been settled, discontinued, and/or the motion has been resolved via email at [QSCPart35@nycourts.gov](mailto:QSCPart35@nycourts.gov) with a cc to ALL parties.

- IV. Part 35 is entirely an e-filing part and does not accept working copies of motions/documents. DO NOT MAIL IN ANY COURTESY COPY OF PAPERS, unless requested by the Court, as they will be discarded.
- V. 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 35 and Chambers

1. Counsel and litigants (represented or self-represented) are advised that Justice Dufficy, his Law Clerk, 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) 298-1116 or via email at [QSCPart35@nycourts.gov](mailto: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

## Electronic Filing

**REMINDER: Individual court parts do not receive notifications when E-filed papers are entered into NYSCEF**

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 at <http://iapps.courts.state.ny.us/nyscef/Login>. For more information on e-filing rules, parties may also visit: <http://www.nycourts.gov/courts/1jd/suptctmanh/e-filing.shtml><http://www.nycourts.gov/courts/1jd/suptctmanh/e-filing.shtml>.
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 35 cases.
3. To register or log-in, please visit: <http://iapps.courts.state.ny.us/webcivil/etrackLogin>.
4. Please **do not** send courtesy copies of any documents that were E-filed.  
**EXCEPTIONS:** Documents requiring Justice Dufficy’s signature, including proposed orders or judgments and stipulations, **MUST** be E-filed with NYSCEF and sent via email to [QSCPart35@nycourts.gov](mailto:QSCPart35@nycourts.gov)

## Orders to Show Cause and Emergency/Essential Applications

1. An Emergency Judge is available remotely, in the Queens County Civil Court building, Courtrooms 301 and 302, located at 89-17 Sutphin Boulevard, Jamaica, NY, to hear emergency/essential applications. The application 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. Requests for Emergency processing will not be entertained unless submitted in person by the requesting attorney.
3. Filing parties are advised to consult Uniform Rules for the New York State Trial Courts 202.7(f) concerning notification.
4. 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 Conferences

Part 35 **does not** conduct conferences prior to motions being submitted to the Court.

If the Court determines that a conference is needed **after** the papers submitted are reviewed, the Court will schedule a virtual conference. The parties will be notified via a Microsoft TEAMS invite with the day and time.

## Motion Calendar

1. **All motions shall be made returnable and heard on Tuesdays, at 10:30 a.m. The motion calendar will be on submission only.**

Appearance is not required, nor are working copies required.

2. The movant and cross-movant, if any, will be required to **submit a Motion Submission Form** [https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/motion\\_submission\\_form.pdf](https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/motion_submission_form.pdf) by **email to [QSCPart35@nycourts.gov](mailto:QSCPart35@nycourts.gov)** **no later than two (2) business days [forty-eight (48) business hours] prior to the calendared date and time.**

Part 35's Chamber's voice mail also has detailed instruction as to how to get the MSF from the UCS website if you are problems with the link. To listen to the voice mail, call Chambers **before** 9:00 a.m. or **after** 5:00 p.m.

3. Any requests for an adjournment, see ADJOURNMENT section below.
4. The Court does NOT hear oral argument even if a request for one is indicated on the Motion Submission Form.
5. The Court will not consider papers E-filed papers or papers sent to chambers or the Court Part, after submission of the motion or cross motion(s) without prior consent of the Court.
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.**

The Court will reject any papers that fail to comply with the requirements of this section .

### SUR REPLY AND OTHER PAPERS

The Court will not consider any Sur Reply, Supplemental Affirmation or Further Affirmation, without leave of the Court.

### CROSS-MOTIONS

Cross-Motions are considered responsive in nature and must be timely filed, pursuant to the CPLR, along with proof of payment of the statutory motion fee in order to be accepted and considered.

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 submitted in the cross-motion. Likewise, papers proffered in opposition to a cross-motion shall be a standalone document and NOT submitted in a Reply.

#### MOTIONS TO RENEW/REARGUE

Motions to renew and/or reargue **MUST** contain a copy of the court's original decision and copies of all papers submitted in support of the original motion.

### Adjournment of Motion

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 [QSCPart35@nycourts.gov](mailto:QSCPart35@nycourts.gov) . All stipulations must be fully executed by all parties consenting to the adjournment date.

Applications for adjournments made less than two (2) business days prior to the motion submission date will be accepted only at the discretion of the Court. Adjournments dates are scheduled by the Court and not by the requested dates designated in a Stipulation or on the Motion Submission Form.

2. 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](mailto:QSCPart35@nycourts.gov) if seeking any further adjournments.

### Conferences and Discovery Disputes

1. Conferences are only held at the discretion of the Court. At this time, all conferences will be conducted virtually via *Microsoft TEAMS*.
2. This Court does not conduct conferences on any discovery-related motion, i.e. Motions to Vacate the Note of Issue, Motions to Restore, Motions to Strike Pleadings, Motions to Demand Bill of Particulars, Motions to Preclude

### Preliminary and Compliance Conferences

**\*\*\*\* DO NOT CALL CHAMBERS \*\*\*\***

**Any voice mail messages received in chambers pertaining to these conferences  
WILL NOT be returned.**

**Part 35 DOES NOT hold Preliminary Conferences or Compliance Conferences. These Conferences are held in a SEPARATE Court Part by a Justice assigned to those parts not Justice Dufficy.**

### **Preliminary Conference Part Compliance Conference Part Memo**

You must check eCourts and eTrack to see if a scheduled conference has been adjourned. Parties and/or counsel must be registered for the eTrack service for all Part 35 cases.

<http://iapps.courts.state.ny.us/webcivil/etrackLogin>.

As procedures are constantly being addressed and revised, the latest information may also be procured from the Queens County Bar Association -

Telephone: (718) 291-4500 or visit the website at [qcba.org](http://qcba.org)

## **Virtual Conferences – General Protocol**

- I. All lawyers and litigants should identify themselves at the beginning of each appearance.
- II. All microphones should be muted when not in use.
- III. Courtroom rules apply – speak one at a time and do not interrupt other speakers, including the Judge.
- IV. Recording the proceeding by anyone other than the Judge, Court Reporter or other Court personnel, is PROHIBITED.
- V. Judges and attorneys 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.
- VI. 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.
- VII. If an individual is unable to appear via video, that individual should contact the part email [QSCPart35@nycourts.gov](mailto:QSCPart35@nycourts.gov)

## **Uncontested Matrimonials**

Once an uncontested matter is assigned to Part 35, questions regarding any corrections to the papers filed must be addressed to Chambers or the Part 35 Clerk NOT the Matrimonial Office.

If any corrections are required, the self-represented plaintiff or plaintiff's attorney will be sent (by mail, email or fax) a Notice of Defect or a Memorandum decision informing the movant of any defects in the filings that will prevent the court from signing the Judgment of Divorce.

For **e-filed** cases: Required corrections **MUST be uploaded to the NYSCEF system and** an email to chambers **MUST be sent** advising that changes have been submitted.

E-mail: [QSCPart35@nycourts.gov](mailto:QSCPart35@nycourts.gov)

For **non-e-filed** cases: Required corrections must ONLY be mailed to the Chambers of Justice Dufficy, NYS Supreme Court, 88-11 Sutphin Blvd., Jamaica, NY 11435.

## Trials

**No Jury trials are being held at this time.** See Summary Bench Trial section below regarding virtual Summary Bench Trials - check the Queens Supreme Court – Civil Term webpage for updates regarding Jury Trials

<http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/index.shtml>

**The Court encourages the use of alternative dispute resolution (ADR). More information is available below in the Alternative Dispute Resolution section.**

- I. 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.
- II. 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 [QSCPart35@nycourts.gov](mailto:QSCPart35@nycourts.gov)
- III. 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.
- IV. 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.
- V. No adjournments or delays during trial will be accepted absent exigent circumstances.

## Summary Jury Trials

**The Court encourages the use of alternative dispute resolution.** More information is available below in the Alternative Dispute Resolution section.

Please check the Queens Supreme Court – Civil Term webpage for updates regarding Summary Jury Trials.

<http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/index.shtml>

All information can be found at: [Summary Bench Trials – 11 JD Queens Civil Supreme](#)

## 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 [QSCPart35@nycourts.gov](mailto:QSCPart35@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 virtual 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](#)

**Hard Copies of all Infant Compromise Orders and support papers are required even for e-filed matters.**

**All orders and papers must be sent to the Clerk of Part 35 at 88-11 Sutphin Boulevard, Courtroom 43, Jamaica NY 11435**

## Alternative Dispute Resolution (ADR)

**The Court encourages the use of alternative dispute resolution.**

The parties may request ADR or may be referred to ADR by order of the Court.

More information is available from the ADR Coordinator, Linda Dardis, Esq. at [gscadr@nycourts.gov](mailto:gscadr@nycourts.gov) and from the court website at [Alternative Dispute Resolution \(ADR\)](#)