

Civil Term - Part Rules, Part 36, Courtroom 106

Justice Robert I. Caloras

Part 36

25-10 Court Square

Long Island City, New York 11101

Courtroom: 106

Courtroom Phone Number: 718-298-1682

Chambers Phone Number: 718-298-0083 Facsimile

Number: 212-618-0078

E-Mail: CALORAS_CHAMBERS@nycourts.gov

Law Secretary:

Debra A, Edwards, Esq.

Secretary: Mary Conway

Part Clerk: Nicole Roberts

NO TELEPHONE OR EMAIL INQUIRIES CONCERNING CASE OR CALENDAR STATUS MAY BE MADE TO CHAMBERS. All such inquiries must be made to the Clerk of the Part or the appropriate clerk's office:

IAS Motion Support Office (718) 298-1009

Ex-Parte Support Office (718) 298-1018

Preliminary Conference

A preliminary conference shall be scheduled automatically by the Court within forty-five (45) days after filing a Request for Judicial Intervention, pursuant to 22 NYCRR 202.12(b); or upon filing a written Request for a Preliminary Conference with the Clerk's Office in the Jamaica Courthouse, 8811 Sutphin Boulevard, Room 140, in compliance with 22 NYCRR 202.12(a).

All preliminary conferences will be held on Thursdays at 9:30 a.m. at the Preliminary Conference Part, Room 314, of the Jamaica Courthouse, located at 88-11 Sutphin Boulevard, and they are presided over by the court-appointed referee, unless otherwise directed by the Court. Failure to appear at the scheduled preliminary conference may result in discovery being ordered ex-parte or any other appropriate sanction, including preclusion or dismissal. Any inquiry pertaining to preliminary conferences shall be made to the Preliminary Conference Part at (718) 298-1046.

Compliance Conference

Compliance conferences shall be held on the date scheduled in the Preliminary Conference Stipulation and Order. Conferences shall be held before Justice Healy in Room 313. Any inquiry

pertaining to compliance conferences shall be made to the Compliance Conference Part at (718) 298-1093.

Motions

The Motion Calendar will be called every Thursday at 10:30 a.m. PROMPTLY in Part 36, Room 106 at the Long Island City courthouse located at 25-10 Court Square, Long Island City, New York.

There will be a second call of the calendar immediately after the first call is completed.

On non-discovery related motions, there shall be no oral arguments regarding the substance of the motion.

If the matter has not been E-Filed, then courtesy copies of the notice of motion, affirmations, and affidavits of all moving and answering papers must be sent in word perfect or word format, as an email attachment to CALORAS_CHAMBERS@nycourts.gov The name of the case, index number, submission date, and motion sequence number are to be set forth in the subject line of the email.

For all motions brought by Order to Show Cause, the movant must submit the affidavit of service on the return date at the call of the motion calendar.

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.

In any case where a motion is "Marked Off" for non-compliance with the Part Rules such as improper notice, or failure to appear in court as required by the Part Rules, a new motion for the original relief sought may be filed in accordance with the Part Rules. A motion to Restore, Renew or Reargue is NOT required.

The parties shall notify the court immediately if they are 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 or email to chambers and filed with the court.

Appearances

Appearances are MANDATORY for All Motions seeking discovery and Applications.

Appearances ARE NOT mandatory for motions seeking summary judgment.

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

The movant's failure to appear will result in the motion being marked off the calendar. The opponent's failure to appear will result in the motion being submitted without opposition.

Paper Submissions

Cross Motions, Affirmations In Opposition and Reply Affirmations will only be accepted in person on the return date in the Part. The Part Does Not Accept Any Responsive Papers by mail, email or fax. Sur-Reply papers will not be accepted.

THE COURT WILL NOT CONSIDER ANY PAPERS SENT TO CHAMBERS OR THE PART AFTER THE TIME OF SUBMISSION.

Papers shall not be accepted prior to the call of the calendar except for stipulations to adjourn or withdraw a motion.

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 paper.

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, and in opposition to, the original motion.

All motions and ex-parte applications submitted shall be in compliance with Uniform Rule § 202.5. In addition to these requirements, all pages and paragraphs must be numbered. All exhibits are to be preceded by a numbered exhibit tab which PROTRUDES from the stack of papers. All submissions are to be securely fastened so as to prevent the papers from being lost. Failure to comply with the requirements of this section may result in rejection of the non-complying papers.

On any application subject to E-FILE:

Working copies of E-filed motions do not need to be submitted at the calendar call.

For E-filed motions, attorneys must notify Chambers by stipulation or notice if the motion is being fully submitted.

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/nyscef>

Discovery Motions

All attorneys and pro se litigants appearing on a motion relating to any phase of discovery and/or

Bill of Particulars, including motions to preclude and/or to strike or restore a case to the Trial Calendar, must be prepared to conference the motion and resolve all discovery related issues on the return date.

Adjournments

Motions may be adjourned on consent by written stipulation of ALL counsel and pro se litigants. The Stipulation can be brought to the Part on the return date or can be faxed to chambers no later than 5:00 p.m. on the day prior to the return date.

In the absence of consent to an adjournment, all applications for an adjournment must be made in person on the return date. There will be no more than two (2) adjournments, absent extenuating circumstances in person on the return date.

Please do not call the Part or Chambers for adjournments as NO adjournments will be granted on the telephone.

Briefing Schedules

On the return date of the initial motion, a briefing schedule will be issued with dates for responsive papers. This schedule shall be conveyed verbally or in writing to the attorneys and shall appear on the face of the motion papers. Failure to comply or serve responsive papers in accordance with the briefing schedule shall result in the rejection of those papers on the adjournment date.

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 NOT be entertained by chambers, but must be made only to the Part Clerk.

Trials

All counsel must submit to the court, prior to the commencement of trial, marked pleadings, copy of the Bill of Particulars, a witness list, exhibit list, proposed jury instructions and a proposed verdict sheet, along with any statutes, regulations and ordinances requested to be read to the jury. Counsel must also know the availability of all witnesses who they intend to call during trial.

On the first appearance in the Part for trial, any party intending to make a motion in limine shall inform the court of the nature of the application and provide any supporting statutory or case law. The court, in its discretion, may require the parties to submit said motion and opposition thereto in writing. The parties shall furnish the court with an original and one copy and provide counsel for all parties with a copy.

The trial will be conducted on a continual daily basis until its conclusion. No adjournments or delays during trial will be accepted unless exigent circumstances exist.

The attorneys or pro se litigants must provide EBT transcripts if any part of a deposition is to be read into evidence.

All trial exhibits shall be pre-marked for identification, and where possible, parties shall stipulate to the admissibility of all clearly admissible documents and records.

All attorneys, pro se litigants and witnesses shall appear in court in appropriate attire.

Infant's Compromise Orders

Before submission of an infant's compromise order, counsel shall obtain from the Clerk of Part 36 an Infant's Compromise checklist to ensure the submission of all necessary information and documentation. Infant's Compromise Hearings will be scheduled by the Court and the plaintiff will be informed of the Hearing date. Proof of payment of any appropriate fee is required.

Uncontested Matrimonials

Any corrections to matrimonial papers that were directed by Justice Caloras by Memorandum or Order must be submitted directly to the Part Clerk or mailed to Chambers in accordance with the requirements and dates set forth in the Memorandum or Order.