

PART 36 – RULES, PRACTICES, AND PROCEDURES
JUSTICE ROBERT I. CALORAS

Supreme Court of the State of New York, Civil Term
25-10 Court Square, Long Island City, New York 11101
Part Clerk/Courtroom (718) 298-1682
Chambers (718)298-0083
Part 36 Email: QSCPART36@nycourts.gov

Presiding Justice: Hon. Robert I. Caloras
Principal Law Clerk: Debra Edwards, Esq.
Assistant Law Clerk: Krysta Hartley, Esq.
Part Clerk: Leslie Berrian

IAS Motion Support Office: (718)298-1009
Ex-Parte Office: (718)298-1018
Matrimonial Office: (718)298-0950
Trial Scheduling Part: (718)298-1048
Court Help Center: (718)298-1024, courthelpqueens@nycourts.gov

GENERAL

1. All questions regarding motions, adjournments, calendar calls, and scheduling should be made by email and sent to QSCPart36@nycourts.gov.
2. If an action assigned to Part 36 has been settled, discontinued, and/or a pending motion has been resolved, please inform the Court by email sent to QSCPart36@nycourts.gov, and cc'd to ALL parties.
3. Part 36 is entirely a paperless, e-filing part. Justice Caloras does not accept working copies of motions/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 11th Judicial District Civil Term (Queens Supreme Court), please refer to the following <http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/index.shtml>.

COMMUNICATIONS WITH PART 36 AND CHAMBERS

1. Counsel and litigants (represented or self-represented) are advised that Justice Caloras, his Principal 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) 298-1682 or by email at QSCPart36@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 shall include all parties.**

ELECTRONIC FILING

1. All cases in Part 36 are required to be electronically filed through the New York State Courts E-Filing (NYSCEF) system. This can be done at the initiation of the case or by conversion after commencement without the E-Filing 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 the following websites: <http://www.nycourts.gov/courts/1jd/supctmanh/efiling.shtml>, or [Queens Supreme Court E-filing web page](#)
2. The tracking service “e-Track” 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 e-Track service for all Part 36 cases. To register or log-in, please visit the following <http://iapps.courts.state.ny.us/webcivil/etrackLogin> .
3. Please do not send courtesy copies to Part 36 of any documents that were e-filed, other than a Stipulation requiring Justice Caloras’ signature. If submitting a Stipulation for signature, such must be e-filed with NYSCEF and sent by email to QSCPart36@nycourts.gov
4. All orders and judgments submitted pursuant to a memorandum decision issued by this Court must be submitted, in hard copy form, to the Motion Support Office.

ORDERS TO SHOW CAUSE and EMERGENCY 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 11435 to hear emergency 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. 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 the following website: <http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/exparte.shtml>

MOTION CALENDAR CONFERENCES

1. Before resorting to motion practice, parties are strongly encouraged to schedule a virtual conference with the Court to resolve any ongoing non-dispositive or ancillary disputes, e.g. discovery 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.
3. The movant in a residential foreclosure matter must submit a Foreclosure Status Settlement Conference Form which can be found at the following website:
https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/foreclosure_settlement_conf_form.pdf

MOTION CALENDAR

1. All motions shall be made returnable and heard on Wednesday at 10:00 a.m. THE MOTION CALENDAR WILL BE ON SUBMISSION ONLY WITHOUT PERSONAL APPEARANCES. ALL PARTIES ARE STRONGLY URGED TO SUBMIT MOTIONS THROUGH THE E-FILING SYSTEM. WORKING COPIES OF MOTION PAPERS ARE NOT ACCEPTED.

2. For a motion to be marked fully submitted, the movant and/or cross-movant will be required to submit a Motion Submission Form indicating such by email to QSCPart36@nycourts.gov **no later than two (2) business days [forty-eight (48) business hours] prior to the calendared date and time**, on notice to all appearing parties. The Motion submission form can be found at [Motion Submission Form Link](#)

3. Any requests for an adjournment shall be done as set forth below in the adjournment section.

4. Stipulations regarding pending motions must be e-filed at least two (2) business days [fortyeight (48) business hours] prior to the calendared date and time.

5. The Court, upon its discretion, shall schedule a conference or oral argument after submission of the motions. Any requests for a conference or oral argument must be indicated on the Motion Submission Form and will be held by means of Microsoft Teams.

6. All motion papers submitted to the Court shall comply 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. If the motion 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 format, and all Exhibits must be sent as a PDF as an email attachment to QSCPART36@nycourts.gov The name of the case, Index Number, submission date, and motion sequence number must be set forth in the subject line of the email. However, see #1 above.

9. 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 adjourn date.

10. A sur-reply shall not be permitted 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) business hours] prior to the calendar date and time by email at QSCPART36@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 QSCPart36@nycourts.gov 3. Absent extenuating circumstances, consent adjournments shall be limited to **two (2)**. Thereafter, the parties **MUST** contact the Part Clerk via email at QSCPart36@nycourts.gov if seeking any further adjournments.

SETTLEMENT CONFERENCES AND DISCOVERY DISPUTES

1. 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 QSCPart36@nycourts.gov with a cc to ALL to request a virtual settlement conference.
2. At this time all conferences will be conducted by means of Microsoft Teams.
3. Prior to filing a 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, the parties are directed to send an email to QSCPart36@nycourts.gov with a cc to ALL parties to schedule a virtual conference. The email should include a summary of the discovery related issues.
4. Prior to the virtual conference all the parties must properly complete the Microsoft Teams Scheduling Form which can be found at the following website:
https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/skype_scheduling.pdf and return it via email at QSCPart36@nycourts.gov
5. If a party in a residential foreclosure matter is seeking a conference with the Court, the party must submit a Foreclosure Status Settlement Conference Form which can be found at the following website:
https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/foreclosure_settlement_conf_form.pdf

PRELIMINARY CONFERENCES

Preliminary Conference Orders will be issued by Justice Judge Mojgan C. Lancman automatically upon the filing of a Request for Judicial Intervention and a Request for a Preliminary Conference. Automatically generated Orders will be sent to the Queens County Clerk. No action will be required of the parties for the automatically generated Preliminary Conference Orders. The Preliminary Conference Orders will have an assigned date for a virtual Compliance Conference and information for those parties requesting Mediation. For information regarding the procedure for Preliminary Conferences please go to the following [Preliminary Conference Part](#)

COMPLIANCE CONFERENCES

Beginning **January 11, 2021**, Justice Mojgan C. Lancman and Justice Tracy Catapano-Fox will be presiding over the Queens Supreme Court Compliance Conference Part. Justice Lancman will hold Compliance Conferences on Mondays through Thursdays, and Justice Catapano-Fox will hold Compliance Conferences on Tuesdays and Wednesdays. For information regarding the procedure for Compliance Conferences please go to the following [Compliance Conference Part Memo](#)

VIRTUAL CONFERENCES – GENERAL PROTOCOLS

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. 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.
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 QSCPart36@nycourts.gov

TRIALS

1. Upon assignment to Part 36, 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. 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 QSCPart36@nycourts.gov
3. Counsel or Pro Se litigants must provide EBT transcripts if any part of the deposition is to be read into evidence.
4. 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.
5. All counsel must know the availability of all witnesses who they intend to call during trial.
6. 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.
7. 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.
8. No adjournments or delays during trial will be accepted absent exigent circumstance.
9. The procedure for Virtual Bench Trials please go to the following website:

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

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

SUMMARY JURY TRIALS

In light of COVID –19 and the global pandemic, please check the Queens Supreme Court – Civil Term webpage for updates regarding Summary Jury Trials at the following website: [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 a letter directed to the Clerk of the Part and sending it via email to QSCPart36@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. All counsel seeking 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](#)

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' request or consent.
3. For more information regarding the ADR program, 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>

UNCONTESTED MATRIMONIAL MATTERS

As to Non-E-Filed Matrimonial matters, any corrections to those papers that were directed by Chambers by letter, 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 letter, Memorandum, or Order.

June 4, 2021