

PART 38 - RULES , PRACTICES and PROCEDURES
JUSTICE CARMEN R. VELASQUEZ
Supreme Court of the State of New York
Queens County - Civil Term
Part 38 Courtroom 116
88-11 Sutphin Boulevard, Jamaica NY 11435
Chambers: (718) 298-0594
Courtroom/Part Clerk: (718) 298-1002
Part 38 E-mail: QSCPart38@nycourts.gov

Principal Law Clerk: Richard A. Chase, Esq.
Secretary to Justice: Gudy Gulino
Part Clerk: Michael Cunningham (718) 298-1002
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 stipulations to be so ordered, stipulations of adjournment or discontinuance or letters by movant withdrawing a motion must be sent to chambers via E-mail at QSCPart38@nycourts.gov.

1. All questions regarding motions, orders to show cause, adjournments, calendar calls, and scheduling should be made via email to QSCPart38@nycourts.gov or to the Part Clerk. **No telephone inquiries concerning motions or other applications shall be made to chambers.**
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 by email to QSCPart38@nycourts.gov no later than two (2) business days [forty-eight (48) business hours] prior to the calendared date and time.
3. 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 to QSCPart38@nycourts.gov with a cc to ALL parties.

4. Part 38 is entirely an e-filing part and does not accept working copies of motions/documents. **DO NOT MAIL IN ANY COURTESY COPIES OF PAPERS**, unless requested by the Court, as they will be discarded.

COMMUNICATIONS with PART 38 and CHAMBERS

1. Counsel and litigants (represented or self-represented) are advised that Justice Velasquez, her 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 or via email to QSCPart38@nycourts.gov.
3. Do not send any letters, documents, papers, mail, or facsimile to the Part or Chambers unless expressly permitted by these Rules or by prior permission of the Court .

ELECTRONIC FILING

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

1. All cases in Part 38 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/supctmanh/efiling.shtml>
2. Please **do not** send courtesy copies of any documents that were E-filed, unless directed by the Court. **EXCEPTIONS:** Documents requiring Justice Velasquez's signature, such as stipulations to be so-ordered, **MUST** be E-filed with NYSCEF and sent via email to QSCPart38@nycourts.gov

MOTION CALENDAR

1. All motions shall be made returnable and heard on Mondays at 9:30 a.m. The second call of the calendar is at 10:30 a.m.

Effective April 17, 2023, appearances are mandatory on all Discovery related motions.

All other motions shall be on submission and 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 by email to QSCPart38@nycourts.gov **no later than two (2) business days forty-eight (48) business hours] prior to the calendared date and time.**
3. As to any requests for an adjournment, *see* ADJOURNMENT section below.
4. There shall be no oral argument unless the court directs otherwise. If the court believes oral argument is necessary, it will contact the parties, and such argument shall be conducted via Microsoft Teams.
5. The Court will not consider papers E-filed or papers sent to chambers or the Part after submission of the motion or cross motion(s) without the written consent of all parties and the approval of the court.
6. All motion papers submitted to the Court shall be in compliance with 22 NYCRR § 202.5. FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION MAY RESULT IN THE REJECTION OF THE NONCOMPLIANT SUBMISSION.

SUR REPLY AND OTHER PAPERS

The Court will not consider Sur Reply papers or any other supplemental papers without the express permission 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 stand-alone 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.

CONDEMNATION MOTIONS

All condemnation motions shall be made returnable on the first Thursday of every month at 10:00 A.M. in Part 38. All condemnation motions shall be on submission unless the court directs otherwise. If a conference is directed by the court, it shall be held via Microsoft Teams.

Condemnation motions may be adjourned as set forth in the section below.

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 forty-eight (48) hours prior to the calendar date and time, via email at QSCPart38@nycourts.gov. All stipulations for adjournment must be fully executed by all parties.

Applications for adjournments made less than forty-eight (48) hours prior to the motion submission date will be accepted only at the discretion of the Court. Adjournment 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 QSCPart38@nycourts.gov if seeking any further adjournments.

CONFERENCES

Conferences are only held at the discretion of the Court. At this time, all conferences will be conducted virtually via *Microsoft TEAMS*.

PRELIMINARY AND COMPLIANCE CONFERENCES

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

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

1. Part 38 does not hold Preliminary Conferences or Compliance Conferences. **DO NOT CALL CHAMBERS** with questions regarding Preliminary Conferences and/or 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 for 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:
 - i Hon. Tracy Catapano-Fox – CSP1@nycourts.gov
 - ii Hon. Laurentina McKetney-Butler – CSP2@nycourts.gov
 - iii Hon. Sally Unger – CSP3@nycourts.gov

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. 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 QSCPart38@nycourts.gov

UNCONTESTED MATRIMONIALS

Where matrimonial papers have been rejected by the court for revision, the self-represented plaintiff or plaintiff's attorney will be sent (by mail or email) 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. Plaintiff will have forty-five (45) days from the date of the Memorandum to submit the information and/or documents requested.

The failure to submit the requested information and/or documents may result in dismissal of the action.

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: QSCPart38@nycourts.gov

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

TRIALS

1. Upon assignment to Part 38, 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 QSCPart38@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. 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.
6. If any party has a need for an interpreter, please advise the Part at least two (2) business days in advance.

SETTLEMENTS AND DISCONTINUANCES

If an action is settled, discontinued or otherwise disposed of, parties shall 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 QSCPart38@nycourts.gov. All Stipulations of Discontinuance 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.

If an interpreter is necessary for an Infant's Compromise hearing, please advise the Part at least two (2) days in advance.

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

All orders and papers must be sent to the Clerk of Part 38 at 88-11 Sutphin Boulevard, Courtroom 116, 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 qscadr@nycourts.gov and from the court website at Alternative Dispute Resolution (ADR)