

Civil Term - Part Rules, Part 39, Courtroom 140

Justice Leslie J. Purificacion
25-10 Court Square
Long Island City, NY 11101

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Preliminary Conferences

All preliminary conferences are held in Room 314 at the Jamaica courthouse located at 88-11 Sutphin Boulevard, Jamaica, NY. Any inquiry pertaining to preliminary conferences shall be made to the Preliminary Conference Part at (718) 298-1046.

A preliminary conference will be scheduled automatically by the Court within 45 days after the filing of a Request for Judicial Intervention, pursuant to 22 NYCRR 202.12(b); or upon filing a written Request for a Preliminary Conference with the Jamaica Clerk's Office, Room 140, in compliance with 22 NYCRR 202.12(a); or an appropriate notice is filed in malpractice or certiorari cases pursuant to 22 NYCRR 202.56 and 202.60.

Preliminary conferences will be held on Thursday at 9:30 a.m. at the Preliminary Conference Part, Room 314 and 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.

Compliance Conference

All compliance conferences are held in Room 313 before Justice Esposito at the Jamaica courthouse located at 88-11 Sutphin Boulevard, Jamaica, NY. Any inquiry pertaining to compliance conferences shall be made to the Compliance Conference Part at (718) 298-1093.

Compliance conferences will be held on the date scheduled in the Preliminary Conferences Stipulation and Order.

Motion Appearances

Appearances are mandatory for all motions and applications. Appearing attorneys must be familiar with the case, prepared and authorized to enter into stipulations resolving any and all issues.

Motions noticed after April 23, 2018, are to be made returnable and noticed to be heard in Part 39, Courtroom 140, located at 25-10 Court Square, Long Island City, NY 11101 on a Thursday at 9:30 a.m. Failure to properly notice a motion shall result in the motion being marked off the calendar without prejudice. There will be only one call of the calendar.

Responsive papers, including cross-motions (with proof of payment of required fees), affirmations in opposition and reply affirmations, will be accepted only on the return date in the Part. On any

application subject to e-file, a working copy must be submitted at the call of the calendar. Each working copy must include, firmly affixed to the back of the motion papers, a copy of the confirmation notice received from the NYSCEF site upon the electronic filing of such documents. 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 website.

All papers should be numbered and exhibits are to be preceded by an exhibit tab that protrudes from the papers. Submissions are to be securely fastened. Failure to comply with these requirements may result in rejection of the non-complying papers.

Adjournments

A matter may be adjourned only once on consent. Use of calendar service is permitted to submit a stipulation requesting a consent adjournment. Subsequent requests for an adjournment requires a personal appearance. The party seeking the adjournment must give written notice to adversaries and co-counsel in advance that a further adjournment will be requested.

Stipulations requesting a consent adjournment must contain the signatures of all appearing parties and can be submitted at the calendar call or sent to Chambers via facsimile no later than the day prior to the return date.

Trials

Counsel shall submit to the court, prior to the commencement of trial, marked pleadings, a copy of the Bill of Particulars, a witness list, exhibit list, proposed jury instruction, and a proposed verdict sheet. Counsel should also ascertain 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 make such motion orally but may submit a memorandum of law in support of the application. The party shall furnish the court with an original and one copy and provide counsel for all parties with a copy. Any written motions in limine require proof of payment of the appropriate fee.

Counsel should alert the Court at the pre-trial conference as to any anticipated problems regarding the attendance at trial of parties, attorneys or essential witnesses and any other practical problems that the Court should consider in scheduling.

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.

Tort actions are generally bifurcated. The Court expects, unless advised previously by counsel, that any trial on damages will follow immediately after a verdict finding the defendant liable.

Prior to coming to the Part, plaintiff's counsel shall requisition all subpoenaed records and deliver it to the Part Clerk. Counsel must advise the Part Clerk of any special needs, e.g., interpreters, easels, shadow boxes, etc., so as not to delay the progress of the trial.

The Court encourages that trial exhibits be pre-marked for identification and, where possible, that the parties stipulate to the admissibility of clearly admissible documents and records.

Settlements and Discontinuances

If an action is settled, discontinued or otherwise disposed of, counsel shall immediately inform the Court by submission of a copy of the stipulation of settlement or a letter directed to the Part Clerk. All stipulations of discontinuances must be accompanied by proof of payment of the appropriate fee.

Infant's Compromise Orders

Applications are filed with the appropriate Clerk in the Jamaica courthouse. Papers will be reviewed in the Part. Counsel will receive an Infant's Compromise Order Checklist and Worksheet for those papers requiring corrections, additional information and/or documentation. Completed proposed Infant compromise papers can be scheduled for a hearing through the Part Clerk.

Uncontested Matrimonials

Uncontested matrimonial papers are filed with the appropriate Clerk in the Jamaica courthouse. Papers will be reviewed in the Part. Papers requiring corrective action must be submitted within 30 days of receipt of the Uncontested Matrimonial Submission Checklist. Corrected papers are to be mailed directly to Chambers or hand delivered to Part 39.