

**JUSTICE MARGUERITE A. GRAYS**

**I.A.S. Part 4  
Commercial Division Part B**

Supreme Court of the State of New York, Queens County  
88-11 Sutphin Boulevard, Jamaica, New York 11435

**Courtroom 66**

**Courtroom: 718-298-1214**

**Chambers: 718-298-1212**

**Fax: 718-298-1107**

**Commercial Division Part B Email: [QNSCDPTB@nycourts.gov](mailto:QNSCDPTB@nycourts.gov)**

Principal Law Clerk: Nicole McGregor Mundy, Esq.  
Part Clerk: Eric Kang  
Secretary: Joann Lopresto

**Commercial Division Pre-Trial Conference:** Mondays at 10:00 a.m.

**Preliminary Conferences:** Mondays at 11:30 a.m. (Room 314)

**Compliance Conferences:** Commercial Division - Tuesdays at 11:30 a.m.

Non-Commercial Division - as scheduled by the court (Room 3002)

**Motion Calendar:** Tuesdays at 10:00 a.m. (First call) and 11:00 a.m. (Second Call)

All inquiries regarding motions must be made to either Motion Support (718-298-1009), the Ex Parte Office (718-298-1018), or the Clerk of the Part (718-298-1214 ).

**NO TELEPHONE INQUIRIES CONCERNING MOTIONS OR APPLICATIONS MAY BE MADE TO CHAMBERS.**

**DO NOT MAKE ANY INQUIRES VIA E-MAIL TO THE COURT.**

**GENERAL**

1. All parties or their counsel must familiarize themselves with these Part Rules and the Rules of the Commercial Division of the Supreme Court (22 NYCRR 202.70).<sup>1</sup>
2. Counsel and litigants (represented or self-represented) are advised that Justice Grays, her Law Clerk, and the Part Clerk may not engage in any *ex parte* communications.

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<sup>1</sup> The Commercial Division Rules are available at: <http://ww2.nycourts.gov/rules/trialcourts/202.shtml#70>.

3. To create opportunities for attorneys knowledgeable with the subject matter of the action before the Court, and who historically have been under-represented in the Commercial Division and I.A.S. Part, courtroom participation by such attorneys is strongly encouraged. This can be achieved, for example, by having a less senior attorney, who prepared the brief on a motion, argue the motion before Justice Grays.
4. The Part Clerk is unable to accept deliveries between 1:00p.m. and 2:00p.m., or after 4:30p.m.
5. Counsel **MUST** notify the Court as soon as practicable, by conference call or letter, of the settlement or resolution of active cases or pending motions, so as to avoid the unnecessary use of court resources on matters that are resolved or will imminently be resolved.

### **ELECTRONIC FILING AND COURTROOM TECHNOLOGY**

1. All cases in IA Part 4/Commercial Division Part B are required to be electronically filed through the New York State Courts E-Filing (NYSCEF) system. Attorneys are expected to familiarize themselves with the NYSCEF procedures at <http://iapp.courts.state.ny.us/nyscef/Login>.
2. All e-filed documents must be text-searchable. All electronically-submitted memorandum of law must contain bookmarks, pursuant to Commercial Division Rule 6. The submission of documents containing hyperlinks is strongly encouraged.
3. Courtroom 66 is equipped with up-to-date Integrated Courtroom Technology (ICT). The Courtroom Modernization Initiative (CMI) Courtroom instructions, which attorneys and litigants are encouraged to familiarize themselves with, are attached as Exhibit A to this Part Rules. Any attorney who intends to utilize the ICT equipment during a trial or hearing, **MUST** notify the Part Clerk at least fourteen (14) days prior to the trial or hearing, and should contact the Part Clerk to schedule a date and time to come in to the courtroom prior to the trial or hearing to test-run the equipment.

### **ADJOURNMENTS**

1. All adjournments (motions, conferences, trials) require prior court approval. *EX PARTE APPLICATIONS FOR ADJOURNMENTS WILL NOT BE CONSIDERED.*
2. Requests to adjourn a conference, in the first instance, shall be directed to the Part Clerk at (718) 298-1214. The parties must first consult with the Part Clerk before selecting a new date for the conference. Applications to adjourn a conference **SHALL** be made at least 24 hours in advance of the scheduled conference.
3. All Court-approved stipulations to adjourn a matter must be filed by the parties.

## **CONFERENCES AND DISCOVERY DISPUTES**

1. Only attorneys thoroughly familiar with the case may appear for a conference. The attorneys should bring signed copies of all prior decisions, orders and stipulations that are relevant to the issue(s) to be discussed at the conference.
2. Counsel and litigants must follow the directions below when appearing for a Preliminary or Compliance Conference:
  - a. Counsel for all parties must consult prior to a Preliminary or Compliance Conference about: (i) the resolution of the case; (ii) discovery and any other issues to be discussed at the conference; and (iii) the use of Alternative Dispute Resolution to resolve all or some of the issues of the litigation (Commercial Division Rule 8).
  - b. After filling out the appropriate form, counsel must check-in with the Court Attorney-Referee (Preliminary Conference) or Part Clerk (Compliance Conference) and submit the completed form to the Part Clerk. For Compliance Conferences, the Part Clerk will then call the case when the Court is ready to conference the matter.

## **MOTION PRACTICE**

1. Except for discovery motions, no prior permission is required before making a motion. Justice Grays does not accept Commercial Division Rule 24 letters unless expressly requested. Prior to making a discovery motion, parties must call Chambers to arrange a mutually convenient date and time for a conference call.
2. **Commercial Division motions shall have the words “COMMERCIAL DIVISION” clearly and conspicuously marked on the Notice of Motion or Order to Show Cause by the moving party.** FAILURE TO COMPLY WITH THIS REQUIREMENT MAY RESULT IN THE MOTION BEING DENIED.
3. **IN NON-ELECTRONIC FILED CASES,** the moving papers shall be filed in the Motion Support Office at least five business days prior to the scheduled return date in order to be placed on the I.A.S. Part 4/Commercial Division Part B motion calendar for the day noticed.
4. Answering papers, including cross-motions, affirmations in opposition and reply affirmations, will be accepted only on the return date in the Part. **THE COURT WILL NOT CONSIDER PAPERS SENT TO CHAMBERS OR TO THE PART AFTER SUBMISSION OF THE MOTION, NOR CROSS-MOTIONS THAT DO NOT HAVE PROOF OF PAYMENT OF THE APPROPRIATE FEE (CPLR §8020(a)).**
5. No motion relating to disclosure will be accepted without an affirmation of good faith as

required by 22 NYCRR §202.7.

6. Orders to Show Cause with requests for temporary restraining orders, including requests for a temporary stay of an action, will generally not be heard *ex parte* (See 22 NYCRR §202.70(f); 22 NYCRR §202.70, Rule 20).
7. Request for Commissions should be made by stipulation, if possible.
8. Word limits specified in Commercial Division Rule 17 will be strictly enforced, unless permission to expand the word limits is granted in advance of the filing of the papers.
9. All Memorandum of Law must include a Table of Contents and a Table of Authorities.
10. Each exhibit to the motion papers must be e-filed under its own documents number and include a short label identifying the nature of the exhibit (e.g., Complaint, Contract dated 1/1/19, etc.).
11. Appearance of counsel and pro se litigants is **MANDATORY** on all disclosure motions (i.e. Motions to Vacate and Strike a Note of Issue, Motions to Strike Pleadings, Motions to Preclude). The motions will be heard for all purposes in the Part on the return date. On that date, the motion will be conferenced by the Justice or her Law Clerk with the expectation that the issues will be resolved by stipulation. **Papers will not be accepted from calendar service inasmuch as a personal appearance by counsel and pro se litigants is required.**
12. Appearance of counsel and pro se litigants is also **MANDATORY** on all Orders To Show Cause, and motions which seek to continue a temporary restraining order or to extend the time to file a Note of Issue. **Papers will not be accepted from calendar service inasmuch as a personal appearance by counsel and pro se litigants is required.**
13. Appearances are not required on any other motions except as set forth above, or unless otherwise directed by the Court.
14. Applications for adjournments, on consent or otherwise, will be entertained only at the call of the calendar, and **will not be entertained by mail, e-mail, e-filing, fax or telephone.** Calendar service or non-attorneys (except pro se litigants) will not be permitted to make applications for adjournments. Applications for an adjournment will be granted as a matter of right for the first time. No further applications will be granted without permission of the Court. Counsel must make every effort to notify their adversaries of their intention to seek an adjournment.
15. **Any attorney appearing on a case for any purpose MUST be familiar with the case, and ready and authorized to resolve any and all issues.**

## **MOTION PAPERS**

1. All motion papers submitted shall be in compliance with 22 NYCRR §202.5, concerning papers filed with the court. In addition to the requirements of 22 NYCRR §202.5, all pages are to be numbered and all paragraphs are to be numbered. **All exhibits must be proceeded by a numbered exhibit tab which protrudes from the stack of papers. All submissions must be securely fastened so as to prevent the papers from separating from each other and becoming lost. FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION MAY RESULT IN REJECTION OR DENIAL OF THE OFFENDING SUBMISSION.**
2. Any party annexing a deposition transcript in excess of one hundred (100) pages as an exhibit to a motion not e-filed, shall submit such transcript on a disc or flash drive in lieu of paper, with the motion.
3. Any party who files a motion and/or opposition and reply thereto pursuant to the **NYS courts electronic filing (“e-filing”)** SHALL PROVIDE THIS COURT WITH WORKING COPIES OF THE DOCUMENTS FILED ELECTRONICALLY, WHICH SHALL BE SUBMITTED TO THE PART CLERK ON THE FIRST NOTICED RETURN DATE OF THE MOTION. EACH WORKING COPY SHALL INCLUDE, FIRMLY AFFIXED THERETO, A COPY OF THE CONFIRMATION NOTICE RECEIVED FROM THE NYSCEF SITE UPON THE ELECTRONIC FILING OF SUCH DOCUMENT (22 NYCRR §202.5-B(d)(3)(II)).
4. If the Court directs that an order be settled or submitted on a motion in an E-filed case, the proposed order and any proposed counter-order shall be filed with the court on-line with proof of service. **Working copies of all proposed orders MUST be submitted to the Motion Support Office before an Order can be reviewed by the Court.** As appropriate, the Clerk may make changes on the proposed Order/Counter-Order.

**FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION MAY RESULT IN REJECTION OR DENIAL OF THE OFFENDING SUBMISSION OR THE SUBSTANTIAL DELAY IN PROCESSING THE SUBMITTED DOCUMENTS.**

## **ALTERNATIVE DISPUTE RESOLUTION (ADR)**

1. If, at any point, the parties decide that they would benefit from the Commercial Division ADR program, they should write a joint letter to the Court asking to be referred to ADR.
2. The Court may also order parties to the Commercial Division ADR program without the parties’ request or consent.
3. For more information regarding the ADR program, please visit: [http://www.nycourts.gov/courts/comdiv/ny/ADR\\_overview.shtml](http://www.nycourts.gov/courts/comdiv/ny/ADR_overview.shtml).

## CONFIDENTIALITY ORDER/SEALING DOCUMENTS

1. For Commercial Division cases, any Order regarding the confidential exchange of information must adhere to the proposed Stipulation and Order for the Production and Exchange of Confidential Information that appears in Appendix B to the Rules of Practice for the Commercial Division (22 NYCRR §202.70(g), Rule 11-g)<sup>2</sup>.
2. If the parties wish to deviate from the form set forth in Appendix B to the Rules of Practice for the Commercial Division, they must do so in compliance with 22 NYCRR §202.70(g), Rule 11-g(b).
3. Applications to seal documents shall include the nature of the document, the reason for the sealing request, and “good cause” therefore (22 NYCRR §216.1). The Court will consider applications to seal documents only by Order to Show Cause or Notice of Motion, not by stipulation.

## TRIALS

1. Each counsel or *pro se* litigant must submit to the court, prior to the commencement of trial, the following:
  - (a) marked pleadings
  - (b) all prior Decisions/Orders in the case
  - (c) a witness list
  - (d) an exhibit list
  - (e) any Notice to Admit, with response(s)
  - (f) any Bill of Particulars
  - (g) in the case if a jury trial, a proposed verdict sheet, and a jury instruction request listing all requested Pattern Jury Instruction (PJI) sections **from the most current volume** and proposed verdict sheet. You may list the section by number only if it does not call for any characterization of the evidence or the contentions of the parties. Otherwise, if the section does call for such information, you must supply such description of evidence or contention in writing. While this Court prefers jury instruction requests contained in either the Pattern Jury Instruction or the Jury Instructions in Commercial Litigation, if any party requests other language not based on the PJI or the Jury Instructions in Commercial Litigation, that party **MUST** provide the proposed language in writing, along with the appropriate citation(s) and copies of any cases upon which they rely for the requested language.

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<sup>2</sup> Appendix B to the Rules of Practice for the Commercial Division is available at [https://www.nycourts.gov/LegacyPDFS/RULES/trialcourts/202.70\(g\)%20-%20Rule%2011-g%20](https://www.nycourts.gov/LegacyPDFS/RULES/trialcourts/202.70(g)%20-%20Rule%2011-g%20)

2. Each party must notify the Clerk of the Part, at least **one month** prior to the commencement of the trial, if any proposed witness needs an interpreter, and if so, the language and any dialect.
3. It is the duty of counsel, not court personnel, to make sure all subpoenaed documents have arrived in the subpoenaed records room.
4. Motions in Limine (**non-Commercial Division cases**) – 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 the original motion papers and provide counsel for all parties each with a copy.
5. The trial will be conducted on a continual daily basis until conclusion, unless otherwise instructed by the Court.
6. **No adjournments or delays of the trial will be allowed unless exigent circumstances exist.**

#### **COMMERCIAL DIVISION CASES**

1. The call of the Pre-Trial Conference calendar and the Trial calendar will be held on **Mondays, at 10:00 a.m.**, unless otherwise directed.
2. The parties shall comply with the relevant pre-trial conference and trial rules as required by 22 NYCRR §202.70, and **must supply the Court, at the time of the Pre-Trial Conference, with a copy of the marked pleadings.**
3. Motions in Limine - Any party intending to make a motion in limine shall fully comply with Rule 27 of 22 NYCRR §202.70. **Motions in Limine which are not timely made will not be considered by the Court.**
4. Where a party is represented by counsel, an attorney fully familiar with the case **shall** appear at the Pre-Trial Conference.
5. A firm trial date will be set at the Pre-Trial Conference. Any application for an adjournment of the trial must be made **in person on the date set for trial**, and will only be granted upon a showing of good cause.

#### **SETTLEMENTS AND DISCONTINUANCES**

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

of the appropriate fee (CPLR §8020(d)(1)).

## **DECISIONS**

1. Any attorney or pro se litigant desiring a copy of the Court's decision must submit a stamped, self-addressed envelope with the motion papers or at the conclusion of trial.

## **PRELIMINARY CONFERENCE**

1. A Preliminary Conference shall be scheduled (1) automatically by the Court within 45 days after filing a Request for Judicial Intervention, pursuant to 22 NYCRR §202.12(b); or (2) upon filing a written Request for a Preliminary Conference with the Clerk's Office, Room 140, in compliance with 22 NYCRR §202.12(a); or (3) when an appropriate notice is filed in malpractice or certiorari cases pursuant to 22 NYCRR §202.56 and §202.60; or (4) in compliance with 22 NYCRR §202.70 - Rule 7 for Commercial Division cases.
2. All preliminary conferences will be held on **Monday at 11:30 a.m.** at the Preliminary Conference Part, **Room Number 314**, of the courthouse, and they are presided over by the court attorney-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.
3. **Any inquiry pertaining to preliminary conferences shall be made to the Preliminary Conference Part at (718) 298-1046.**

## **COMPLIANCE CONFERENCES**

1. For all **Non-Commercial Division cases**, compliance conferences shall be held on the date scheduled in the Preliminary Conference Stipulation and Order. Conferences shall be held before Justice Maureen Healy in Room 313.
2. For all **Commercial Division cases**, compliance conferences shall be held before Justice Grays in Courtroom 66. The call of the calendar will be held on **Tuesdays at 11:30 a.m.**