

Queens Supreme Court - Civil Term- Part 41, Part Rules Courtroom 44A

Justice Ulysses B. Leverett

88-11 Sutphin Boulevard, Jamaica, NY 11435

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Asst. Law Clerk- Kiana M. Louis, Esq.

Part Clerk- Robert McKibbin

POST COVID MOTION APPEARANCES:

UNTIL FURTHER NOTICE, ALL E-FILED MOTIONS WILL BE CONFERENCED VIRTUALLY VIA MICROSOFT TEAMS. ON THE DAY THE MOTION IS SUBMITTED, NO APPEARANCE IS NECESSARY. FOLLOWING THE DAY THE MOTION IS DEEMED FULLY SUBMITTED, THE COURT WILL NOTIFY THE PARTIES VIA EMAIL OF THE DATE AND TIME FOR THE MANDATED VIRTUAL CONFERENCE/ARGUMENT. PLEASE NOTE ORAL ARGUMENT DOES NOT OCCUR ON THE DATE THE MOTION IS DEEMED FULLY SUBMITTED. PLEASE NOTE THAT ALL PARTIES APPEARING FOR THE CONFERENCES VIA MICROSOFT TEAMS MUST HAVE A WORKING CAMERA AND AUDIO.

FOR NON-E-FILED MOTIONS ALL CONFERENCES/ ARGUMENTS WILL BE HEARD IN PERSON ON THE MOTION'S RETURN DATE.

All attorneys appearing on a case for any purpose must be familiar with the case, ready and authorized to resolve any and all issues.

PLEASE CONTACT THE COURTROOM CLERK, MR. ROBERT MCKIBBIN TO ADDRESS ANY ISSUES/QUESTIONS REGARDING YOUR MOTIONS. DO NOT CALL CHAMBERS.

Article 78 Motions shall be made returnable and heard on Mondays. All other motions, including Article 75 petitions, shall be made returnable and heard on Wednesdays.

Failure to notice a motion in compliance with the designated day above shall result in the motion being marked off calendar without prejudice.

Where a motion or application is "marked off" calendar for non-compliance with Part rules regarding scheduling, appearance, or submission of papers, a new motion or application may be filed in accordance with the Part rules. A motion to restore or renew or reargue is not required.

Any items of discovery related motions not specifically identified as outstanding at the time of any stipulation resolving the motion are deemed waived.

MOTION SUBMISSION FORMS:

At least two business days prior to the return date of a motion, a Motion Submission Form shall be uploaded to NYSCEF and emailed to QSCPART41@nycourts.gov. The form can be found on the court’s website. A Motion Submission Form must be submitted for every appearance on the calendar.

ADJOURNMENTS:

Applications for adjournments on consent, or otherwise, must be done by use of the Motion Submission Form that can be accessed on the Queens Supreme Court main website: [https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/motion_submission_form.pdf] Adjournments will not be entertained by telephone. All Motion Submission Forms should be e-filed **AND** emailed to Chambers at QSCPART41@NYCOURTS.GOV.

Applications for an adjournment will be granted as a matter of right for the first time. **First time adjournment applications MUST be made no later than the motion return date.** No further applications will be granted without permission of the Court.

In the event an adjournment on the initial return date is granted, a briefing schedule will be issued with date for responsive papers. Failure to serve responsive papers in accordance with the briefing schedule may result in rejection of those papers on the adjourn date.

MOTION PAPERS:

All motion papers submitted shall be in compliance with 22 NYCRR 202.5 and 22 NYCRR 202.8 concerning papers filed with the Court and covering motion procedures. Regarding 22 NYCRR 202.8-g, all parties are required to submit a Statement of Material Facts with their motion papers. In addition to the requirements of 22 NYCRR 202.5, all papers are to be numbered and all paragraphs are to be numbered. All exhibits are to be preceded by a numbered exhibit tab.

A party that has opted out of participation in e-file will file documents in hard copy which shall include, on a separate page firmly affixed thereto, the “Notice of Hard Copy Submission E-Filed Case” form. This form can be found at the NYSCEF site. E-filed motions must otherwise comply with 22 NYCRR 202.5-b.

No sur reply papers, (optional: Reply papers to an Order to Show Cause) or additional papers shall be accepted after a motion is marked “fully submitted” (without express permission of the Court). 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 non-compliant papers.**

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 the original motion.

FRAME ISSUE HEARINGS:

Frame issue hearings will be held on Tuesdays and Thursdays. Trials of framed issues pursuant to Article 75 shall be held virtually unless in-person trials are requested by the parties.

TRIALS:

A counsel must submit to the Court, prior to the commencement of trial, marked pleadings, proposed jury instructions and a proposed verdict sheet.

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 counsel for all parties with a copy.

The trial will be conducted on a continual daily basis other than Thursdays unless otherwise directed by the Court.

No adjournments or delays during trial will be allowed unless exigent circumstances exist.

The attorneys must provide Examination Before Trial (EBT) transcripts if any part of a deposition is to be read into evidence.

The attorneys should advise the Court of any special needs, prior to commencement of trial, e.g. an easel, blackboard, television, etc.

Counsel are responsible for obtaining subpoenaed materials prior to trial from the Subpoenaed Records room at the Jamaica Supreme Court House.

INTERPRETERS:

The attorney(s) must advise the court at least a week in advance of the need for an interpreter for any non-English speaking party or witness.

WITHDRAWALS

If a party wishes to withdraw a motion, please e-file a letter including the motion sequence # that is being withdrawn.

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 or by stipulation on the record via email at QSCPART41@NYCOURTS.GOV. A stipulation of settlement or voluntary discontinuance may be filed after payment of appropriate fees.(CPLR 8020(d)(1)).

ADR

Any parties interested in pursuing settlement through the Court's ADR program may contact the Queens Supreme court ADR Coordinator, Linda Dardis, Esq., by emailing qscadr@nycourts.gov. All parties shall be included in all emails to the ADR Coordinator.

PRELIMINARY CONFERENCE:

Please click on the following links: [Preliminary Conference Part](#) and [Compliance Conference Part](#) for information regarding the Preliminary Conference Part and Compliance Conference Part.

UNCONTESTED MATRIMONIALS

If corrections are requested on e-filed cases, please email Chambers at QSCPART41@NYCOURTS.GOV to advise that the documents have been uploaded to NYSCEF.

For hard copy cases, all corrections must be sent to Chambers by regular mail only. Do NOT mail papers to the Matrimonial Clerk's Office.

Parties will be allowed thirty (30) days to submit corrections. The failure to timely submit corrections may result in dismissal of the action

FORECLOSURES

Any party wishing to schedule a conference for a foreclosure matter shall submit a letter to the Court via email at QSCPART41@NYCOURTS.GOV. Such request shall be forwarded to the Foreclosure Settlement Conference Part where foreclosure conferences are being conducted by Court Attorney-Referees.

REQUESTS TO SUBSTITUTE BANKS (e.g., Signature Bank)

Requests to substitute banks named in Orders of this Court (e.g., Signature Bank) shall be submitted as Ex-Parte Orders on notice to all appearing parties and shall include at least two suggested substitute banks.

INFANT'S 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.

A checklist of documents and information that must be submitted can be found [here](#). Contact the Clerk of Part 41 with further questions.

DECISIONS/STATUS:

Calls regarding the status of a motion or application decision will not be entertained unless the decision has been pending for more than 60 days. In that case, the request must be in writing,

contain the name of the matter, index Number and date the motion was marked submitted. This request can be faxed to the Part at 212-618-0686.

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.

Eff. October 18, 2023