

Civil Term - Part Rules, Part 42, Courtroom 201

Justice Maurice E. Muir
25-10 Court Square, Long Island City, NY 11101
Chambers Phone: (718) 298-0098
Courtroom Phone: (718) 298-1686
Principal Law Clerk: Audrey LeVine, Esq.
Part Clerk: Vincent Chia

General

1. All questions regarding motions, adjournments, calendar calls, and scheduling should be made via email at QSCPart42@nycourts.gov and NOT to chambers.
2. Please notify the Court, especially while a motion is pending before Justice Muir, if the action has been settled, discontinued, and/or the motion has been resolved via email at QSCPart42@nycourts.gov, with a cc to ALL parties.
3. Part 42 is entirely an e-filing part. Justice Muir does not accept working copies of motions/documents. DO NOT MAIL IN ANY COURTESY COPY OF PAPERS as they will be discarded, unless requested.
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: <http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/index.shtml>

Communications with Part 42 and Chambers

1. Counsel and litigants (represented or self-represented) are advised that Justice Muir, his Law Secretary, Law Clerk and/or 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) 298-1686 or via email at QSCPart42@nycourts.gov.
3. Do not send any letters, documents, papers, mail, or facsimile unless expressly permitted by these Part Rules or by prior approval of the Court to the part or chambers

Any and all communications with chambers shall include all parties.

Electronic Filing

1. All cases in Part 42 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/e-filing.shtmlfiling.shtml>.
2. “eTrack” is a case tracking service that 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 eTrack service for all Part 42 cases. To register or log-in, please visit: <http://iapps.courts.state.ny.us/webcivil/etrackLogin>.
3. Please do not send courtesy copies of any documents that were e-filed, with the following exceptions:

Documents requiring Justice Muir’s signature, including proposed orders and stipulations, must be e-filed with NYSCEF and sent via email to QSCPart42@nycourts.gov.

Orders to Show Cause and Emergency/Essential 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/essential 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

1. Requests for Emergency processing will not be entertained unless submitted in person by the requesting attorney.
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 <http://ww2.nycourts.gov/courts/11jd/supreme/civilterm/exparte.shtml>

Motion Calendar Conferences

- 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.
- This rule does not apply to applications for counsel to be relieved, or to dispositive motions, such as summary judgment motions.

Motion Calendar

1. **All motions shall be made returnable and heard on Thursday at 10:00 a.m. The motion calendar will be on submission only.** Appearance is not required, nor are working copies required, except foreclosure motions.
2. The movant and/or cross-movant will be required to **submit a Motion Submission Form** https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/motion_submission_form.pdf https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/motion_submission_form.pdf by email to QSCPart42@nycourts.gov **no later than two (2) business days [forty-eight (48) business hours] prior to the calendared date and time.**
3. Any requests for an adjournment, see adjournment section below.
4. Stipulations regarding pending motions must be e-filed at least two (2) business days [forty-eight (48) business hours] prior to the calendared date and time.
5. The Court, upon its discretion, shall schedule oral arguments after submission of the motions. Any requests for oral argument must be indicated on the Motion Submission Form and will be held virtually via *Microsoft TEAMS*.

6. All motion papers submitted to the Court shall be in compliance 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.

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.

Adjournment 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 via email at QSCPart42@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 QSCPart42@nycourts.gov.
3. Absent extenuating circumstances, consent adjournments shall be limited to **one (1)**. Thereafter, the parties **MUST** contact the Part Clerk via email at QSCPart42@nycourts.gov if seeking any further adjournments

Conferences and Discovery Disputes

1. At this time all conferences will be conducted virtually via *Microsoft TEAMS*.
2. 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 QSCPart42@nycourts.gov with a cc to ALL parties to schedule a virtual conference. The email should include a summary of the discovery related issues.
3. Prior to the virtual conference all the parties must properly complete the *Microsoft TEAMS Scheduling Form*:
https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/skype_scheduling.pdf
return it via email at QSCPart42@nycourts.gov.

4. 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 QSCPart42@nycourts.gov with a cc to ALL to request a virtual settlement conference.

Preliminary and Compliance Conferences

The Court has directed that Preliminary Conferences and Compliance Conferences will be held by the parties completing a stipulation setting forth all discovery deadlines. Please click on the following link for the Memo detailing how to proceed with Preliminary Conferences and Compliance Conference Orders:

- [Preliminary Conference Part](#)
- [Compliance Conference Part Memo](#)

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. 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 QSCPart42@nycourts.gov.

Trials

1. Upon assignment to Part 42, 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 QSCPart42@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. Tort actions are generally bifurcated. 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.

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. [Summary Bench Trials - 11 JD Queens Civil Supreme | 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 QSCPart42@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 virtual hearings will be scheduled by the Court and the parties will be notified of the hearing date by email.

All counsel desiring 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

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. The Court may also order parties to the ADR program without the parties' request or consent. For more information regarding the ADR program, please visit: [Alternative Dispute Resolution \(ADR\)](#).

Uncontested Matrimonials

Any corrections to a rejected set of matrimonial papers must be submitted directly to Chambers.