

Civil Term - Part Rules, Part 52, Courtroom 28

Hon. Margaret Parisi McGowan J.S.C.
Supreme Court, Queens County
88-11 Sutphin Boulevard, Jamaica, NY 11435

Courtroom Telephone 718-298-1677

Email: QSCPpart52@nycourts.gov

***** DO NOT CALL CHAMBERS UNLESS DIRECTED TO DO SO BY THE COURT*****

*****DO NOT EMAIL CHAMBERS WITH ARGUMENTS OR CONTENTIONS*****

*****ALL REQUESTED RELIEF MUST BE MADE BY MOTION ON NOTICE TO ALL NECESSARY PARTIES.**

*****PRIOR TO MAKING A MOTION, ALL PARTIES MAY SCHEDULE AN IN PERSON OR TELEPHONE CONFERENCE IN AN ATTEMPT TO AVOID MOTION PRACTICE**

Appearances and Adjournments

Unless otherwise directed by the Court, appearance of Counsel and their clients is mandatory.

Calendar call is at 9:30a.m. Default time is at 11:00 a.m., unless the matter is scheduled for a time certain. Please be prompt for all appearances.

A notice of appearance shall be properly filed in the Office of the County Clerk and the Matrimonial office with a courtesy copy to the part clerk.

Upon withdrawal of an attorney, there must be a properly filed Consent to Change Attorney or termination of Attorney properly filed with the Clerk's office and a copy to the part clerk.

Business cards are to be submitted to the Court at the first appearance on all matters or upon the substitution of an attorney.

Requests for adjournments shall be made 24 hours in advance and no later than 1:00 p.m. by submitting a stipulation signed by all the parties via email QSCPpart52@nycourts.gov. The stipulation should include the appearance date, several available adjourn dates or the adjourned date chosen by the court. If no dates are supplied the Court will pick a date. There shall be no ex parte communication with the Court. The Part email is for the purpose of requesting an adjournment only. All adjournments are subject to final approval by the Court in advance of the court date.

All adjournments on the grounds of engagement of counsel shall be granted only in accordance with Part 125 of the Rules of the Chief Administrator of the Courts. Affirmations must be faxed to the Court and the Adversary at least 1 day prior to the Court appearance.

Minor children are not permitted in the courtroom, except by permission of the Court.

Orders of Protection

At the time of check in or the calendar call, the Court shall be notified of any Orders of Protection.

Interpreters

Notification for Court Interpreter Services shall be made to the Court upon the initial filing of the Request for Judicial Intervention or Motion or any other application to the Court, but not less than 24 hours prior to the first appearance.

Compliance Conferences

Compliance conferences shall be held on **Mondays** and **Tuesdays**, unless otherwise directed by the Court. The calendar call is at 9:30 a.m.

Counsel attending the conference must be fully familiar with and authorized to settle, stipulate or resolve or dispose of any issues or the action.

Pretrial Conferences

Pretrial conferences will be held on **Mondays** and **Tuesdays**, unless otherwise directed by the Court. Counsel should be prepared to submit the following:

1. Updated net worth statements with 3 immediately prior years of tax returns;
2. Child support worksheet if applicable; and
3. All outstanding discovery.

In the event the matter remains unresolved at the conclusion of the pretrial conference, the matter will be set for a firm trial date before this Court or any other part assigned to hear the trial. Once a case has been assigned a trial date, it is presumed ready for trial.

Motions

Motions shall be heard on Tuesdays. The calendar call is at 9:30 a.m. Prior to making a motion, all parties may schedule a conference or conference call with the court in an attempt to avoid motion practice.

Motions shall be made returnable only on the part's motion day. All motion papers (including opposition and reply) must state the sequence number on the first page.

Counsel and parties are required to appear personally on all motions. Oral argument is required on all motions.

Copies of the Family Court petition and any existing Orders must be submitted with applications to consolidate.

Any pending motions will be deemed withdrawn upon the settlement of the case unless explicit provisions are made for its preservation.

Ex Parte Applications

Applications for an Ex Parte Order of Protection are heard the same day they are filed.

Inquest

A Note of Issue must be filed prior to an inquest being held.

Trials

1. A Note of Issue must be filed prior to any trial, pursuant to the CPLR.
2. All pleadings must be filed prior to trial.
3. Cases placed on the trial calendar with a firm date will not be adjourned unless counsel is actually engaged on trial and provides an affirmation pursuant to Court rules attesting to the fact. Failure to be ready to proceed to trial may result in a judgment of default or dismissal of the action.

Judgments

After trial, parties, if any, shall submit post-trial proposed Findings of Fact and Conclusions of Law. Pursuant to 22 NYCRR 202.48, proposed Judgments with proof of service on all parties must be submitted for signature within 60 days unless otherwise directed by the Court.

Miscellaneous

All parties must be properly attired.

Electronic equipment such as beepers, cellular phones, radios, and any electronic or recording device must be turned off while in the courtroom.

If a party or counsel is required to appear in another courtroom, they must promptly advise the Court Officer or Part Clerk where they are going, how they can be reached, and when they will return. Failure to notify the Court of your absence may result in the Court taking the appropriate action that it deems proper.