

Civil Term - Part Rules, Part 53, Courtroom 27

JUSTICE ANNA CULLEY
SUPREME COURT, QUEENS COUNTY
88-11 Sutphin Blvd. Jamaica, NY 11435

Courtroom (part clerk) 718-298-1052
Chambers 718-298-1095
Fax 718-298-1145

PLEASE NOTE THAT REQUESTS FOR ADJOURNMENTS ARE NOT HANDLED THROUGH CHAMBERS, SO PLEASE DO NOT CALL CHAMBERS REQUESTING SAME. YOU MAY E-MAIL CHAMBERS AT QSCPART53@NYCOURTS.GOV FOR MATTERS OTHER THAN ADJOURNMENTS

**** PLEASE DO NO CALL CHAMBERS UNLESS DIRECTED TO DO SO BY THE COURT.**

Appearances and Adjournments

1. All parties and attorneys must be present at every appearance unless specifically excused by the court. Calendar call is at 9:30 AM unless otherwise instructed by the court. All attorneys and parties appearing pro se must check in with courtroom staff upon entering the courtroom.
 - a. The court shall be notified and provided with a copy of all orders of protection at the time of calendar call or check in with the part clerk.
 - b. Notification for Court Interpreter Services shall be made to the part clerk as soon as practicable but not less than 24 hours prior to the first court appearance. At time of calendar call or check in, the court shall be reminded that court interpreter services are needed.
2. A notice of appearance shall be filed in the Office of the County Clerk and the Matrimonial Office with a courtesy copy to the part clerk.
3. Two business cards are to be submitted to the court at the first appearance with valid email addresses.
4. **Litigants who are represented by counsel must communicate with chambers staff or the court through counsel only.**
5. Requests for adjournments shall be made 24 hours in an advance and no later than 1 PM the day prior by contacting the part clerk in the courtroom. Do not contact chambers concerning adjournments unless instructed to do so by the part clerk. Do not fax or mail requests for adjournments to the court without first contacting the part clerk. After speaking with the part clerk, counsel shall prepare a stipulation including the caption and index number of the case, the appearance date, the adjourned date, and the reason for the adjournment. Faxed stipulations requesting an adjournment, with a prior court approved return date, will only be accepted if signed by all parties or their attorneys, **including the attorney for the child if one has been appointed.** The stipulation shall be faxed to chambers at least one (1) day prior to and **no later than 1 PM the day before** the scheduled appearance date or emailed to the address listed above. **All requests for adjournments are subject to denial by the Judge.**
6. All requests for adjournments on the ground of engagement of counsel shall be granted only in accordance with Part 125 of the Rules of the Chief Administrator of the Courts. An affirmation must be faxed to the court at least one (1) day prior to the court appearance **and before 1 PM.**

7. Upon withdrawal of an attorney, there must be a properly filed Consent to Change Attorney or Termination of Attorney with the Clerk's office and with the part clerk.
8. No call shall be placed to chambers unless at the direction of the court.

Orders of Protection

1. Applications for an Ex Parte Order of Protection are heard the same day they are filed.
2. Counsel are required to have their clients present on every court date, unless excused by the court.

Automatic Order

Pursuant to Domestic Relations Law §236 (B)(2)(b), when serving a summons, a copy of the automatic orders must also be served and noted in the affidavit of service separately.

Request for Judicial Intervention (RJI)

1. A request for a preliminary conference shall accompany the RJI and both are to be served on all parties.
2. Both a copy of the RJI and the request for a preliminary conference shall be filed with the Matrimonial Clerk's Office.

Ex Parte Applications

Any application for temporary injunctive relief shall contain an affirmation demonstrating there will be significant prejudice to the party seeking the restraining order by giving notice. In the absence of a showing of significant prejudice, an affirmation must demonstrate that a good faith effort has been made to notify the party against whom the restraining order is sought in accordance with 22 NYCRR 202.7. This rule does not apply to temporary orders of protection.

Motions and Orders to Show Cause

1. Motions shall be heard on Wednesdays. The calendar call is at 9:30 am. When noticed in error, the Matrimonial Clerk's Office shall calendar the motion for the part's next available motion day. If the case already has a date scheduled in the future, the motion may be made returnable on that previously assigned date even if it is not a regular scheduled motion day. **All motion papers (including opposition and reply) must state the motion sequence number on the first page.**
2. **If a motion is made prior to the court issuing a preliminary conference date, the return date of the motion will most likely be changed to coincide with the assigned preliminary conference date. Please follow for any changes in motion dates.**
3. **Appearances and oral argument are required on all motions.**
4. All cross-motions shall be filed with the County Clerk's office at least two (2) days prior to the return date of the motion along with payment of the appropriate fees. Answering papers shall be served pursuant to the CPLR and the original papers shall be brought to court on the return date of the motion. **Cross-motions shall not be considered as opposition to main motions. Papers proffered in opposition to the main motion shall be contained in a stand alone document and not subsumed in a cross-motion. Likewise, papers proffered in opposition to a cross-motion shall be a stand alone document and not subsumed in a reply. Failure to comply with the requirements of this section may result in rejection of the offending submission. No sur-**

replies will be considered without leave of the court. No papers may be submitted directly to Chambers unless directed by the court.

5. No motion papers will be accepted by the court unless all exhibits are properly indicated by protruding tabs. All motion papers are to be securely fastened to prevent papers from becoming loose.
6. Any application related to child support and/or maintenance shall include a child support standards act worksheet and/or a maintenance support worksheet.
7. **Counsel AND the parties are required to appear on all motions.**
8. The court does not accept courtesy copies of motion papers.
9. Pursuant to the CPLR, after argument of an application, sur-replies, memoranda and letters addressed to the substance of the pending application will not be considered.
10. Allegations of fact submitted to the court, including allegations contained in an affidavit or the complaint, must be certified by counsel in the form prescribed by the Chief Administrative Judge.
11. Copies of the Family Court petition and any existing orders must be submitted with applications to consolidate.
12. Initial post-judgment applications shall be brought by Order to Show Cause. In the event that there is a post-judgment application pending, further application may be made by Notice of Motion or Cross-Motion.
13. Any motion pending will be deemed withdrawn upon settlement of the case unless explicit provision is made for its preservation.
14. All emergencies shall be heard by the Court upon proper notice pursuant to 22 NYCRR 202.7

Preliminary Conference

Please refer to the Matrimonial Preliminary Conference Part Rules located on the court's website.

Compliance Conference

Compliance Conferences shall be held on **Tuesdays and Thursdays** or as otherwise scheduled by the Court. Calendar call is 9:30 a.m. Please be prompt.

Pre-Trial Conferences

1. Pre-Trial conferences shall be held on Thursdays or as otherwise scheduled by the court. Calendar call is 9:30 am. Please be prompt. At the pretrial conference, counsel will have to demonstrate full compliance with the part's pretrial checklist before trial dates will be given.
2. **Counsel shall present all motions in limine at this conference.**
3. Once a case has been assigned a trial date, it is presumed ready for trial.
4. In the event the action is resolved prior to the pre-trial conference, counsel are expected to notify chambers immediately and provide a copy of the first and last page of the parties' signed stipulation.
5. A note of issue shall be filed in accordance with the compliance conference order or other order of the court and must be filed prior to the commencement of the trial.

6. Counsel shall provide the court with copies statements of proposed disposition, updated net worth statements with the last three (3) years tax returns, all orders that had been issued in the matter and child support and maintenance worksheets when applicable.

Trials

1. All parties must appear at each trial date unless excused by the court.
2. Chambers shall be notified by all sides immediately if the action is resolved prior to the scheduled trial date.

The court will advance an inquest date if the action is resolved. The parties shall request an advancement by faxing to the court the first and last page of the stipulation of settlement signed by all parties.

All stipulations of settlement must be; 1) in writing, 2) comport with applicable sections of the Domestic Relations Law, and 3) signed by all parties.

Requests to place oral stipulations of settlement on the record will not be granted. There will be no exception to this rule.

3. Pursuant to 22 NYCRR 2-216(9), all experts reports are to be exchanged and filed with the court sixty (60) days before the date set for trial. Reply reports, if any, shall be exchanged no later than thirty (30) days before said date.
4. The following, if applicable, shall be provided to the court at least one (1) week prior to the date of trial if not previously provided at a pre-trial conference:
 - a. Marked pleadings;
 - b. Updated affidavits of net-worth, statements of proposed dispositions and child support worksheets;
 - c. A witness list and any pre-trial memoranda;
 - d. Expert reports which were served no later than thirty (30) days before trial;
 - e. A list of all proposed exhibits;
 - f. A list of documents, pre-marked by counsel, which counsel may stipulate into evidence.
 - g. A written copy of any issues or facts to which parties can stipulate before trial to be read into the record at the commencement of trial.
5. When presenting a witness with a document to be marked into evidence, a courtesy copy of that document must also be presented to the court.
6. There will be no adjournments of the trial date without the court's permission.
7. Failure to proceed may result in a judgment of default or dismissal of the action.
8. Copies of trial memoranda/decisions will be mailed, emailed or faxed to counsel and self-represented litigants.
9. **After trial, the parties and the children's attorney, if any, shall submit post-trial proposed findings of fact and conclusions of law in hard copy, with copies on computer disk or email attachment in Word Perfect format unless waived by the court. The parties shall also submit a full set of trial transcripts for consideration by the court in rendering its trial decision.**

Judgments

1. All judgments shall include a completed copy of the Matrimonial Clerk's Office's contested judgment checklist, indicating all necessary attachments.
2. Pursuant to 22 NYCRR 202.48, proposed judgments with proof of service on all parties must be submitted for signature, within sixty (60) days, unless otherwise directed by the court.

Post Judgment Applications

1. If a contested judgment of divorce was signed within 18 months of an application to modify the issue of custody and/or visitation, the application will be heard in the Supreme Court.

Miscellaneous

1. Parties with emancipated children should be aware that the Judge may assign the parties to an approved mediation program.
2. All parties must be properly attired.
3. Electronic equipment such as beepers, cellular phones, radios, or any electronic or recording device must be turned off while in the courtroom.
4. 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 appropriate action that it deems proper.
5. Children of the parties are not permitted to observe their parents' contested matrimonial proceedings. Counsel must notify court or court's personnel if the children are present in the courtroom.