

HON. LIZETTE COLON, J.S.C.
SUPREME COURT – RICHMOND COUNTY
IAS, Commercial, Guardianship & Mental Hygiene Part Rules
10 RICHMOND TERRACE (BOROUGH HALL BLDG)
2ND FLOOR ROOM 220
CORNER OF HYATT ST AND STUYVESANT ST
PART EMAIL: RICSIAS21@NYCOURTS.GOV

Principal Law Clerk: Jacqueline Monier

Assistant Law Clerk: Redento Bilotti

Part Clerk: Mary Riddo

Chambers: (718) 675-8485

Courtroom: (718) 675-8478

Guardianship Department: (718) 675-8586

NOTE: REGISTERING TO NYSCEF IS NOT THE SAME AS FILING A NOTICE OF APPEARANCE (Notice of Appearance Form).

Judge Colon’s parts shall conduct bench trials and jury trials in person. Conferences and oral arguments shall remain virtual unless an “in person” request is submitted or directed by the Court.

Please ensure your appearance alert system (e-law, e-courts etc.) and e-file contact information is current and correct. The court shall schedule virtual appearances and “in person” appearances via the court’s UCMS (case scheduling system). Highlight and right click the link provided in “comments” which will take you to the virtual Teams appearance. You may also use the hyperlinks in these rules to access the required documents, forms, and recurring Microsoft Teams conference links.

PREAMBLE

Upon joinder and the filing of an RJI with PC request, the Court will schedule the matter for a PC. PCs are scheduled on the first Friday of every month. **The scheduled PC date is a NON-APPEARANCE DATE.** On the scheduled PC date, the Court shall issue a PC which will be uploaded to e-file on that day. The Court will issue and indicate on the PC order the CC and NOI dates (discussed in detail below). Upon proper receipt of the NOI, the Court shall schedule the matter for a settlement conference. If the matter does not settle at the settlement conference, the Court will schedule the matter for trial (bench or jury, as applicable).

THE COURT SHALL SANCTION NON-COMPLIANCE WITH ITS DISCOVERY ORDERS TO INCLUDE, BUT NOT EXHAUSTIVE OF, WAIVING, PRECLUDING, AND STRIKING PLEADINGS. EVERY DISCOVERY ORDER, STARTING WITH THE PC ORDER, PLACES THE PARTIES ON NOTICE.

This court does not entertain correspondence on cases before the court, except the formal orders and forms outlined in these rules. Any non-conforming correspondence will not be entertained and will be automatically rejected. Formal application (OSC/motion) or specific request forms are required for judicial intervention.

STIPULATIONS by the parties shall upload, pursuant to dropdown menu, '*stipulation other-(Request to be so ordered)*' for the Court's consideration. The Court **DOES NOT** automatically grant requests by stipulation. **MAKE SURE YOU MONITOR FOR A REJECTION OF A STIPULATION.**

This Court shall entertain **stipulations to consolidate** actions to itself, if this Court has the older index # assigned in its inventory. (*Consolidation Order*).

EBTs must be held in compliance with deposition rules. This court shall not entertain "EBT rulings." The parties must bring an OSC/motion to address violations & preserve their rights.

DISCOVERY

Preliminary Conferences (PC)

On the scheduled PC date, a Preliminary Conference Order will be generated and issued by the Court. The signed and entered orders will be uploaded to e-file. **THIS IS A NON-APPEARANCE DATE**, no action required by the parties. The PC order shall indicate the CC and NOI dates.

Compliance Conferences (CC)

At least two days prior to your scheduled CC date, the parties must either e-file:

1. *Compliance Conference Order* (e-file "proposed order")
2. *Virtual Discovery Conference Request* (e-file "Correspondence to Judge")

Please note that if you are filing a Virtual Discovery Conference Request it does not have to be on consent.

CCs are scheduled for NON-APPEARANCE dates. However, on or before the scheduled CC date, parties **MUST** complete and e-file a Compliance Conference order on consent using this Part's form (*Compliance Conference Order*) [that meets the following criteria:](#)

1. Use the NOI date issued by the Court in the Preliminary Conference Order.
2. Indicate all discovery (including paper discovery, EBTs, IME to be noticed and held etc.).
3. All party discovery (including IME) must take place prior to NOI date previously issued by the Court.
4. All discovery must have a date certain or an "on or before" date. Do not indicate within certain # of days.
5. All consent orders must be fully completed and fully executed (print and sign full name).

6. All parties must be accounted for on the proposed order (indicate on the bottom of the order if any named party has settled, discontinued, defaulted, etc. and include date).

7. Plaintiff must TIMELY e-file the FINAL completed, fully executed, proposed consent order, using drop down menu “proposed order” via the e-file system. If more than one order is e-filed, all will be rejected. Each proposed order will be presented to Judge Colon for review and signature. If approved, the proposed order will be so ordered, and any new dates shall be indicated on the order. The signed order will be entered and uploaded to e-file by the clerk. If rejected, the parties will be notified “NOT APPROVED” via the e-file system.

The parties are strongly encouraged to resolve discovery amongst themselves and complete, fully execute, and submit (Efile) a [Compliance Conference Order](#) on consent. All correctly submitted consent orders shall be reviewed, signed, and processed ASAP (typically the same date received) and the CC conference will be deemed “held.”

FAILURE TO EFILE A CC ON CONSENT ORDER OR A VIRTUAL CC CONFERENCE REQUEST ON OR BEFORE YOUR SCHEDULED CC DATE, MAY RESULT IN THE ACTION BEING DISMISSED.

You may also e-file a consent CC order, at any time, as needed (to amend prior discovery orders, restore cases to the calendar, etc.) even if you do not have near future appearance. **Exception:** **Parties may not vacate or extend NOI and may not consent to extend the time to file Summary Judgment motion at any time.** In matters where at least one party is *pro se*, consent orders will not be accepted. A virtual conference ([Virtual Discovery Conference Request](#)) or ([In Person Conference Request](#)) is required each party may file their own request and the court may accommodate hybrid conferences.

Discovery Virtual Conference Request

The parties are strongly encouraged to resolve discovery amongst themselves and e-file consent discovery orders. **DISCOVERY MOTIONS MAY NOT BE FILED WITHOUT PRIOR COURT PERMISSION AND SHALL BE DENIED WITHOUT PRIOR PERMISSION.** If the parties, after good faith efforts, are unable to resolve their discovery issues, they **SHALL** e-file a virtual conference request for judicial intervention either before their CC date or **AT LEAST 1 MONTH PRIOR TO YOUR NOI DATE.** ([Virtual Discovery Conference Request](#))

Unrepresented litigants/Pro Se: where there is a litigant that is not represented by an attorney, a Pro Se party, CC orders will not be accepted on consent. The parties must complete and e-file a [Virtual Discovery Conference Request](#) or an [In-Person Conference Request](#) with or without a proposed order. Pro se parties may choose whether they wish to appear virtually or in person.

The [Virtual Discovery Conference Request](#) or [In-Person Conference Request](#) form must be fully completed and e-filed by either party. Incomplete submissions or any other unauthorized correspondence, shall be rejected. Upon receipt, the court will schedule a conference. Appearance on the court scheduled date and time is **mandatory**.

Virtual Discovery Conference (Compliance)Calendar

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

<https://notify.nycourts.gov/meet/0abdrm>

NOTE OF ISSUE (NOI)

Note of Issue (NOI) dates are issued by this Court and indicated on Court orders (PC, CC and/or other orders). UPON COMPLETION OF ALL DISCOVERY, ON/BEFORE YOUR NOI DATE, FILE YOUR NOI.

This is the time to ensure you demand/got and process all trial authorizations.

Failure to comply with all discovery orders, timely complete discovery, AND e-file NOI on or before the date provided by the Court may result in the action being DISMISSED or SANCTIONS.

If you are seeking to extend NOI, at least **ONE MONTH BEFORE YOUR NOI**, you must make a formal request to do so by filing a new [Compliance Conference Order](#) or [Virtual Discovery Conference Request](#). **If you file a new Proposed Compliance Conference Order to extend the NOI date, you must provide a good-cause reason for the extension request (i.e., third party complaint filed, medical emergency, recent surgery etc.).**

This Court **DOES NOT** hold certification conferences. If the parties are unable to resolve an outstanding discovery issue, they must e-file [Virtual Discovery Conference Request](#) at least 1 month prior to the NOI date.

SETTLEMENT CONFERENCES

Parties shall receive a court notice via E-Courts. There will be a link in the comments or use hyperlink at the end of these instructions to log onto the virtual settlement conference scheduled by the Court. Settlement Conferences are scheduled after the NOI is filed and time for SJ motion has expired.

Counselors shall appear, with knowledge of the case and authority to settle and preplanned access to their client/adjustor. Should the case not settle, the parties shall be prepared to receive a trial date approximately two months from the conference date (approximately 6 months from NOI).

At any time before trial, if the parties settle the case, Plaintiff must complete and e-file the attached settlement form. If partially settled, so indicate, individually naming settled parties (use [Settlement Notice Form](#)) and submit via NYSCEF. Parties must continue to e-file discontinuances, with appropriate fee.

Settlement Conference Virtual Calendar

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

<https://notify.nycourts.gov/meet/0abd35>

ORDERS TO SHOW CAUSE

Orders to Show Cause requesting interim relief must include proper 24-hour notice as per Uniform Rule 202.7(f).

Chambers will immediately contact the moving attorney as well as opposing counsel upon receipt of all properly noticed Orders to Show Cause to set up a virtual hearing on the interim relief. **In most cases, this virtual hearing will take place on the same day on which the Order to Show Cause is filed.** Accordingly, all attorneys should be prepared to argue their position.

Orders to Show Cause that are not requesting interim relief will be signed in the absence of any procedural or legal defects the same day Chambers receives them. Contact information for any non-e-file parties (telephone number and email address) must be provided to Chambers along with the Order to Show Cause. Any pro se parties filing Orders to Show Cause must provide their telephone number and email address to the Court upon filing.

MOTIONS

PARTIES SHALL HAVE COMPLETED SUBMISSIONS & BE PREPARED FOR ORAL ARGUMENT ON FIRST SCHEDULED APPEARANCE. THERE ARE NO ROUTINE ADJOURNMENTS. THE COURT SHALL NOT ACCEPT/GRANT STIPULATIONS TO ADJOURN AUTOMATICALLY, WATCH FOR REJECTIONS OR FURTHER COMMUNICATION. Adjournments are only granted for good cause.

Oral argument is required on all motions and are held on Microsoft Teams.

However, *pro se* participants may elect to appear in person and must inform the court if they choose to do so.

The Court shall hold a virtual motion calendar (Microsoft Teams code below) on the scheduled calendar date (calendar call promptly at 10:00am). Motions shall be decided on default if there is a failure to file papers and/or appear, a failure to submit a consent order or a failure to obtain an adjournment.

NOTE: If you are moving for a default judgment or order of reference, please upload a proposed order to NYSCEF and email the proposed order in WORD format to our Part email RICSIAS21@nycourts.gov.

Motion Virtual Calendar

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](https://notify.nycourts.gov/meet/0abd3v)
<https://notify.nycourts.gov/meet/0abd3v>

The parties may also resolve motions and e-file a consent order prior to the scheduled appearance (use [Form Order Short](#)).

Discovery Motions - No discovery motions shall be made without prior court approval. If the parties, after good faith efforts, are unable to resolve their discovery issues, they **SHALL** e-file a [Virtual Discovery Conference Request](#) or [In Person Discovery Conference Request](#) for judicial intervention.

Stay order – If the parties require a stay due to death of a party, incapacity of a party, military service of a party or any other statutory reason, all parties must complete and fully execute a stay order. The party requesting the stay must provide the necessary proof (death cert, military orders, bankruptcy order, AIP petition, doctor affidavit) and e-file the fully completed and fully executed proposed stay order (use [Stay Order](#)). **Parties may stipulate to lift the stay on a case.**

BENCH TRIALS

Attorneys/Litigants shall appear before the Honorable Lizette Colon, at Borough Hall, 10 Richmond Terrace (2nd Floor Courtroom), Staten Island, New York 10301 and be prepared to conduct trial with all witnesses in person unless the parties have stipulated and consulted with the Court regarding any virtual testimony. **UNLESS NYS OR NATIONAL HEALTH CONDITIONS DICTATE OTHERWISE.**

Should there be any issues thwarting the immediacy of the above, **or if the matter has settled**, attorneys shall immediately contact the Chambers of Judge Colon (see settlement section).

Unless there are extenuating circumstances, no adjournments shall be given.

Parties must submit marked trial evidence packets and witness lists to chambers, located at Borough Hall, 10 Richmond Terrace (2nd Floor Courtroom), Staten Island, NY 10301, entrance on the corner of Hyatt St. and Stuyvesant PL. at least 3 workdays before the trial. Contact chambers to arrange delivery of trial packets. The documents the parties stipulate into evidence must be pre-marked with plaintiff using numbers and defendant using letters. Documents not stipulated into evidence shall be submitted by the admission seeking party, marked only for I.D. The attorney may attempt to lay a foundation for the documents during the proceeding.

Pursuant to CPLR §4213, in trials by the court, the parties may submit proposed findings of facts. The parties shall file their proposed findings of fact on or before 30 days from

the conclusion of a bench trial before this court. The parties shall not extend that time except by leave of this court.

INFANT COMPROMISE HEARING

The following documents are required for the Court to schedule an Infant Compromise Hearing:

1. An Infant Compromise Virtual Hearing Request Form (use [*Infant Compromise Hearing Request Form*](#)).
2. A settlement letter.
3. Counsel's affirmation (see CPLR 1208[b], [e]-[f], 22 NYCRR 267.67 [a] as to disbursements*, and 22 NYCRR 267.67[d] as to OCA retainer number);
4. Parent's/Guardian's affidavit or petition verified by parent/guardian if no action was commenced/no complaint filed (see CPLR 1208[a]; 22 NYCRR 202.67[b]);
5. Infant's affidavit including consent (if the infant is fourteen years of age or older);
6. Recent (within one year from the date of the petition/application) affidavit, affirmation or report from the infant's physician which must include the diagnosis, treatment and prognosis;
7. Copy of Infant's Birth Certificate and Guardian's License if they have different last names.
8. Supporting medical proof/records (see CPLR 1208[c]);
9. For structured settlements, you must upload: structure settlement broker's affidavit; proposed settlement agreement; proposed assignment agreement; proposed annuity contract; proposed guaranty agreement; accepted and rejected structure proposals.
10. An un-redacted proposed order must be submitted to our Part email RICSIAS21@nycourts.gov in WORD FORMAT, and include the OCA retainer number, and the proposed bank and its address.
11. A waiver of appearance from the Defendant(s) for the Hearing, or alternatively, you must provide Defendant's email on the Infant Compromise Virtual Hearing Request Form.

A more detailed explanation of what is required in the documents can be found here: [INSTRUCTIONS FOR INFANT COMPROMISE](#). Judge Colon will schedule and hold virtual infant compromise hearings via Microsoft Teams upon satisfactory review of the above documents.

GUARDIANSHIPS

All conferences, hearings and motions are individually scheduled by Chambers and may not be adjourned without first obtaining an available date from Chambers. Petitioner must be prepared to ensure the AIP appears for the hearing unless excused by the Court. Hearings, motions and conferences may be conducted "in person", "virtually" or "hybrid" depending on individual circumstances and will be determined by the Court.

UNREPRESENTED PETITIONERS/LITIGANTS

If after filing your petition you are assigned to this Court, call my courtroom 718-675-8478 and come to my courtroom to discuss the filing and procedures with me/my staff. **We must have your contact information including your cell phone number and email address.**

**10 RICHMOND TERRACE (BOROUGH HALL BLDG)
2ND FLOOR ROOM 220
CORNER OF HYATT ST AND STUYVESANT ST**

[Pro Se Guardianship Petition](#)

[Pro Se Guardianship OSC](#)

Guardianship Department: 718-675-8586

Richmond County Office of Self Help

Telephone: (718) 675- 8590

Website: <http://ww2.nycourts.gov/courts/13jd/HelpCenterForms>

TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS

Please refer to NY General Obligations Law §5-1701 et seq. for information concerning the proper procedure for filing a transfer of structured settlement payment rights.

As per NY General Obligations Law §5-1705(d) a petition for approval of a transfer of structured settlement payment rights shall include a copy of the transfer agreement, a copy of the disclosure statement and proof of notice of that statement required under §5-1703 of General Obligations Law, a listing of each of the payee's dependents, together with each dependent's age, and a statement setting forth whether there have been any previous transfers or applications for transfer of the structured settlement payment rights and giving details of all such transfers or applications for transfer.

After all required documentation is submitted, Judge Colon will schedule and hold a hearing concerning the transfer of structured settlement rights. The payee shall attend the hearing before the court unless attendance is excused by the Court.

Richmond County Office of Self Help

Telephone: (718) 675- 8590

Website: <http://ww2.nycourts.gov/courts/13jd/HelpCenterForms>

MICROSOFT TEAMS RECURRING CONFERENCE CODES

Motion Virtual Calendar

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

<https://notify.nycourts.gov/meet/0abd3v>

Virtual Discovery Conference (Compliance)Calendar

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

<https://notify.nycourts.gov/meet/0abdrm>

Settlement Conference Virtual Calendar

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

<https://notify.nycourts.gov/meet/0abd35>

Microsoft Teams Q & A: <https://portal.nycourts.gov/knowledgebase/UCS-MicrosoftTeamsJoiningaTeamsMeetingQandA.pdf>

FORMS

[*Notice of Appearance Form*](#)

[*Compliance Conference Order*](#)

[*Virtual Discovery Conference Request*](#)

[*In Person Discovery Conference Request*](#)

[*Certification Order*](#)

[*Form Order Short*](#)

[*Stay Order*](#)

[*Order - Page 2*](#)

[*Settlement Notice Form*](#)

[*Infant Compromise Hearing Request Form*](#)

[*Joint Trial & Discovery Order*](#)

[*Attorney Relieved as Counsel Order*](#)

[*Consolidation Order*](#)

[*Change Venue Order*](#)

[*325\(d\) Order*](#)

[*Default Judgement Order*](#)

Infant Compromise Instructions

Efile drop down menus:

Efile “Proposed order” for all of the above orders

Efile “Correspondence to Judge” for *Virtual Discovery Conference Request*, *Settlement Notice Form*, & *Infant Compromise Hearing Request Form*

Efile *stipulation other-(Request to be so ordered)*

We will continue to adapt to the circumstances as they arise. Please continue to check OCA website for updates.

**COURT RULES: CONCERNING APPEARANCES AND CONFERENCES,
MOTION PRACTICE, AND OTHER MATTERS RELATED TO
LITIGATION PRACTICE.**

<https://www.nycourts.gov/LegacyPDFS/RULES/chiefadmin/AO-270-20with-ToC-and-Exhs.pdf>

VIRTUAL BENCH TRIAL PROTOCOLS AND PROCEDURES

<http://www.nycourts.gov/whatsnew/pdf/VirtualBenchTrial-Protocols-2112021.pdf>