

## 2017 Centralized Motion Part Rules 718-298-1728

1. The Centralized Motion Part (CMP) will hear noticed applications on Monday through Thursday, at 2:15 PM. and on Fridays at 11:00 a.m. There will be only one calendar call.
2. All noticed applications **MUST** be noticed to be heard in the Centralized Motion Part, Courtroom 25, located at 88-11 Sutphin Blvd., Jamaica, NY 11435 at the appropriate time as designated in Rule 1.
3. **Failure to notice a motion in compliance with the designated time as referred to in the above, shall result in the motion being marked off the calendar without prejudice.** (Revised 6/2013)
4. The CMP will hear all noticed applications except those filed involving Article 81 proceedings, **Commercial Division Matters, (eff. 4/3/17)**, Matrimonial matters, Election Law proceedings, Tax Certiorari proceedings, Unsafe Building proceedings, Nuisance Abatement proceedings, Uninsured Motor Vehicles, all Medical Malpractice Proceedings assigned to Judge O'Donoghue and Condemnation proceedings or as otherwise directed in the order to Show Cause. All other applications in the above listed proceedings will be processed under their current system.
5. The application will appear on the CMP calendar as noticed provided it is fee processed by the County Clerk and in the possession of the Motion Support Office a **minimum of five business days** in advance of the return date.
6. The court will be compelled to administratively reschedule in the following situations:
  - Any application noticed for a holiday
  - Any application noticed for a Saturday or a Sunday
  - Any application filed as mentioned above in ¶4
7. Motions for which Corporation Counsel appears must be noticed for Tuesday or Wednesday. Failure to do so may result in the motion being marked off or administratively rescheduled to a "City" day.
8. Should the court administratively reschedule, the movant will be responsible for notifying all parties of the administratively rescheduled date which can be ascertained at the e-court's web site <https://iapps.courts.state.ny.us/webcivil/ecourtsMain>. and providing proof of same to the court on the return date.
9. **Mandatory appearance** will be required for an Order to Show Cause, Writ of Habeas Corpus or **any discovery related application** or to vacate a note of issue. The Court directs that any attorney appearing on a case for any purpose **MUST** be familiar with the case, prepared and authorized to resolve any and all issues. On the return date, **any discovery related application** will be conferenced with the expectation that the issues will be resolved by stipulation. All stipulations must indicate that the motion, and where appropriate the cross-motion, is/are being withdrawn pursuant to the stipulation and must be signed by the attorneys appearing at the calendar call.
10. **The Centralized Motion part clerks will not accept any papers prior to the call of the calendar for any matter in which a mandatory appearance is required. (See ¶ 9)**
11. **In any case where a motion is "Marked Off" for non-compliance with CMP Part Rules such as improper notice, failure to appear in court as required by CMP Part Rules (i.e. on**

**a discovery motion or order to show cause), or for failure to provide a working copy of an electronically filed motion, a new motion for the original relief sought may be filed in accordance with the CMP Part Rules. A motion to Restore, Renew or Reargue is NOT required.**

12 A stipulation withdrawing an application and resolving all issues can be submitted on the morning of the return date in the CMP office, room 24A, or during the call of the calendar in Courtroom 25 and may be filed by Calendar Service.

**13. Timely served responsive papers on a substantive motion, will be accepted the morning of the return date in the CMP office, Monday through Thursday, room 24A, or at the call of the calendar and may be filed by Calendar Service. Papers are not accepted in advance of the calendar call on Fridays. Cross motions that are brought on insufficient notice or improperly seek relief against a non-moving party are subject to being marked off at the call of the calendar. For e-filed matters, please refer to ¶16.**

**All papers must be submitted in person, by counsel or by a calendar service. Please see emboldened section at bottom.**

14. The court will entertain an application for an adjournment on any substantive motion only at the call of the calendar and will not be entertained by mail, fax or by telephone.

15. Only ONE adjournment will be permitted. The presiding Court Attorney-Referee will issue a specific **briefing schedule** with dates by which all responsive papers are to be served. Such briefing schedule shall be verbally assigned by the presiding Court Attorney-Referee and written on the face of the motion papers. Failure to serve opposition papers in accordance with the briefing schedule shall result in the rejection of those papers on the return date.

**16. On any application subject to e-file, a working copy must be submitted at the call of the calendar, except in reference to a working copy of responsive papers applicable to Rule ¶13. However, no responsive working copies will be accepted if moving papers have not yet been submitted to CMP. Each working copy MUST include, firmly affixed to the back of the motion papers, a copy of the confirmation notice received from the NYSCEF site upon the electronic filing of such documents. Failure to present the required working copy at or before the calendar call on the initial motion date WILL result in the matter being marked off the calendar. (Effective June 2, 2014). A party that has opted out of participation in e-file will file documents in hard copy which will include, on a separate page firmly affixed thereto, the “NOTICE OF HARD COPY SUBMISSION–E-FILED CASE” form, which can be found on the NYSCEF site at <https://iapps.courts.state.ny.us/nyscef>**

17. Please call (718) 298-1728 to hear answers to commonly asked questions.

**THE CENTRALIZED MOTION PART DOES NOT ACCEPT ANY PAPERS BY MAIL, NOR BY FAX. PAPERS ON ALL MOTIONS MUST BE DELIVERED DIRECTLY TO THE CENTRALIZED MOTION PART ON THE RETURN DATE OF THE MOTION.**

**DO NOT SEND ANY PAPERS DIRECTLY TO THE IAS JUDGE OR CHAMBERS.**

**EFFECTIVE NOVEMBER 2, 2015 ANY PAPERS SUBMITTED TO COURT/CMP THAT ARE NOT IN COMPLIANCE WITH CMP RULES STATED ABOVE WILL BE DISCARDED.**