

Centralized Motion Part Rules 718-298-1728

1. The Centralized Motion Part (CMP) will hear noticed applications on Monday thru Thursday, at 2:15 PM. Motions noticed for Friday will be called at 11:00 a.m.. There will be only one calendar call.
2. **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)
3. The CMP will hear all noticed applications except those filed involving Article 81 proceedings, 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. All other applications in the above listed proceedings will be processed under their current system.
4. 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.
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 untimely as mentioned above in #4
 - Matters in which Corporation Counsel appears (matters must be noticed for Tuesday or Wednesday)
7. 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 at <http://iapps.courts.state.ny.us/webcivil/ecourtsMain>.
8. **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 All stipulations must indicate that the motion, and where appropriate the cross-motion, is/are being withdrawn pursuant to the stipulation and must be signed by the attorneys appearing at the calendar call.
9. 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.
10. The answering papers on a substantive motion, including cross-motions, affirmations in opposition and reply affirmations, will be accepted on the morning of the return date in the CMP office, room 24A, or at the call of the calendar and may be filed by Calendar Service. **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 (effective June 2,**

2014). All papers must be submitted in person by counsel or by a calendar service.

11. 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. Only one adjournment will be permitted issuing specific dates on which all responsive papers are to be served.

12. On any application subject to e-file, a working copy must be submitted at the call of the calendar. In such events, per rule, each working copy will include, firmly affixed thereto, a copy of the confirmation notice received from the NYSCEF site upon the electronic filing of such documents. 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/forms/EFM3.pdf>. *Failure to present the required hard copy on the initial motion date may result in the matter being marked off the calendar (effective June 2, 2014).*

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

PLEASE NOTE THAT THE CENTRALIZED MOTION PART DOES NOT ACCEPT ANY PAPERS BY MAIL, NOR BY FAX. PAPERS ON PRE-SUBMISSION MOTIONS MUST BE DELIVERED DIRECTLY TO THE CENTRALIZED MOTION PART ON THE RETURN DATE OF THE MOTION. PLEASE DO NOT SEND ANY PAPERS DIRECTLY TO THE IAS JUDGE OR CHAMBERS. PLEASE NOTE THAT EFFECTIVE NOVEMBER 2, 2015 ANY PAPERS SUBMITTED TO COURT/CMP THAT ARE NOT IN COMPLIANCE WITH CMP RULES STATED ABOVE WILL BE DISCARDED.

ALSO NOTE THAT 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 RULE # 8)

Updated October 7th, 2015