

**JUSTICE ANNA M. GRIMALDI
RULES FOR MATRIMONIAL PART 54
SUPREME COURT, QUEENS COUNTY
COURTROOM 42**

Part 54 Rules are effective as of September 5, 2024

88-11 Sutphin Blvd.
Jamaica, N.Y. 11435
Chambers: 718-298-1984
Email: QSCPart54@nycourts.gov
Principal Law Clerk: Stephanie Aris, Esq.

COMMUNICATION:

1. All attorneys and/or pro se litigants must be included on any call or email. No ex parte emails will be read.
2. All litigants who are represented by Counsel must communicate with the Court through their Counsel only.
3. All correspondence shall be made to the part email and shall include the name and index number of the case.
4. **DO NOT CALL CHAMBERS UNLESS DIRECTED TO DO SO BY THE COURT.**

APPEARANCES:

1. All appearances will be conducted in person unless otherwise authorized by the court.
2. All litigants must be present at every appearance whether remote or in person, unless specifically excused by the court.
3. All conferences, whether remote or in person, are scheduled for a time certain. Parties and counsel are expected to be prepared to go forward, with all required documentation completed, at the time scheduled.
4. A notice of appearance shall be filed by NYSCEF prior to the first appearance.
5. **If the service of an interpreter is required, the Court shall be notified at least 5 business days in advance of an appearance.**
6. All parties and counsel must be properly attired for Court.
7. Electronic equipment such as beepers, cellular phones, radios and any electronic or recording device must be turned off while in the courtroom.

8. Children are not permitted in the courtroom except by permission of the Court.

REMOTE CONFERENCES:

1. The Court will send a link to all counsel and any pro se litigants for all virtual conferences. Counsel are expected to share the link with their clients.
2. Please sign onto the remote conference at least 10 minutes prior to the scheduled conference time.
3. Courtroom decorum must be followed at all times.
4. Recording is prohibited by anyone other than the Official Court Reporter.
5. Please email QSCPart54@nycourts.gov if experiencing any technical difficulties.

ADJOURNMENTS:

1. Requests for adjournments shall be made no later than 24 hours in advance by contacting the Part 54 email. The email shall state the name of the case, the index number, the date of the appearance and the reason for the adjournment. All adjournments requested on the basis of engagement of counsel require an Affirmation of Actual Engagement to accompany the request. All requests must include all attorneys on the case and all self-represented parties. The Court will respond to all adjournment requests via email.
2. Do not contact chambers or the part by phone concerning adjournments.
3. Counsel/parties shall make every effort to obtain consent from the adversary for any adjournment prior to making a request for an adjournment to the Court. Counsel/parties shall set forth several mutually agreeable dates and times for the adjournment in accordance with the following schedule: Preliminary Conferences are held on Mondays; Motions on Tuesdays; and Compliance Conferences on Wednesdays.
4. Trial dates will not be adjourned barring exceptional circumstances approved by the Judge.
5. There are no adjournments as of right. All adjournments are at the discretion of the Judge.

ORDERS OF PROTECTION:

The Court shall be notified of any Orders of Protection at check-in or the calendar call. **Copies of Orders of Protection currently in effect shall be provided to the court.**

PRELIMINARY CONFERENCES:

1. Matrimonial Preliminary Conferences assigned to Judge Grimaldi will be held in person, in Courtroom 42.
2. All counsel and parties are expected to be prepared in accordance with and comply with the Rules of the Matrimonial Preliminary Conference Part:
<https://www.nycourts.gov/LegacyPDFS/COURTS/11jd/supreme/civilterm/parrules/MatrimonialPreliminaryConferencePartRules.pdf>

COMPLIANCE CONFERENCES:

1. Compliance conferences shall be held on Wednesdays, in person, at a time certain.
2. Counsel and their clients must appear at the compliance conference unless absence is authorized by the Court.
3. Counsel attending the conference must be fully familiar with and authorized to settle, stipulate, resolve or dispose of any issues or the action.
4. Counsel are expected to have complied with all directives made by way of the Preliminary Conference Order.

PRE-TRIAL CONFERENCES

1. Pretrial conferences will be held in person, unless otherwise directed by the Court.
2. All attorneys participating in the pretrial conference must be fully familiar with and authorized to settle such action. All counsel must provide the Court with the following:
 - a. Proof of filing of the Note of Issue
 - b. Statements of proposed disposition
 - c. Updated net worth statements with 3 immediate prior years of tax returns
 - d. Child support worksheet, if applicable
3. 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.

4. Pursuant to 22 NYCRR 2-216(g), all expert reports are to be exchanged and filed with the Court 60 days before the date set for trial. Reply reports, if any, shall be exchanged no later than 30 days before the trial date.
5. Both sides must comply with Section 202.16 of the Uniform Rules for the New York State Trial Courts no later than 30 days prior to trial unless otherwise directed by the Court.
6. Both sides must comply with the Court's Pretrial Orders in a timely manner or may be subjected to sanctions.

ALTERNATIVE DISPUTE RESOLUTION (ADR):

Parties and Counsel are encouraged to avail themselves of the ADR program. The initial 90-minute session is free of charge. For more information about the ADR program, please visit:

<https://ww2.nycourts.gov/courts/11jd/supreme/civilterm/adr/index.shtml>

MATRIMONIAL MOTIONS/ORDERS TO SHOW CAUSE:

1. Matrimonial motions shall be heard on Tuesdays. The calendar call is at 9:30 a.m.
2. All motions must conform to the Uniform Court Rules, 22 NYCRR 202.5(a). 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.
3. **Counsel and parties are required to appear personally on all motions. Oral argument is required on all motions.**
4. Prior to filing any discovery motion, counsel/parties must contact the part via email, setting forth the issue, and request a conference call for the Court's assistance in resolving the issue. Counsel are strongly encouraged to follow this practice for all non-discovery motions as well in order to reduce the need for motion practice.
5. Pursuant to the CPLR, after argument of an application or submission of a motion, sur replies, memoranda and letters addressed to the substance of the pending action will not be considered without prior permission of the Court.
6. If a motion has been brought by Order to Show Cause, affidavits of service are required to be filed prior to or on the return date.
7. Copies of the Family Court petition and any existing Orders must be submitted with applications to consolidate.

8. Any pending motions will be deemed withdrawn upon the settlement of the case unless explicit provisions are made for its preservation.
9. All papers shall be bound and exhibits shall be clearly marked and tabbed or the papers will be rejected and returned. Copies of relevant pages of deposition testimony quoted or referred to in the motion must be attached as separate exhibits to the motion, with the relevant language highlighted.
10. Any application related to child support shall include a completed Child Support Standards Act Worksheet.
11. All emergency applications shall be heard by the Court upon proper notice pursuant to 22 NYCRR § 202.7.
12. Initial post-judgment applications shall be brought by Order to Show Cause. Any Notice of Motion is subject to the Court's availability.
13. 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 in a stand alone document and not submitted in a reply.
14. **Failure to comply with the requirements of this section may result in rejection of the non-compliant submission. No sur-replies will be considered without leave of the Court.**

FORECLOSURE MOTIONS/ORDERS TO SHOW CAUSE

1. Foreclosure motions assigned to Part 54, shall be returnable and noticed to be heard in Part 54 on Thursdays at 9:30 a.m. A submission motion calendar will be called at such time.
2. Appearances are not required, however working copies must be submitted to the Court at the calendar call on the return date of the motion. Failure to submit same may result in the motion being marked off the calendar.
3. Any requests for oral argument must be clearly indicated on the face of the motion/opposition papers. It is within the discretion of the Judge whether oral argument shall be granted. You will be notified if oral argument is granted.
4. All discovery related motions will be scheduled for an in-person conference by the Court at a later date.
5. Motions for Summary Judgment in foreclosure actions shall not stay disclosure (cf. CPLR 3214[b]). Successive motions for summary judgment may be denied at the discretion of the court.
6. All motions must conform to the Uniform Court Rules, 22 NYCRR 202.5(a). 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.
7. All motions shall be accompanied by a proposed Order, or, where applicable, a proposed Judgment. Proposed judgments must conform to the Queens County Foreclosure & Sale Judgment Template. Sample forms are available on the Queens County Supreme Court, Civil Term website.
 8. All papers shall be bound and exhibits shall be clearly marked and tabbed or the papers will be rejected and returned. Copies of relevant pages of deposition testimony or documents, quoted or referred to in the motion, must be attached as separate exhibits to the motion, with the relevant language highlighted.
 9. 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 in a stand alone document and not submitted in a reply.
 10. **Failure to comply with the requirements of this section may result in rejection of the non-compliant submission.**
 11. **Administrative rescheduling:** The Court may administratively reschedule any application or motion. Information about the rescheduling will be available on e-Courts. If the Court administratively reschedules, the movant will be responsible for notifying all parties of the rescheduled date and providing proof of the same to the Court on the rescheduled adjournment date. Parties should check e-courts for the new date of any motions that may have been adjourned. E-courts is updated on a continuous basis.
 12. If a motion is marked off or “denied without prejudice with leave to refile and/or seek the same relief,” for noncompliance with the CPLR, Part Rules, caselaw, etc., a new corrected motion for the original relief sought may be filed with a new sequence number. Said motion is NOT a motion to Restore, Renew or Reargue under CPLR 2221.
 13. The parties SHALL notify the Court immediately when withdrawing any pending motion or application because the matter is settled and/or discontinued. Stipulations of settlement and/or of discontinuance SHALL immediately be e-mailed to this Part AND filed on NYSCEF.
 13. No Sur-Replies, supplemental or additional papers, letters or correspondence shall be accepted after a motion is marked fully submitted without the express permission of the Court.

REQUESTS FOR ADJOURNMENTS

1. **Please do not call the Judge's chambers or the part to request an adjournment.**
2. Requests for adjournments may be made by stipulation or with permission of the Court.
 - a. The stipulation **MUST** contain the signatures of all appearing parties and SHALL be e-mailed to QSCPART54@nycourts.gov at least 24 hours before the return date. All stipulations for adjournments **MUST** include a briefing schedule (if applicable) and the reason for the adjournment. (Please note that the stipulated adjourn date is merely a requested date. If the requested adjourn date is unavailable, the Court will adjourn the motion to the next available Thursday. Under those circumstances, the Court's adjourn date does NOT affect the stipulated briefing scheduling.)
 - b. If a party does not consent to an adjournment and will not sign a stipulation, then the application shall be made by emailing the Part, with all parties included in said e-mail, at least 24 hours before the return date.
 - c. Any requests for adjournments made at the calendar call on the return date of the motion will be ruled upon at the Court's discretion.

EX-PARTE APPLICATIONS

1. 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.
2. Applications for Ex Parte Orders of Protection are heard the same day they are filed, to the extent possible; and counsel shall be prepared to call witnesses if the Court deems it necessary.
3. Counsel are required to have their clients present, unless excused by the Court for all matrimonial cases.

INQUEST:

A Note of Issue must be filed prior to an inquest being held. Inquests may be held virtually or in person at the Court's discretion.

TRIAL/HEARINGS:

1. Trials and hearings will be held in person, in the courthouse unless advised otherwise.
2. Trial dates will be assigned only after determination by the Court that the Pre-Trial Order has been fully complied with.
3. A Note of Issue must be filed prior to any trial.
4. All pleadings must be filed prior to trial.
5. No adjournments will be granted for any trial scheduled, except for emergency situations. Failure to be ready to proceed to trial may result in a judgment of default or a dismissal.
6. **NOTIFY CHAMBERS IMMEDIATELY if the action is resolved prior to the scheduled trial date.** The Court will advance an inquest date if the action is resolved prior to trial. All stipulations of settlement must be: (a) in writing; (b) comport with the Domestic Relations Law; and (c) be signed by all parties. No requests to place oral stipulations of settlement on the record will be granted.
7. Trial memoranda must be submitted within 30 days of the conclusion of the trial, unless advised otherwise. It should include the following:
 - a. Each issue that you are expecting the Court to decide.
 - b. Indicate what evidence or testimony was presented to prove each issue.
 - c. Indicate any law that may apply.
 - d. List all issues that were stipulated or agreed to prior to the trial or during the trial.
 - e. Do not include any issue that was not mentioned during trial or that no evidence was presented during the trial.

MATRIMONIAL HEARINGS/TRIALS

1. The Virtual Evidence Courtroom shall be utilized for all trials, whether in person or remote.
2. Two weeks prior to trial, the attorneys shall upload to the Virtual Evidence Courtroom (VEC), located in the case filing on NYSCEF, all evidence that you intend to admit during trial. The evidence shall be marked as Plaintiff

Exhibit 1,2,3... and Defendant Exhibit A, B,C... All Court orders should be marked as a Court Exhibit.

3. Prior to trial, the attorneys shall confer among themselves and decide which documents are being consented to admit into evidence and which documents will be marked for identification.
4. One week prior to the trial date, the attorneys shall email to the Court a list of the documents to be admitted on consent and which documents are to be marked for identification.
5. If any document is not uploaded to VEC, it will not be admitted into evidence.
6. If you intend to question a witness with an exhibit marked into evidence, it may be shared on the monitor set up in the courtroom or if remote on the screen during trial.

JUDGMENTS:

1. All proposed judgments and all final papers must be e-filed.
2. All judgments shall include a completed copy of the Matrimonial Clerk's Office's contested judgment checklist, indicating all necessary attachments
3. 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,
4. Pursuant to the Domestic Relations Law, the Court will conduct statutory registry checks and advise counsel and parties of the results. If further inquiry is required, the Court may require an appearance by parties and counsel.

SUMMARY JURY TRIALS AND SUMMARY BENCH TRIALS:

All counsel and parties are expected to be prepared in accordance with and comply with the Court Rules on Summary Jury Trials and Summary Bench Trials, including but not limited to, the requirement of a written and fully executed stipulation and the imposition of time limits.

Please refer to the following link for additional information about Summary Jury Trials: [Summary Jury Trial - 11JD Queens Supreme Civil | NYCOURTS.GOV](https://www.nycourts.gov/summary-jury-trial-11jd-queens-supreme-civil)

SETTLEMENTS AND DISCONTINUANCES:

1. If the parties are exploring settlement and would like a settlement conference for the purpose of exploring resolution, the parties may make a joint request for such a conference via email to QSCPART54@nycourts.gov or QSCPPart54@nycourts.gov.
2. If an action is settled, discontinued, or otherwise disposed of, parties should inform the court by submission of a copy of the stipulation or a letter directed to the Part Clerk, and sent via email to QSCPPart54@nycourts.gov. Either document should advise of any open motions on the settled matter and withdraw same as moot. All stipulations of discontinuance must be accompanied by proof of filing with the County Clerk and payment of the appropriate fee (*see* CPLR§8020[d][1]).

UNCONTESTED MATRIMONIALS:

The court will expeditiously review and determine all uncontested matrimonial applications it receives. Any questions about applications should be submitted via email to <mailto:qscpart54@nycourts.gov> or QSCPPart54@nycourts.gov. However the court will not respond to status inquiries on uncontested matrimonial submissions in the absence of exigent circumstances.