

## **Justice Duane Hart**

### **Part 18**

**88-11 Sutphin Blvd**

**Jamaica, N.Y.**

**Courtroom: Room 41**

**Courtroom Phone: 718-298-1110**

**Chambers: 718-298-1144**

Counsel, with knowledge of the case and with full authority to settle, enter into binding stipulations or try the case, must be present in Court to answer the motion calendar or trial calendar, where applicable. This applies as well to parties representing themselves in a pro se capacity.

### **Initial Motion Procedure (For motions made in unassigned cases)**

1. Moving papers, are to be filed in the clerk's office (Room 140) pursuant to Uniform Rule 202.8(b) and the instructions under the listing for this Court in the New York Law Journal.
2. No motion relating to disclosure or a bill of particulars will be accepted by the clerk's office (Room 140) without an affirmation of good faith as required by Uniform Rule 202.7.
3. All initial motions filed and accepted in the clerk's office and assigned to Justice Hart are heard in Part 18 on a rescheduled date. That rescheduled date, which will be on a Wednesday at 9:30 a.m., is specified in the New York Law Journal publication of IAS assignments which appears in the Law Journal on the day after the original return date of the motion, or as soon as practicable thereafter.
4. The motion appearance requirements in the Part are specified in Subsequent Motion Procedure section below.

### **Subsequent Motion Procedure (For motions made after assignment of cases)**

1. Regular motion day, Wednesday @ 9:30 A.M.
2. Unless otherwise directed by Justice Hart, all motions shall be made returnable in the Part, Courtroom 41, on the above specific day and time of the week and subject to the following procedures.
3. The moving papers, with an affidavit of good faith where required by Uniform Rule 202.7, shall be filed in the IAS Motion Support Office (Room 140) at least 5 business days prior to the scheduled return date in order to be placed on the Part 18 motion calendar for that day.
4. The answering papers will be accepted only on the return date in the Part.
5. The motion will be heard for all purposes in the Part on the return date. On that date, the

motion will either be orally argued, conference by Justice Hart or his designee, or otherwise treated pursuant to the discretion of the Justice. (Rulings on applications will also be made at this time.) Courtesy copies of moving papers need not be provided.

6. Mandatory appearance is required for counsel for all parties and pro se litigants on the return date, unless otherwise directed by Justice Hart or his designee. Adjournments may be sought only by application to Justice Hart in open court and not by consent of counsel. Service representatives and non-attorneys will not be permitted to make applications.

7. Orders to show cause must comply with Uniform Rule 202.7(d) and be brought to the ExParte Support Office (Room 140) prior to judicial review, signature and fixing of a return date. Appearance requirements for orders to show cause are the same as listed for all motions.

8. Prior notice to chambers is not required to bring a motion in IAS Part 18. Counsel shall not call Chambers to check on the status of any motion.

### **Preliminary Conferences**

A preliminary conference will take place (1) after a written Request for a Preliminary Conference is filed with the Clerk's office (Room 140) in compliance with Uniform Rule 202.12(a) (or an appropriate notice is filed in malpractice matrimonial or certiorari cases pursuant to Uniform Rules Sections 202.56, 202.16 and 202.60), or upon a specific directive of Justice Hart.

### **Trials**

Matters assigned to this Part will be tried, to the extent possible, in chronological order. Trial dates will be set as far in advance as practicable.

### **Inquiries**

All inquiries as to the case or calendar status shall be made to the appropriate clerk's office. The only inquiries to be made directly to the Chambers or the Part should be those involving the immediate exercise of judicial discretion.