

**Supreme Court, Queens County
PART RULES FOR ALL CASES**

**Justice Duane A. Hart
Part 18**

(1) 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

(2) ALL MOTIONS NOTICED TO BE HEARD ARE **RETURNABLE IN THE CENTRALIZED MOTION PART (CMP)**. All parties are required to comply with both the CMP Rules and the Part 18 Rules regarding “Motion Papers”. **The court may, in its discretion, consider motion papers submitted to the Part after motions have been marked “fully submitted” in CMP.**

(3) No motion relating to disclosure or a bill of particulars will be accepted without an affirmation of good faith as regulated by Uniform Rule 202.7.

(4) All initial motions filed and accepted in the CMP and assigned to Justice Hart shall be 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.

(5) All stipulations and requests for adjournments filed in the clerk’s office for initial motions are granted only to the extent that the motion will be heard for all purposes in Part 18 on the rescheduled date in the Law Journal publication of the IAS assignment.

Motion Papers

(6) All motion papers submitted shall be in compliance with 22 NYCRR § 202.5, concerning papers filed with the court. In addition to the requirements of 22 NYCRR § 202.5, all pages are to be numbered and all paragraphs are to be numbered. **All exhibits are to be preceded by a numbered exhibit tab which protrudes from the stack of papers.** All submissions are to be securely fastened so as to prevent the papers from separating from each other and becoming lost. **FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION MAY RESULT IN REJECTION OF THE OFFENDING SUBMISSION.** The Motion Sequence Number must be on the first page of all submissions. Except in extraordinary cases, motions are to be limited to twenty pages.

Any party annexing a deposition transcript in excess of one hundred (100) pages as

an exhibit to a motion, shall submit such transcript on a disc, in lieu of paper, with the motion.

(7) For all **electronically filed** applications/responsive papers, including exhibits and memoranda of law, a hard copy must be submitted to the Part 18 Clerk in Courtroom 41 within three (3) business days of judicial assignment. Failure to comply with this requirement will result in the application being marked off, or, in the case of responsive papers, the application will be considered unopposed.

(8) Any party who files a motion and/or opposition thereto pursuant to the **NYS Courts Electronic Filing (“E-Filing”)** shall provide this Court with working copies of the documents filed electronically, which shall be submitted to the CMP Clerk on the first noticed return date of the motion. Each working copy shall include, firmly affixed thereto, a copy of the Confirmation Notice received from the NYSCEF site upon the electronic filing of such document (22 NYCRR § 202.5-b(d)(3)(ii)).

**FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION
MAY RESULT IN REJECTION/DENIAL OF THE OFFENDING SUBMISSION.**

Subsequent Motion Procedure

(For motions rescheduled after submission in CMP)

(9) Rescheduled motion day, Wednesday at 9:30 AM.

Unless otherwise directed by Justice Hart, all motions shall be heard in Part 18, Room 41, on the above specified day and time of the week and subject to the following procedures.

(10) The moving papers, with an affidavit of good faith where required by Uniform Rule 202.7, shall be filed with CMP by following its procedures and as required by law.

(11) The motion will be heard for all purposes in the Part on the rescheduled date. On that date, the motion will either be orally argued, conferenced 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.

(12) Mandatory appearance is required for counsel for all parties and *pro se* litigants on all dates, 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. A preliminary conference order may issue in full or partial disposition of the motion and/or cross motion.

(13) Orders to show cause must comply with Uniform Rule 202.7 (d) and be brought to the *Ex Parte* 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 other motions.

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

(15) A preliminary conference will only take place (1) after a written Request for a Preliminary Conference accompanied by an affirmation of good faith is filed with the clerk's office (Room 140) in compliance with Uniform Rule 202.56, 202.16 and 202.60), or upon a specific directive of Justice Hart.

Settlements and Discontinuances

(16) If an action is settled, discontinued or otherwise disposed of, counsel shall immediately inform the court by submission of a copy of the stipulation or a letter directed to the Clerk of the Part. All stipulations of discontinuances must be accompanied by proof of payment of the appropriate fee. (CPLR § 8020(d)(1)).

Compliance Conferences

For all Non-Commercial Division cases, compliance conferences shall be held on the date scheduled in the Preliminary Conference Stipulation and Order. Conferences shall be held before Justice Martin Ritholz in Room 313.

(17) For all Commercial Division cases, compliance conferences shall be held on the date scheduled in the Preliminary Conference Stipulation and Order. Conferences shall be held before Justice Hart in Courtroom 41. The call of the calendar will be held at **9:30 AM**.

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.