

Civil Term Part 10 - Rules, Practices and Procedures
Honorable Kevin J. Kerrigan, Presiding Justice
Supreme Court of the State of New York
Courtroom 63
88-11 Sutphin Blvd.
Jamaica, NY 11435

Principal Law Clerk: Caitlin Saginario, Esq.

Secretary to Judge: Roseann Geiger

Part Clerk: Carmine Baldi, III

Courtroom Phone: (718) 298-1213

Part 10 Email: QSCPart10@nycourts.gov

IAS Motion Support Office: (718) 298-1009

Ex-Parte Support Office: (718) 298-1018

Trial Scheduling Part: (718) 298-1048

DCM Clerks Office: (718) 298-1140

Court Help Center: (718) 298-1024

Court Help Center Email: courthelpqueens@nycourts.gov

EFFECTIVE AS OF JUNE 2, 2025:

NO TELEPHONE INQUIRIES CONCERNING MOTIONS OR APPLICATIONS SHALL BE MADE TO CHAMBERS. All such inquiries must be made to the Motion Support Office (718-298-1009), the Ex Parte Office (718-298-1018) or to the Clerk of Part 10 at 718-298-1213 or by e-mail at QSCPart10@nycourts.gov .

NO CORRESPONDENCE OR PAPERS SHALL BE MAILED TO CHAMBERS FOR ANY REASON WHATSOEVER. ANY SUCH CORRESPONDENCE OR PAPERS WILL NOT BE READ OR OPENED BUT WILL BE DISCARDED.

Any communication to chambers shall be by e-mail only and may not be made ex-parte, but shall include all parties and may only be made upon prior approval of the Court by seeking permission to do so by contacting Part 10 at 718-298-1213 or by e-mail at QSCPart10@nycourts.gov. If the action or petition has been settled and/or discontinued, or the motion or application has been resolved, please inform Part 10 via e-mail at QSCPart10@nycourts.gov and e-file a copy of a stipulation of discontinuance and/or settlement under cover letter, directed to the Clerk of Part 10. If a case has been stayed, either by operation of law or by an order of a court, the movant shall immediately inform the Clerk of Part 10 of such stay via e-mail. Except for the noted exceptions, any unsolicited e-mail correspondence to chambers will be disregarded.

Documents requiring the signature of Justice Kerrigan, such as proposed stipulations to be so-ordered, must be e-filed and sent by e-mail to QSCPart10@nycourts.gov.

ELECTRONIC FILING

All cases in Part 10 **MUST** be filed electronically through the New York State Courts E-Filing (NYSCEF) system, including all motions, petitions and applications. Attorneys are required to be familiar with the NYSCEF procedures and rules which may be accessed at Queens Supreme Court E-Filing: [Queens Supreme Court E-filing web page](http://iapps.courts.state.ny.us/webcivil/etrackLogin) . Part 10 recommends that all matters that have already been filed traditionally and are not e-file cases be converted to e-file, and that all papers and exhibits for pending motions and applications are to be e-filed, together with all future papers, to E-Courts under the new e-file Index Number assigned to the case.

Proof of service on all motions/applications must be electronically filed in NYSCEF(see Uniform Rules 202.5-b(f)ii).

Parties and/or their attorneys are required to register for “eTrack” service for all Part 10 cases by visiting <http://iapps.courts.state.ny.us/webcivil/etrackLogin> . **Part 10 does not notify litigants of upcoming appearances.**

MOTIONS AND PETITIONS

All motions and petitions shall be made returnable in Part 10 of this Courthouse on Mondays at 9:30 a.m. **EFFECTIVE AS OF JUNE 2, 2025: ALL DISCOVERY RELATED MOTIONS, INCLUDING THOSE RELATED TO THE NOTE OF ISSUE WHERE PERMISSION TO MAKE THE MOTION HAS BEEN PREVIOUSLY GRANTED BY THE COMPLIANCE CONFERENCE PART, WILL REQUIRE AN IN PERSON APPEARANCE.** All other motions, petitions or applications will remain on submission only and there shall be no oral argument, with the exception of motions/orders to show cause for a preliminary injunction containing a temporary restraining order, in which case a hearing may be conducted solely by the order of Justice Kerrigan at his discretion. All electronically filed opposition must adhere to the CPLR.

NON E-FILED CASES, ALONG WITH THEIR MOVING PAPERS, AND ALL DISCOVERY RELATED CASES ON THE PART 10 CALENDAR ARE REQUIRED TO APPEAR AT THE CALL OF THE CALENDAR IN COURTROOM 63, 88-11 SUTPHIN BOULEVARD, JAMAICA, AT 9:30 A.M., SHARP. SECOND CALL IS AT 10:00 A.M. All opposition and reply papers must be delivered to Part 10 by the calling of the calendar. Requests for an adjournment must be submitted to Part 10 by stipulation e-mailed to QSCPART10@nycourts.gov. Failure to appear, without a stipulation requesting an adjournment submitted to Part 10, will result in the matter being marked off the calendar.

EFFECTIVE AS OF JUNE 2, 2025 FOR ALL E-FILED CASES: THE LINK TO ACCESS MOTION SUBMISSION FORMS WILL BE DISABLED ON MAY 27, 2025. MOVANTS/CROSS-MOVANTS WILL NO LONGER BE REQUIRED TO SUBMIT MOTION SUBMISSION FORMS. ALL PARTIES ARE REQUIRED TO APPEAR IN PERSON ON DISCOVERY RELATED MOTIONS INCLUDING THOSE RELATED TO THE NOTE OF ISSUE WHERE PERMISSION TO MAKE THE MOTION HAS BEEN PREVIOUSLY GRANTED BY THE COMPLIANCE CONFERENCE PART. FAILURE OF THE MOVANT TO APPEAR MAY RESULT IN THE MOTION BEING MARKED “OFF

CALENDAR”, NO APPEARANCE MOVANT”.

Please note that an “off-calendar” marking is not a denial of the motion or application but is merely a clerical disposition. The effect of a motion or application being marked off-calendar is that the motion or application is deemed never to have been made, the significance of which is that the movant or petitioner will have to file and serve a new notice of motion, order to show cause or notice of petition, with a new set of supporting papers, and the filing of the original application that was marked off will not toll any applicable periods of limitation or deadlines. Consequently, there is no cognizable grounds under the CPLR for reargument or renewal of a matter that was marked off-calendar or for restoration to the motion calendar of the matter that was marked off, and any motions made under such grounds will be denied outright.

No opposition will be accepted unless there is sufficient time for opposing counsel to reply, if appropriate.

Any conferences subsequent to the submission of a motion will be held at the sole discretion of the Court and will be in person.

All requests for adjournment must be set forth by way of a stipulation or letter that is both e-filed and e-mailed to QSCPart10@nycourts.gov . Adjournments shall only be granted at the sole discretion of the Court, even if all parties have agreed to said adjournment.

All stipulations and/or communications, withdrawing and/or resolving matters scheduled on the Part 10 calendar must be both e-filed and e-mailed to QSCPart10@nycourts.gov.

MOTIONS TO BE RELIEVED AS COUNSEL FOR A PARTY

Every motion by an attorney to be relieved as counsel for a party must either set forth in the affirmation in support of the motion the reason why counsel is moving to be relieved, or, if disclosing the reason therefor in the affirmation in support of the order to show cause would divulge a client confidence and, for that reason, is not disclosed in the affirmation, either set forth the sections of the Rules of Professional Conduct that are applicable and/or e-mail to QSCPart10@nycourts.gov at the time of the calling of the calendar a confidential written statement for this Court’s review, and which will not be part of the Court record, setting forth the reason why counsel wishes to be relieved as counsel. Any motion to be relieved as counsel which is not in compliance with these requirements will be denied without prejudice.

PRELIMINARY CONFERENCES (“PC” CONFERENCES)

With the exception of cases involving the New York City Health and Hospitals Corporation, all of Justice Kerrigan’s cases involving the City of New York will have a Case Scheduling Order (a/k/a “PC Order”) generated automatically and transmitted to the County Clerk of Queens County. No action will be required of the parties on the PC date. The Case Scheduling order (PC order) will contain an assigned date for a Compliance Conference in the Compliance Conference Part.

COMPLIANCE CONFERENCES (“CC” CONFERENCES)

With the exception of cases involving the New York City Health and Hospitals Corporation, compliance conferences on all New York City cases assigned to Justice Kerrigan will be handled in the Compliance Conference Part. Any inquiry pertaining to a Compliance Conference shall be made to the Compliance Conference Part at 718-298-1046 or 718-298-1089.

SPECIAL RULES FOR CASES INVOLVING THE NEW YORK CITY HEALTH & HOSPITALS CORPORATION (MEDMAL-HHC):

At All Scheduled In Person Conferences: Appearance of Counsel for the respective parties is MANDATORY. No telephone conferences will be conducted, and no telephone calls, letters or faxes to chambers will be accepted at any time unless requested by the Court. Counsel must be fully familiar with the file and have authority to discuss settlement, trial scheduling and any outstanding pre-trial procedural matters including CPLR 3101(d) matters and to make binding stipulations and commitments. All cases shall be conferenced by the Court in Courtroom 63. At the conference the Court shall also consider the items set forth in 22 NYCRR 202.26(c). Parties shall comply fully with the requirements of 22 NYCRR 202.26(e).

Preliminary Conferences (MedMal-HHC):

A preliminary conference shall be scheduled automatically by the Court within 45 days after filing a Request for Judicial Intervention, pursuant to 22 NYCRR 202.12(b). Preliminary Conferences dates for MedMalHHC cases are the SECOND TUESDAY OF EACH MONTH AT 9:30 a.m.

All Preliminary Conferences in Medical Malpractice cases involving HHC shall be carried out between the parties, by completing the Medical Malpractice Preliminary Conference Form found on the E-Courts Home Page. The completed form must be e-mailed to QSCPart10@nycourts.gov the day prior to the PC date or no later than 11:00 a.m. on the PC date. Please leave the Compliance Conference and Note of Issue dates blank on the form for the Court to determine. Completed forms shall be e-mailed to the County Clerk of Queens County and dates for a Compliance Conference and Note of Issue shall be assigned.

Compliance Conferences (MedMal-HHC):

Compliance conference dates will be scheduled in the Preliminary Conference Order. Compliance conferences dates for MedMalHHC cases are THE SECOND WEDNESDAY OF EACH MONTH at 9:30 a.m.

All Compliance Conferences in Medical Malpractice cases involving the New York City Health and Hospitals Corporation shall be carried out between the parties by completing the Medical Malpractice Compliance Conference Form found on the E-Courts Home Page. The completed form must be e-mailed to QSCPart10@nycourts.gov no earlier than the day prior to the Compliance Conference date or no later than 11:00 a.m. on the Compliance Conference date. There is no appearance on the Compliance Conference date. Please leave the Note

of Issue and Pre-Trial Conference dates blank on the form for the Court to determine. Completed forms shall be e-mailed to the Clerk of Queens County and Note of Issue and Pre-Trial Conference dates shall be assigned.

Note of Issue Calendar (MedMal-HHC):

The Note of Issue calendar shall be scheduled for THE SECOND THURSDAY OF EACH MONTH at 9:30am for MedMalHHC cases.

Upon filing the note of issue, plaintiff's counsel **MUST, ON THE DATE** the note of issue is filed, e-mail a copy of the note of issue to the Clerk of Part 10 at QSCPart10@nycourts.gov.

IF DISCOVERY IS NOT COMPLETE BY THE DUE DATE OF THE NOTE OF ISSUE AS SET FORTH IN THE COMPLIANCE CONFERENCE ORDER, COUNSEL FOR ALL PARTIES SHALL ENTER INTO A STIPULATION SETTING FORTH NEW DISCOVERY DATES AND LEAVE BLANK THE DUE DATE FOR THE NOTE OF ISSUE, WHICH WILL BE DETERMINED BY THE COURT. SAID STIPULATION MUST BE E-MAILED FOR THE JUDGE'S REVIEW TO THE CLERK OF PART 10 AT QSCPart10@nycourts.gov.

Pre-Trial Conferences and Trial Conferences (MedMal-HHC):

ALL PRE-TRIAL CONFERENCES AND TRIAL CONFERENCES TAKE PLACE IN PERSON ON THE THIRD THURSDAY OF EACH MONTH AT 9:30 a.m., IN PART 10, COURTROOM 63, 88-11 SUTPHIN BOULEVARD, JAMAICA.

The Comptroller's representative shall either be present at the conference or be immediately available by telephone. If plaintiff is represented by trial counsel without full settlement authority, the attorney of record shall be present.

DISCOVERY MOTIONS

No discovery-related motion shall be made prior to the compliance conference or the filing of the Note of Issue. Any such motion will be denied outright.

If disputes arise regarding compliance with a Compliance Conference Order, the parties shall promptly confer in good faith in an effort to resolve those disputes. If that effort falls, the parties or any party aggrieved shall, in advance of deadlines and prior to initiating motion practice, bring the dispute to the attention of the Compliance Settlement and Conference Part and schedule, forthwith in the Compliance Settlement and Conference Part, a conference to resolve the dispute.

No motion seeking to vacate the note of issue and /or strike the action from the trial calendar shall be made if the case has been assigned to the Trial Scheduling Part. Any such motion made after the case has been assigned to the Trial Scheduling Part must be addressed in the Trial Scheduling Part on the date of the Pre-Trial Conference or any adjourn date of the Pre-Trial Conference. Any motion made that is in violation of this rule will be denied outright.

If the Note of Issue has been vacated, either by order of Justice Kerrigan or of the Justice of the Trial Scheduling Part, upon the ground that significant discovery is outstanding, and the order vacating the note of issue does not set forth a new note of issue date, then upon completion of all discovery, the parties shall stipulate that all discovery is complete and the case is ready to be placed on the trial calendar and set forth in the stipulation a new note of issue date, which shall be a date certain that is a Friday, and e-mail the stipulation, executed by counsel for all parties, to QSCPart10@nycourts.gov. The stipulation will be so-ordered and e-filed. The plaintiff's counsel shall be responsible for drafting the stipulation and transmitting it to counsel for all parties. Upon the filing of the note of issue, a new pre-trial conference date in the Trial Scheduling Part will be scheduled clerically in due course. The foregoing stipulation is **mandatory**.

A motion for leave to file a new note of issue and for restoration to the trial calendar shall not be made, except in the event an attorney for a party refuses to stipulate to completion of discovery and to a new note of issue date. In such event, the plaintiff's counsel shall, in counsel's affirmation in support of the motion, set forth **in detail** the circumstances that necessitated the motion, including an account of defendants' counsel's refusal to sign the stipulation, and shall include as an exhibit a copy of the proposed stipulation drafted by counsel with proof of transmittal to opposing counsel. The failure of plaintiff's counsel to set forth a sufficiently detailed explanation of why a stipulation could not be submitted and why the motion was necessary will result in the denial of the motion. Defendants' counsel's affirmation in opposition shall set forth a **detailed** explanation of why counsel did not sign the stipulation.

All discovery-related motions are expected to be resolved by stipulation of counsel for the respective parties and not be submitted for decision. A discovery-related motion must be supported by an Affirmation of Good Faith in which counsel for the movant must set forth a **detailed** account of the specific efforts made to resolve the outstanding discovery issues. A general representation that good faith efforts were made, with no specifics, is insufficient. The failure to support the motion with an adequate Good Faith Affirmation will result in the denial of the motion.

FORECLOSURE MOTIONS AND STATUS/SETTLEMENT CONFERENCES

All foreclosure actions appearing on the Part 10 calendar are to follow the same directives as other Part 10 motions/petitions/orders to show cause. Part 10 does not schedule any foreclosure status/settlement conferences. All foreclosure status/settlement conferences are being conducted by the Foreclosure Conference Part.

TRIALS

All counsel must submit to the Court, prior to the commencement of trial, a copy of the bill of particulars and any supplemental bill of particulars.

Motions in Limine - On the first appearance in Part 10 for trial, any party intending to make a motion in limine shall submit a brief written affirmation setting forth the nature of the application and any supporting statutory or case law. The party shall furnish the court with an original and one copy and provide counsel for all parties with a copy. The trial will be conducted on a continual daily

basis until conclusion. No adjournments or delays during trial will be accepted unless exigent circumstances arise.