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PER DIEM BY DANIELLE E. CAMINITI, ESQ.

PRELIMINARY CONFERENCES

Preliminary Conferences are all held in Room 314 of the Jamaica Courthouse at 88-11 Sutphin Boulevard, Monday through Thursday, 9:30 a.m. and 11:30 a.m., irrespective of where the IAS judge assigned to the case sits, LIC or Jamaica. PC's are prompted by the filing of an RJI and usually scheduled within 3 weeks thereafter. No notice is sent by the Court so it is advisable that your firm sign up with E-Courts to pick up on the dates for PC's.

The PC's calendars are posted according to IAS judge in the hallway outside of Room 314. Typically, attorneys sign or stamp their name and cell phone number on the calendar next to their case in order to facilitate their adversary finding them, especially if they are heading to other Court parts. The blank PC Orders are 4 pages and are located on the tables in the hallway next to the PC calendars. You should locate your RJI date, Compliance Conference date and Note of Issue date on the calendar, which will appear under your case. You can check into the PC room, but the clerks will only accept your completed PC Order if both or all parties have completed and signed it. If there is a discovery issue that cannot be resolved or if one party wants an adjournment not on consent, the parties must consult with Referee Richard Lazarus.



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According to Court rules, all PCs must be held within 45 days of the filing of the RJI. There are limited expectations, such as when there is a Motion for Default against all defendants in which case the conference will be adjourned without a date until the motion is decided, or if a party fails appear or if any party requests an adjournment for 2-3 weeks on the same weekday, but no longer than 45 days from the RJI. If a party does not appear on the second date, the PC may done ex parte after you call your missing adversary(s.) If no parties appear on the second date, the court will fill out an Order and forward it to the parties. The “cut off time” for conferences is 10:30. The “cutoff time” for 11:30 conferences is 12:15. Failure to appear by this time may result in an adjournment or an ex-parte PC Order.

COMPLIANCE CONFERENCES

Compliance Conferences are held in Room 3003 of the Jamaica Courthouse at 88-11 Sutphin Boulevard, Monday-Thursday at 9:30 before Justice Esposito.

COMPLIANCE CONFERENCES CANNOT BE ADJOURNED. The Compliance Conference Orders are 3 pages, plus a 1 page white worksheet that stays with the Court. They are located on the table diagonal from the PC Orders on the 3rd Floor. As with PC’s, attorneys generally sign or stamp their name on the calendars which appear posted on the board next to the PC’s (same wall next to



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Xerox machine) along with their cell numbers in order to facilitate their adversary locating them, especially if they are heading to other Court parts. If your adversary is not there by 11:00 a.m, you should contact their office to make sure they are coming or have someone covering. If they are not aware of the CC (even though it is listed on the PC Order) the Court will direct them to come in and you will have to wait for them or they may hire a per diem attorney in which case you would work out the CC Order with that person. The conference will not be adjourned because of the missing party.

ESPOSITO IN-PERSON CONFERENCES

These conferences **DO NOT APPEAR ON E-COURTS AND CANNOT BE ADJOURNED.** They are held in Room 3003 at 10:00 a.m. at the 88-11 Sutphin Blvd. Jamaica. The purpose of these conferences is to obtain a stay in the case since discovery remains outstanding. They occur in lieu of (not addition to) the defendant moving to vacate the Note of Issue. If a defendant had previously moved to vacate the Note of Issue they will be told to withdraw it and be given a form to do so by the Clerk in Room 3003 before getting the benefit of the In-person conference. In fact, all motions will have to be withdrawn in order to participate in the In-person Conference. The calendar for these is located right outside Room 3003. They can be time consuming if the parties do not agree on



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the outstanding issues, and there can be a great deal of writing involved in these Orders since the forms are not pre-printed as with PC's and CC's.

These Conferences can be requested by any party by calling the chambers between the date of the Compliance Conference and a short time after the Note of Issue is filed. The purpose of the conference is to execute a "So Ordered Stipulation" using distinct, court approved language to schedule the remaining discovery and avoid the necessity of a Motion to Vacate the Note of Issue. Depending on the amount of the discovery and avoid the necessity of a Motion to Vacate the Note of Issue, the case can be "stayed" or not (usually if EBT's are outstanding a stay will be granted). If the case is stayed, the parties will return for additional conferences until discovery is complete and the stay lifted. Thereafter, depending on the status of the Note of Issue filing, summary judgments dates or trial conference dates in TSP can be set.

The parties may have to conference case with law assistant, Reyna Rubelle, to get the appropriate language. Justice Esposito is not routinely reviewing issues in controversy nor is he requiring the parties to wait while he signs the So Ordered Stips. Copies of the So Ordered Stip will be placed in a basket outside and to the left of Rm 3003

As with all other conferences, it is recommended to leave your name and cell number next to your case listed on the



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In-person Conference board so your adversary may easily locate you.