



Clearing the Backlog in Kings County, New York

By: *Brian Goldberg, Supervising Attorney*

On April 12, 2022, Justice Cenceria Edwards held a meeting with several foreclosure plaintiff's firms to outline her plan for prosecution of residential foreclosure matters in Supreme Court, Kings County. Justice Edwards became the Presiding Justice of the Foreclosure Part in late 2021, and is new to foreclosure litigation. Over the past few months, Justice Edwards attempted to clear the backlog of motions by adjourning cases into early 2023. We requested the meeting to discuss this concerning issue, and to inquire as to how the Foreclosure Part will operate going forward.

We learned that Justice Edwards intends to clear her motion backlog and improve court efficiency by resolving cases. To that end, she will schedule settlement conferences on all matters—even those that were previously released from the Settlement Conference Part before being assigned to the Foreclosure Part. She believes that the appearance of a plaintiff/servicer representative will increase the chances of resolution and will be scheduling "Servicer Days", during which she will schedule 10-15 cases for the same bank representative. These appearances will begin once Kings County transitions back to in-person appearances, and the bank representative will be required to appear in-person with full authority to settle the scheduled matters. Based upon the information provided at the meeting, we do not anticipate these appearances commencing until mid-to-late 2022, as Kings County does not have sufficient resources to handle in-person appearances yet.

The judge also explained that any motion that requires an adjournment will be adjourned 3-4 months. Justice Edwards will provide 30 days for the motion respondent to file opposition papers, and an additional two weeks thereafter for the movant to file a reply. This is a significant improvement upon the 10-12 month adjournment period that was previously used by the court. Justice Edwards also believes that all arguments should be succinctly written within the motion papers and would rather not have oral argument.

We will remain in contact with Justice Edwards and her clerks, and disseminate additional information as it becomes available.

As with any matter which affects our clients in New York or New Jersey, we are happy to provide guidance to our clients at any time. Please feel free to contact us at your convenience.

Thank you,

Brian Goldberg
Supervising Attorney
(716) 204-1783 – Office
Mail: bgoldberg@grosspolowy.com

Adam Gross
Partner
(716) 204-1780 - Office
(516) 660-0800 - Cell
Mail: agross@grosspolowy.com

Amy Polowy
Managing Member
(716) 204-1710 - Office
(716) 863-3324 - Cell
Mail: apolowy@grosspolowy.com