HON. JEFFREY ARLEN SPINNER
Judge of the County Court & Acting Justice of the Supreme Court
Acting Judge of the Family Court
Supreme Court Of The State Of New York, County of Suffolk
I.A.S. Part 21
Criminal Courts Building, Courtroom 1
210 Center Drive
Riverhead, New York 11901

Principal Law Clerk: **ROBERT DeGREGORIO, ESQ.**
Confidential Secretary: **ERIN MICHAEL KAY**
Senior Court Clerk: **ROBERT RUSSO**

Residential Mortgage Foreclosure Conference Part

Effective January 1, 2009, Justice Spinner will be presiding over a specialized Residential Mortgage Foreclosure Conference Part. In accordance with the provisions of CPLR § 3408, those mortgage loans in foreclosure which are deemed "sub-prime," "high cost" or "non-traditional" (as defined by RPAPL § 1304 and Banking Law § 6-1) and which encumber owner occupied 1-4 family dwellings shall be referred to this Part for conference. It shall be the obligation of counsel for the foreclosing mortgagee to advise the Court, in writing, as to whether or not the loan in foreclosure falls within the statutory parameters which would require a conference. The reference to the Residential Mortgage Foreclosure Conference Part shall occur prior to the random assignment of the case to an I.A.S. Justice.

In addition, only as to matters already assigned to Justice Spinner (I.A.S. Part 21), upon written application by any mortgagor-defendant, the Court will convene a settlement conference, regardless of the stage to which the action has proceeded and without regard to whether or not the loan falls within the purview of CPLR § 3408.

The purpose of the conference shall be to engage in settlement discussions with regard to the rights, responsibilities and obligations of all parties to the loan transaction. The Court will explore the issues of avoiding the potential loss of the borrower's home, review and evaluation of amicable resolution of the matter including possible modification and workout of the indebtedness due the lender and any other purpose deemed necessary and/or appropriate by the Court. Upon the request of the parties or its own initiative, the Court may adjourn the conference, continue the matter or stay prosecution of the action

The appearance and/or participation by the Defendant-Mortgagor shall not constitute an appearance in the action nor shall it be deemed to be a waiver, in whole or in part, of any defenses, jurisdictional or otherwise, that the Defendant-Mortgagor may have to the action. Any and all statements made, whether oral or written, and any and all information exchanged at the conference, shall be solely for the purposes of resolution and settlement and shall not be deemed to be admissions of any party with respect to the underlying action.

Any Defendant who appears *pro se* shall be deemed to have moved to proceed as a poor person and the Court shall determine whether such permission should be granted. The Court may evaluate the matter to determine whether or not counsel should be assigned. In the event that counsel is appointed, the Court will adjourn the conference in order to facilitate the appearance by counsel.

At each scheduled conference, Plaintiff shall appear either in person or by counsel. If appearing by counsel, then such attorney so appearing shall be vested with authority to negotiate and to enter into a binding settlement and to ultimately dispose of the matter. The failure of Plaintiff and/or counsel to appear at a scheduled conference without good cause shall be dealt with in accordance with the provisions of 22 NYCRR § 130-2.1 and may subject Plaintiff and/or counsel to appropriate remedial action including but not limited to default, non-suit, dismissal with prejudice and monetary sanctions.

At least three business days prior to the scheduled conference, Plaintiff's counsel shall provide the Court (Chambers) with copies of the foreclosure search which shall include a copy of the deed vesting title in the mortgagor, the Note and Mortgage and any assignments thereof, the mortgage loan application, the Truth-In-Lending Disclosure Statement, the HUD-1 Settlement Statement and the loan payment history. The Defendant-Mortgagor shall bring, to the extent available, copies of all notices received relative to the mortgage loan, a list of all payments made, documents that show monthly income and expenses as well as any information that may be helpful at the conference.

Conferences will be scheduled each Tuesday at 2:30 p.m. , Courtroom 1, Criminal Courts Building, 210 Center Drive, Riverhead, New York.

Court Staff

The Court staff includes the Principal Law Clerk, Confidential Secretary, Senior Court Clerk, Senior Court Officers and Court Reporter. All of these persons constitute a necessary and indispensable part of the Court and they enable the Court to function fairly and effectively, for the benefit of both litigants and counsel. All members of the staff must be treated with civility, courtesy and respect. Strict adherence to the rules set forth in 22 NYCRR Part 700 ["Decorum"] and 22 NYCRR Part 1200 ["New York State Standards Of Civility"] is mandatory. Unprofessional conduct will not be countenanced.