

JUSTICE MARY ELLEN FITZMAURICE

1. Part 53 Uniform Matrimonial Rules

**88-11 Sutphin Blvd.
Jamaica, NY 11435
Courtroom 718-298-1172
Chambers 718-298-1173
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Adjournments will not be granted without advance approval of the Court. If there is no consent to adjourn by counsel, application must be made to the court in person, on the scheduled date.

MOTIONS

Motions shall be heard on Thursdays, except motions on cases which have been scheduled for a compliance or pretrial conference shall be scheduled for Tuesdays.

Oral argument is required on all motions.

Responsive papers are to be filed with the Part Clerk two (2) days before the return date of motion. All exhibits are to be identified by tab.

The Court will not accept “hand ups” on the day the motion is heard.

Any allegations of fact submitted to the Court, including allegations contained in an affidavit and/or complaint, must be certified by counsel in the form prescribed by the Chief Administrative Judge.

PRELIMINARY CONFERENCE

Preliminary conferences shall be held on Thursdays.

Net worth statements with required documents are to be filed with the Court ten (10) days prior to the conference date. The appearance of the parties is required at the Preliminary Conference.

COMPLIANCE CONFERENCE

Compliance conferences shall be held on Tuesdays. Failure to comply with discovery or preliminary conference orders shall be addressed by conference call to chambers prior to the compliance conference.

PRE-TRIAL CONFERENCE

Pre-Trial conferences shall be held on Tuesdays. At the pre-trial conference, counsel shall provide the Court with: 1) proof of filing of Note of Issue; 2) Statements of Proposed Disposition; 3) updated Net Worth Statements; and, 4) child support worksheet, if applicable. Counsel shall present all motion in limine at this conference.

Once a case has been assigned a trial date, it is presumed ready for trial. Adjournments on consent will not be accepted. In the event the action is resolved prior to the court date, counsel are expected to notify chambers immediately.

TRIAL

Pursuant to 22 N.Y.C.R.R. 2-216(9) all expert reports are to be exchanged and filed with the Court sixty (60) days before the date set for trial. Reply reports, if any, shall be exchanged and filed no later than thirty (30) days before said date.

One week preceding the trial date the Court is to be provided with the following:

1. Marked pleadings if grounds are an issue.
2. Updated statement of net worth, proposed disposition and child support worksheet, if there has been a change in the parties finances since the pre-trial conference.
3. A witness list, expert reports not previously filed and any pre-trial memorandum.
4. A list of all proposed exhibits, exhibits are to be pre-marked.
5. A list of documents which counsel may stipulate into evidence, such documents are to be pre-marked by counsel.
6. A written copy of any issues or facts to which the parties can stipulate in the advance of trial, said stipulation to be read into the record at the commencement of the trial.