

HON. ELLEN GESMER

Part 24, Matrimonial Part
60 Centre Street, Room 331
Courtroom phone: 646-386-3285
Chambers phone: 646-386-3730
Chambers fax: 212-884-8986
Principal Law Secretary: Kristin Bebelaar
Email: kbebelaa@nycourts.gov
Assistant Law Clerk: Lena J. Wong
Email: ljwong@nycourts.gov

Motion and conference days: Thursdays and Fridays, at staggered times. Minor children are not permitted in the courtroom, except by permission of the court. Any counsel appearing on a motion or conference is expected to be fully familiar with the case. Parties are expected to appear for all motions and conferences, unless excused in advance by the court.

Motions: All applications for relief, except cross-motions, shall be made by Order to Show Cause unless otherwise directed by the court. All motion papers (including opposition and reply) shall state the motion sequence number on the first page. Counsel shall file opposition papers, replies and cross-motions in the courtroom. The court does not accept surreplies without prior court permission. To reduce the need for motion practice, counsel are encouraged to contact the court by conference call prior to filing a motion.

Communication with court: Communication with the court between court dates is by telephone conference only. **Where a party is not represented, conference calls will generally be held on the record.** Counsel and parties may not communicate with the court by letter, email or fax, and may not send the court copies of correspondence between or among counsel and/or parties, without prior permission from the court. Unauthorized correspondence will not be considered and will not be maintained as part of the court file. If you are unable to obtain the cooperation of opposing counsel or opposing party, *pro se*, to place a conference call, you may call one of the Law Secretaries and request assistance in setting up a conference call. Contacting the court by conference call is a privilege, not a right. **Accordingly, the court may determine in a particular case that it will not permit conference calls and will advise the parties and/or counsel that all applications for relief must be made by motion pursuant to the CPLR.**

Adjournments: Adjournments may be sought by telephone conference call with either Law Secretary, or the Part Clerk, to be followed by a written stipulation confirming the date.

Final Status Conference: When the court schedules a final status conference, the parties shall conclude all discovery before that date, and plaintiff shall file the Note of Issue no later than the day before the Final Status Conference, unless specifically excused by the court.

Preliminary Conference: Notwithstanding the directives in the preliminary conference letter from the court, the court only requires the following to be submitted at the preliminary conference: each party's statement of net worth, most recently filed state and federal income tax return, and two most recent paycheck stubs.

Pretrial Conferences: Parties shall exchange and file with the court the following pretrial documents at the pretrial conference, if any, or at least two weeks prior to the first day of trial if there is no pretrial conference: (1) Statement of Proposed Disposition pursuant to 22 NYCRR §202.16(h); (2) updated Net Worth Statement and most recently filed tax returns; (3) Witness List; and (4) Exhibit List, with pre-marked exhibits. If the trial concerns only custody, the parties shall file a Proposed Parenting Plan instead of a Statement of Proposed Disposition, and need not file an updated Net Worth Statement. With regard to exhibits, parties shall attempt to stipulate to admissibility, or at least to authenticity, at or before the pre-trial conference. In addition, counsel shall attempt to agree upon and execute a Stipulation of Undisputed Facts. Attorneys for children, if any, may file a proposed parenting plan if they wish to do so, and shall also exchange and file lists of witnesses and exhibits they intend to present at trial. Any pre-trial motions shall be filed by Order to Show Cause at least three weeks prior to the pre-trial conference, so that they can be made returnable at the pre-trial conference.

Trials and hearings: Mondays, Tuesdays and Wednesdays. Parties and children's attorneys, if any, may use on their direct case only evidence that is listed on their respective pre-trial exhibit lists, and witnesses who are listed on their respective pre-trial witness lists. Counsel may use evidence and witnesses not appearing on the pre-trial exhibit and witness lists on cross and rebuttal. Counsel are encouraged to put all exhibits in electronic format, and to exchange and file them with the court in electronic format.

Post-trial submissions: After trial, unless the court requests oral summations, the parties and the child's attorney, if any, shall submit post-trial proposed findings of fact and conclusions of law, with copies on a USB flash drive or Word formatted email attachment.

Change of counsel: The court does not accept Consents to Change Attorney from counsel to a *pro se* litigant. Unless the client has retained new counsel who has executed and filed a valid Consent to Change Attorney, counsel seeking to withdraw from a case must make a motion to be relieved.

Court Interpreters: A matter that requires an interpreter cannot be adjourned less than one week before the conference.