

**E. Michael Kavanagh, JSC
Ulster County Supreme Court**

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Preliminary Conferences

In General

Conferences will be scheduled automatically by the filing of an RJI.

The Court uses a Discovery and Scheduling Order form which are available through chambers. If counsel can agree on a discovery schedule, the form should be completed, signed by both counsel and sent to chambers prior to the preliminary conference. In this instance, appearance at the preliminary conference will not be required;

All parties are required to submit to the Court a brief summary of the facts of the case prior to the preliminary conference;

Telephonic Conferences are generally not permitted, unless there are special circumstances that would warrant counsel's appearance by phone; permission of the Court must first be obtained;

Adjournments of conferences should only be sought after first trying to receive consent of opposing counsel. Adjournments can only be made by permission of the Court and only in exceptional circumstances. Counsel should make every attempt to notify the Court Clerk of the request for an adjournment at the earliest date possible.

Matrimonial Actions

Preliminary Conferences must be held within 45 days of the filing of the RJI. There will be no exceptions to this rule. Once an RJI is filed, a conference must be scheduled. Any adjournments of this conference must fall within the 45 day period.

Any motions for temporary relief should, whenever possible, be made before the preliminary conference.

Parties are required to be present, unless the Court directs otherwise.

Within 10 days of the preliminary conference, both parties must submit a statement of net worth and retainer agreement to the Court and exchange those documents with opposing counsel. Failure to do so may result in the entry of a default judgment.

Compliance/Pretrial Conferences

At the time the discovery schedule is signed, the Court will set a compliance conference around the time that discovery is to be completed.

If a note of issue has been filed, the Court will set a day certain.

Counsel should have their trial calendar with them; the Court will not adjourn a day certain unless there are extraordinary circumstances shown.

Discovery

Any request for adjournment of the discovery schedule must be on consent of all parties and must be presented to the Court in the form of a "SO ORDERED" letter for the Court's review.

Prior to making a discovery related motion, counsel should contact the Court in writing or by a conference call to determine whether a conference should be scheduled.

Motions

Prior to seeking an adjournment of a motion from the Court, counsel must first attempt to ascertain consent of all parties. If consent cannot be obtained, any request for an adjournment must be made in writing, on notice to all counsel.

The Court requires written notice of any adjournment on consent and is subject to the Court's approval.

Any dispositive motion must be made within 120 days of the filing of the Note of Issue and, under no circumstances, should be made returnable less than 60 days prior to a trial date; any adjournment of the motion cannot make the return date less than 60 days prior to the trial date.

Sur reply papers are not permitted.

Appearances on the return date are not required (However, see Contempt motions, below) and oral argument will generally not be allowed unless requested by the Court.

Citation references should be to an Official Reporter;

Motions should include self addressed stamped envelopes that are big enough to allow return of all submitted papers.

Courtesy Copies should not be sent to Chambers; all motion papers should be filed with the Court Clerk's Office.

When a Decision is reached, the Court will return all original papers to the prevailing party to be filed with the County Clerk.

It is not the Court's practice to stay a trial pending the appeal of a decision of a summary judgment motion.

Ex Parte Applications & Orders to Show Cause

Orders to Show cause, other than Contempt applications, should be presented to the Part 1 (Duty) Judge;

If an application for a default judgment is not made on notice, the Court will require that all motion papers be sent to the defendant or his/her counsel before the application will be considered..

An order to show cause that contains a request for temporary relief (i.e. a restraining order, etc.) must be presented to opposing counsel before presentment to the Court, unless the Court provides otherwise based upon the circumstances presented therein.

Contempt Motions

Any order to show cause for a **contempt** application on a case assigned to this Court should be presented here for signature;

Appearances are required on the return date.

Trials

Jury selection begins at 9:30 a.m. on Mondays. Counsel should have prepared a proposed verdict sheet, requests for jury charges (PJI numbers will be sufficient) and marked pleadings

Whenever possible, the Court prefers all exhibits to be premarked.

Unless otherwise advised by the Court, counsel should be prepared to begin with

opening statements once jury selection is completed.