

**Supreme Court-Oneida County
Dedicated Matrimonial Part**

Matrimonial Motion Practice Rules for Justice McGuire

Supreme Court matrimonial actions are processed in accordance with the Uniform Rules for the New York State Trial Courts (22 NYCRR 202) and the Civil Case Management Rules of the Fifth Judicial District, Part X.

Submission. Pursuant to Uniform Rule § 202.8(d), all motions are deemed submitted unless oral argument is directed by the Court or requested by a party. If oral argument is requested, it must be clearly indicated in bold typeface in the case caption on the first page of the Notice of Motion, or in the case caption on the first page of answering papers, as the case may be.

Appearance. Personal appearance is not required, expected, or permitted unless directed by the Court or if oral argument is scheduled.

Return date. The assigned calendar days for motions submitted to Justice McGuire for Oneida County matters are the first and third Friday of each term. A Submitted Motion that is Noticed for an improper return date is deemed submitted as of the next assigned Friday. In an exceptional circumstance, with prior Court Clerk approval, a Submitted Motion may be Noticed for a return date provided by the Court Clerk.

Orders to Show Cause. Oral argument is required on all Orders to Show Cause seeking emergency relief, with personal appearances of parties and/or counsel as specified by the Court in the Order to Show Cause. The return date for an Order to Show Cause shall be determined by the Court at the time papers are submitted for consideration and executed.

Notice of Argument. In instances when the Court wishes to hear oral argument on a Notice Motion, as permitted by Uniform rule 202.8(d), all counsel and pro se litigants shall be provided with reasonable prior notice of the date and time scheduled for such purpose at which appearances are expected.

Failure to appear. Failure of any party to appear by submission of documents or for oral argument at the scheduled date and time may result in the motion being denied and otherwise marked off, or the motion being argued ex parte. A motion may be decided on default.

Adjournments. Upon consent of all counsel and pro se litigants, the Court will normally grant a first request for an adjournment of a motion or Order to Show Cause unless, in the discretion of the Court, there is a specific reason not to do so, in which instance the Court will so advise the litigants. Uniform Rule 202.8(e) is applicable to adjournment procedures. The party seeking the adjournment must obtain the consent of opposing parties and notify the Court Clerk at least twenty-four (24) hours before the return date. Confirmatory letters to all counsel are preferred. A written request for adjournment will not be entertained by the Court unless the party seeking the adjournment has first attempted to obtain consent from all other parties in the action. Parties seeking an adjournment that is not on consent must provide good cause why the adjournment should be granted.

Effective date: January 1, 2004