

MEMORANDUM

TO: All Counsel
FROM: Oswego County Court Clerk's Office
SUBJECT: Oswego Motion Papers - Gregory R. Gilbert

**COUNSEL FOR THE MOVING PARTY IS REQUIRED TO SERVE THIS NOTICE ON ALL
OPPOSING COUNSEL**

The mailing address for Chambers is 25 East Oneida Street, Oswego, New York 13126.

Please be advised pursuant to 22 NYCRR 202.16(), the Court is scheduling a Preliminary Conference in this contested matrimonial to be heard on the return date of the enclosed Order To show Cause/Motion.;

22 NYCRR 202.16

(c)(1) requires each attorney to file a copy of his/her retainer agreement with the court only accompanying the statement of net worth.

APPLICATION FOR ATTORNEY'S FEES

In the event counsel for a party is making, or will be making, an application for counsel fees at any stage of the action to be paid by the opposing party, counsel seeking the attorney's fees must provide a copy of his/her retainer agreement to opposing counsel. Failure to comply with this transmittal of retainer agreement to opposing counsel will result in denial of the application for counsel fees (22 NYCRR 202.16(c)(1) and (KL)(2), 22 NYCRR 1400.3). Counsel applying Under the Individual Assignment System, the attached motion has been assigned to Justice Gilbert. All motions are orally argued on the motion return date unless otherwise directed by the Court. Arguments are held in the Supreme Court, Oswego County Courthouse, 25 East Oneida Street, Oswego, New York. **All motions are orally argued at 9:30 A.M. unless an alternate time is specifically assigned by Court staff.**

In an effort to give all motions fair and thorough consideration, and unless otherwise directed by the court, all answering affidavits and briefs on motions must be received by chambers no later than 4:00 p.m. seven (7) calendar days prior to the motion return date; reply papers are to be received by 12:00 noon two (2) calendar days prior to the return date. This rule does not diminish, in any way, the time requirements set forth in CPLR 2214(b) for answering and reply papers. The courtesy of the bar in filing and serving answering and reply affidavits as far in advance as possible of the motion return date is appreciated.

Please be further advised that copies of affidavits of service of the original motion or order to show cause must be received at Justice Gilbert's chambers no later than three (3) days prior to the return date of same. Affidavits of service of answering affidavits and reply affidavits must be received at Justice Gilbert's chambers no later than at least one (1) day prior to the return date of same (you may send facsimile copies of all affidavits of service).

Reply affidavits must only refer to matters brought forth in answering affidavits. No new matters may be raised in reply affidavits. Counsel are referred to CPLR §2214(b) wherein only notice of motion and supporting affidavits, answering affidavits and reply affidavits are referenced. There is no surrepley allowed unless ". . . the Court for good cause shall otherwise direct . . ." CPLR §2214(c); *see also Flores vs. Stankiewicz*, 35 A.D.3d 804 (2nd Dept. 2006); *Graffeo vs. Paciello*, 46 A.D.3d 613 (2nd Dept. 2007).

In paper filed (non e-filed) cases the successful party upon the motion must send a mailer with sufficient return postage to the court together with the proposed order for the court to return all motion papers to that party for filing upon entry of the order.

Any attorney requesting an adjournment must follow the rule set forth in 22 NYCRR 202.8 (e-1) or (e-2).

Justice Gilbert's Chambers can be reached by mail at 25 East Oneida Street, Oswego, New York 13126, by telephone at (315) 671-1090 and by facsimile at (315) 671-1180.

(Revised January 2019)