

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER-MATRIMONIAL PART
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Plaintiff,

TRIAL READY ORDER

- against -

Hon. _____, J.S.C.

Defendant.

Index No. _____

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This matter is hereby certified ready for trial. No further discovery shall be permitted except upon a showing of compelling and unanticipated circumstances. Any application for post-note discovery must be pursued in accordance with Section E of the Matrimonial Part Rules.

Plaintiff shall serve and file a Note of Issue and Certificate of Readiness within twenty (20) days of the date of this order. A file-stamped copy must be submitted to the Clerk of the Supervising Judge of the Matrimonial Part, within two (2) business days of filing. Sanctions, including the striking of pleadings or dismissal of the action, may be imposed for failure to timely serve and file the Note of Issue and Certificate of Readiness and/or failure to timely submit a file-stamped copy to the Clerk of the Supervising Judge of the Matrimonial Part.

The trial of this action is hereby scheduled to commence on _____, 20__ at _____ A.M. The Court has allocated _____ days for the trial. Absent unanticipated circumstances, the trial shall be concluded within these allocated days. The trial shall continue on successive days until completion. As the trial date is more than two months hence, no adjournment requests will be considered (See 22 NYCRR §125.1[g]). Expert reports must be furnished in accordance with 22 NYCRR §202.16(g). Failure to exchange and file the reports not later than sixty (60) days prior to the trial date, and replies not later than thirty (30) days before the trial date, may, in the Court's discretion, preclude use of the expert.

A Pre-Trial Conference is hereby scheduled to be held before the undersigned Justice on _____, 20__ at _____ A.M. Counsel must meet in person at least two (2) business days prior to the scheduled Pre-Trial Conference, whenever practicable, or conduct a meaningful telephone conference. Counsel must be fully prepared to discuss settlement at the conference and any procedural and substantive issues. Sanctions may be imposed upon counsel who are not prepared for the conference, such as the preclusion of witnesses or exhibits, and/or the making of an award of counsel fees and expenses or the denial of an award of counsel fees and expenses. In the event counsel believe that there are no prospects to settle the case, they should be prepared to explain their reasoning.

Unless the parties obtain an extension of time from the assigned Matrimonial Part Justice, at the Pre-Trial Conference, counsel must submit to the Court:

- 1) marked pleadings;
- 2) a full executed stipulation of relevant facts that are not in dispute. The Court expects that, no matter how contentious the case, there will be at least some facts that are not in dispute (e.g., the date of marriage, the names and birth dates of children, the location of any residential real estate and the approximate date of acquisition, approximate cost and the approximate balance on any mortgage;

- 3) an exhibit list and exhibits as set forth herein. The attorneys are to pre-mark their exhibits. Only those items which are received in evidence will be marked by the reporter. Copies of all exhibits intended to be offered must be presented to the Court in a ringed notebook with a table of contents, with the plaintiff's exhibits numbered and the defendant's exhibits lettered in the order in which they are generally intended to be used. Counsel are to exchange their proposed exhibits at least seven (7) business days prior to the Pre-Trial Conference. Failure to timely submit an exhibit list and proposed exhibits may result in preclusion. Counsel must either stipulate to the admission of the exhibits to be offered by the adverse parties or state the ground of any objection to admission of any such exhibit. Counsel must be prepared to argue to the Court at the time of the Pre-Trial Conference the admissibility of any exhibits to which objection is taken. Counsel are advised that the failure to include an exhibit in the exhibit list and exhibit exchange provided for herein may result in preclusion of that exhibit;
- 4) a list of witnesses, including the address of each witness, the time anticipated for the witness' direct examination, and the general subject matter of his or her testimony. The failure to identify a witness may result in the preclusion of the witness' testimony.
- 5) a **joint** statement of proposed disposition. To the extent that the parties disagree on any item, the plaintiff's position should be set out first, followed by the defendant's position. The Court will NOT accept separate statements of proposed disposition without prior written approval from the assigned Matrimonial Part Justice;
- 6) a child support worksheet if applicable; and
- 7) updated statements of net worth.

I recommend that the foregoing order be issued.

Dated: _____
White Plains, New York

Court Attorney-Referee

The foregoing is entered as an Order of the Court.

Dated: _____
White Plains, New York

ENTER:

Hon.
Justice of the Supreme Court