

Justice Joan B. Lefkowitz

Courtroom 1600
(914) 824-5421

MOTION PRACTICE

Motions shall be made returnable at the Westchester County Courthouse, White Plains, New York, on Fridays, at 9:30 A.M. Motion papers are to be submitted to the Part Clerk. The usual CPLR provisions with regard to motion practice will apply. No oral argument on discovery motions is allowed. Attendance at the call of the motion calendar is not required.

Oral argument will be granted, subject to the Justice's calendar, if requested by the initiating party by prominent request made at the top right hand portion of the order to show cause or notice of motion/petition or if so requested in the same fashion by opposing counsel or party in the responsive papers. Where the party/attorney seeking oral argument does not file (deliver) the motion or responsive papers to the clerk at least two full days prior to the return date, he/she must telephone the adversaries and advise the Court of the request. Call the Part Clerk, Carole MacLeod, (914) 824-5350, the day before the return date to ascertain the Court's calendar and whether oral argument will occur.

STAMPED, SELF-ADDRESSED ENVELOPES MUST BE ATTACHED TO EVERY MOTION AND OPPOSING PAPERS OR DECISIONS WILL NOT BE MAILED.

Adjournment of motions is governed by 22 NYCRR 202.8(e) which provides:

"(e) (1) Stipulations of adjournments of the return date made by the parties shall be in writing and shall be submitted to the assigned judge. Such stipulation shall be effective unless the court otherwise directs. No more than three stipulated adjournments for an aggregate period of 60 days shall be submitted without prior permission of the court; (2) absent agreement by the parties, a request by any party for an adjournment shall be submitted in writing, upon notice to the other party, to the assigned judge on or before the return date. The court will notify the requesting party whether the adjournment has been granted."

Where exigent circumstances exist, an application for adjournment may be made personally on the return date of the motion or by telephone.

Adjournments on consent shall be orally communicated to the Part Clerk, Carole MacLeod, (914) 824-5350, **PRIOR TO THE RETURN DATE**, with a follow-up letter.

Other motion questions or issues may be discussed with James Fine, Law Secretary, (914) 824-5421.

Legal arguments and citations belong in memoranda of law, not affidavits. Costs may be denied to any party who does not adhere to this principle.

Orders/Judgments: A copy must be submitted for conforming and a stamped, self-addressed envelope provided.

TRIALS

Prior to the commencement of a trial, counsel shall provide the Court with marked pleadings and an exhibit list. The attorneys are to pre-mark their exhibits. Counsel shall provide the reporter with an exhibit list.

Requests to charge shall be submitted to the Court as directed. A complete list of requested charges is to be submitted. Unless counsel seek a deviation from the pattern jury instructions or additions to the pattern charge, only the PJI numbers need be submitted. Where deviations or additions are requested, the full text of such requests must be submitted, together with any supporting legal precedents.

Counsel shall jointly prepare a typed verdict sheet in final form for presentation to the jury. If agreement cannot be reached, then each side shall present a proposed verdict sheet.

The verdict sheet and requests to charge will be discussed with the Court near the end of the trial and prior to the charge to the jury.

GENERAL

Counsel who appear must be fully familiar with the case and have authority to enter into any agreement, either substantive or procedural, on behalf of their clients. Counsel and pro se parties must be on time for all scheduled appearances.

If an action is settled, discontinued, or otherwise disposed, counsel shall immediately inform the Court by submission of a copy of the stipulation or other document evidencing the disposition.