

SUPREME COURT OF THE STATE OF NEW YORK
285 Main Street
Goshen, New York 10924
Tel. (845) 762-5896
Fax (845) 483-8439

**INDIVIDUAL PART RULES OF
HONORABLE SANDRA B. SCIORTINO**

STAFF

Amy Baldwin Littman, Esq., Principal Law Clerk
(845) 762-5895

Brian G. Shaffer, Esq., Assistant Law Clerk
(845) 762-5896

James Charette, Senior Part Clerk
(845) 762-5892

I. Communications with the Court

A. Correspondence:

I. Correspondence to the Court shall, without exception, be copied to all counsel, including Attorneys for Children or Guardians Ad Litem where appropriate, and/or to any self-represented parties who have appeared in the action. Correspondence between counsel and/or self-represented parties shall not be copied to the Court, unless the Court directs otherwise. All correspondence must bear the case name and Index Number of the action and indicate that a copy of the correspondence was sent to all other counsel and/or self-represented litigant(s).

ii. Correspondence should be either faxed or mailed. Second copies are not necessary.

iii. Issues requiring court intervention should be addressed by motion or request for a conference with the Court. Telephone conferences will be held at 12:30 p.m. or 4:30 p.m.

B. Telephone Calls:

Except as set forth below, telephone calls to the Court staff should occur only in situations requiring immediate attention and that cannot otherwise be addressed by correspondence.

C. Fax transmissions:

Fax cover sheet must identify the case name, index number, and number of pages attached. No fax should exceed 5 pages in length, including cover sheet, without consent of the Court.

D. E-Mail:

Unless specifically approved or directed by the Court in advance, the Court does not accept legal papers or correspondence of any kind by e-mail transmission.

II. Calendar Call & Conferences

A. General Rules:

1. The Court's regular calendar is called at 9:00 a.m. Counsel who are scheduled to appear in another Part should so notify the Court and the opposing party the day prior; and so long as all parties are timely, the Court will attempt to accommodate counsel by calling that case first. Only counsel (or self-represented parties) who are fully familiar with a case are to appear for court appearances.

2. Attorneys in matrimonial matters must appear with their clients for all conferences unless excused by the Court.

B. Preliminary Conference:

1. a. The Part Clerk will notify the party filing the RJI the date on which the Preliminary Conference will be conducted. The party who files the RJI shall give written notice to all other parties of the conference date, and shall fax a copy of such notice to the Clerk.

b. Counsel and parties are referred to 22 NYCRR 202.12(c) and/or 202.16 for specific requirements concerning the conduct of the Preliminary Conference and the matters to be considered.

2. In matrimonial matters, the following documents shall be provided to the Court prior to or at the preliminary conference:

a. Plaintiff

- Pleadings (summons and Complaint; Answer; Counterclaim; Reply to Counterclaim)
- Family Court, County Court and/or Justice Court Orders
- Net Worth Statement
- Tax returns filed for the preceding three tax years.
- Three current pay stubs
- Copy of signed retainer agreement.

b. Defendant

- Net Worth Statement
- Tax returns filed for the preceding three tax years.
- Three current pay stubs
- Copy of signed retainer agreement.

3. Foreclosure Actions:

a. Contested: When a contested matter is released from the Foreclosure Settlement Conference Part, the Court shall notify the plaintiff of the Preliminary Conference date, and the plaintiff shall notify all appearing parties of the conference date. The Court at the Preliminary Conference will direct dates for discovery and for the filing of motions.

b. Uncontested (default): When an uncontested matter is released from the Foreclosure Settlement Conference Part, plaintiff shall file its Note of Issue within ten days and its application for an Order of Reference within 30 days. If either the Note of Issue or the application for Order of Reference are not timely filed, an appearance shall be scheduled, and the action shall be subject to dismissal without prejudice.

C. Discovery Disputes:

1. a. Discovery disputes should be addressed between parties prior to the Compliance Conference as required by Court Rule 202.7

2. If counsel cannot resolve the issue between themselves, after a good faith effort, the Part Clerk should be contacted for scheduling of a telephone or court conference. The parties are not to copy the Court on correspondence between counsel concerning discovery issues unless specifically requested to do so by the Court.

D. Compliance Conference:

The Court will conduct a Compliance Conference after the date by which disclosure was to be completed, as directed at the Preliminary Conference.

E. Settlement Conference:

A settlement conference will be held no less than one month prior to the scheduled trial date. Settlement conferences shall be scheduled at a time convenient to the attorneys, parties and the Court. Counsel attending the Settlement Conference must be fully familiar with the action and authorized to enter settlement discussions.

F. Adjournment of Conferences:

Request for conference adjournment must be made in writing, by fax, to the Part Clerk (copied to all counsel and/or pro se parties) no later than 3:00 p.m. the day prior to the scheduled conference. All requests must set forth: 1) the reason why an adjournment is necessary; 2) whether the opposing party(ies) consent(s) or object(s) to the application; and 3) at least three proposed adjourned dates. Dates should be on consent or on notice to all counsel and/or parties.

The Part Clerk will advise the party who submitted the written request of the grant or the denial of the request. That party shall immediately give written notice to all counsel and/or parties, and, if the adjournment is granted, of the new date, copying the Court on such notice.

If a conference is scheduled and a motion is pending, counsel for the moving party shall contact chambers for direction on whether to appear.

III. Motions/Orders to Show Cause/Temporary Restraining Orders

A. General Rules:

1. a. Written applications by Notice of Motion may be made returnable on any day. Return and service dates and method of service of Orders to Show Cause shall be designated by the Court and a conformed copy of the signed order will be faxed to the moving attorney.

b. Absent Court permission, motions for summary judgment are to be submitted within 60 days of filing of the note of issue.

Please note that in accordance with the discretionary authority provided by Civil Practice Law & Rules §3214(b), discovery is NOT stayed during the pendency of any summary judgment motion, unless the Court orders otherwise.

2. a. All motion papers and Orders to Show Cause must be typewritten, double-spaced, securely bound and entirely legible. If more than one inch thick, please use a paper fastener in lieu of stapling.

b. All exhibits must be legible and labeled with external tab markings.

c. Citations to legal authority must use the official citations only.

3. When seeking a Temporary Restraining Order (other than statutory automatic restraints), the Order to Show Cause shall indicate the request for a TRO on the face page in bold letters and shall include proof of advance notice to the adverse party, or an explanation of why such notice is inappropriate. Except in emergent circumstances, which should be explained, advance notice is deemed to mean at least 24 hours' notice.

4. Sur-replies and replies to cross-motions are not permitted without express leave of the Court. If such papers are submitted without leave, they will not be considered.

5. Matrimonial Actions:

a. Each *pendente lite* motion must include:

- i. Statutory calculation for guideline amount of temporary maintenance pursuant to Domestic Relations Law §236 part B(5-a)(c).
- ii. Current net worth statement.

b. Each motion or order to show cause seeking modification of support must include a current net worth statement. The motion or order to show cause will be rejected if not included.

6. a. Except for motions for contempt, there will be no oral argument on any motion or Order to Show Cause unless directed by the Court. No appearances are generally required on the return dates of motions or Orders to Show Cause.

b. Parties seeking oral argument of a motion or Order to Show Cause shall indicate, in bold print above the Index Number on the first page of the papers, "Oral Argument Requested." If granted, the party who requested oral argument will be notified of the date and time for argument and shall inform all other attorneys. The Court shall be copied on the notification.

6. All counsel or parties shall submit a self addressed stamped envelope with their moving or opposition papers.

B. Adjournment of Motions

So long as the matter is not scheduled for trial, motions may be adjourned, on consent, from the original return date to any mutually agreeable date within four weeks of the original. Any request for a subsequent adjournment on consent must state the current adjourned date and the new return date agreed upon. If adjournment is granted, the Part Clerk will advise the party who submitted the request of the new return date. That party will immediately advise all other parties in writing; the Court shall be copied on the notice.

Unless the Part Clerk has conveyed that the matter has been adjourned, the parties should not assume that the request has been granted.

No adjournments shall be granted if the new return date falls within 90 days of the trial date.

IV. Decisions and Orders

1. Orders, judgments, counter-orders and/or counter-judgments submitted for signature on notice must include an Affidavit of Service and Notice of Settlement for a designated date in

accordance with 22 NYCRR 202.48. Orders, etc based on a stipulation placed on the record shall incorporate a copy of the transcript.

2. Qualified Domestic Relations Orders submitted for signature shall include a copy of the Judgment of Divorce and relevant portions of the Stipulation of Settlement, or transcript, if any.

3. a. Orders containing a child support provision, including judgments of divorce and opting-out agreements, must include, on the face page, the modification notice language required by Domestic Relations Law §236-b[7].

b. Any support order directing payment through the support collection must include the SCU notice required by Domestic Relations Law §240-c[5][b].

V. E-FILING

1. All parties should familiarize themselves with the statewide E-Filing Rules (22 NYCRR 202.5b and 202.5bb). General questions about e-filing should be addressed to the E-Filing Resource Center at 646-386-3033 or efile@nycourts.gov.

2. a. Except for an exempt party as defined in 22 NYCRR 202.5bb, all submissions to the Court, including Notices of Motions and Orders to Show Cause and attachments; opposition and reply papers to Motions and Orders to Show Cause, including attachments; and proposed orders and judgments shall be filed and served by electronic means.

b. Parties seeking to file and serve papers in hard copy pursuant to statute or court order must include a copy of the Notice of Hard Copy Submission required by 22 NYCRR 202.5b(d)(1)(iii). The form is available at www.nycourts.gov/efile

3. Letters to the Court may be e-filed or faxed; please do not send twice.

4. a. One working hard copy of a Motion, Order to Show Cause, supporting, opposition and reply affirmations and/or affidavits shall be sent directly to chambers within five days of e-filing of the same. Exhibits need not be included.

b. Working copies must include a copy of the NYSCEF Confirmation Notice fastened to the top of the submission. Papers not including the Confirmation Notice are subject to rejection.

VI. Pre-Trial and Trial Matters

A. Pre-Trial Filings:

1. An original Note of Issue shall be filed with the County Clerk, with a copy sent directly to Chambers.

2. Not later than one week before the trial date, plaintiff's counsel shall submit copies of marked pleadings and the verified bill of particulars. All counsel shall also submit a list of proposed jury charges and verdict sheet.

3. Exhibits should be marked prior to commencement of trial and counsel should confer and stipulate to those exhibits that can be admitted without objection.

4. All motions *in limine* must be submitted to the Court and served upon adversary counsel not later than ten days before the trial date. Opposing papers shall be submitted and served not later than five days before the trial date.

5. In matrimonial matters, forensic Mental Health evaluation reports are released to attorneys upon execution of the Court's standard release form. Such reports may be reviewed with litigants, in the presence of attorneys, but in no circumstances may copies be given to litigants. *Pro se* litigants may review copies of the report in the Courtroom only.

In the event an attorney is discharged or otherwise terminates representation of a client during the pendency of an action, all copies of evaluation reports shall be returned to the Court by the original attorney, and shall NOT be transferred to substitute counsel or a *pro se* litigant.

6. In matrimonial matters, no later than one week prior to trial, the Court is to be provided with: (a) statements of proposed disposition as required by 22 NYCRR 202.16(h); (b) updated Net Worth Statements (with the latest available supporting documents, such as income tax returns, W-2's, brokerage and retirement plan statements); and (c) any forensic reports, appraisals or evaluations conducted in the matter, unless previously provided.

B. Subpoenas:

1. Proof of compliance with CPLR Sections 2306 and 2307 for subpoenas directed to municipal entities must be provided when submitting the subpoena for signature. No subpoena will be "so-ordered" without compliance.

2. All subpoenas seeking the production of records subject to the HIPAA Rules shall attach a duly executed authorization permitting the release of such records.

C. Interpreters; Other Special Accommodations:

Counsel shall notify the Court and/or Part Clerk as soon as possible, but not later than the time of the Settlement Conference in the event a translator or interpreter is required at trial.

If a party or a witness requires some accommodation, such as an assisted hearing device, counsel shall notify the Court as soon as possible.

VII. Settled and Discontinued Cases

Counsel must notify the Court by fax, or e-filing where appropriate, of the settlement or withdrawal of any action or proceeding immediately upon such settlement or withdrawal. A copy of the signed Stipulation of Discontinuance which has (or will be) submitted to the County Clerk shall be submitted to the Part Clerk so that the matter may be marked disposed.