

**HON. VICTOR J. ALFIERI, JR.**  
County Court Judge, Acting Supreme Court Judge  
Rockland County Courthouse  
1 South Main Street  
New City, New York 10956

Secretary: Jeannie Connolly  
Senior Court Clerk: Thomas Morrissey  
Principal Law Clerk: Stephanie A. Small  
Telephone #: (845) 483-8353  
Facsimile #: (845) 638-5055

**PART I**  
**E-FILING RULES OF THE COURT**

I. E-Filing Rules and Protocol

- A. General Rules. All parties should familiarize themselves with the statewide [E-Filing Rules](#) Uniform Rule §§ 202.5-b and 202.5-bb – available at [www.nycourts.gov/efile](http://www.nycourts.gov/efile)) and the Rockland County E-Filing Protocol.
- B. Contact Information. General questions about e-filing should be addressed to the **E-Filing Resource Center** at (646) 386-3033 or [efile@courts.state.ny.us](mailto:efile@courts.state.ny.us). Specific questions relating to local procedures should be addressed to **the Chief Clerk's Office (845) 638-5393**.

II. Electronic Filing

All [case type(s)] actions in Judge Alfieri's part are to be filed through the New York State Courts E-Filing system (NYSCEF). All submissions to the Court, including proposed orders, proposed judgments, and letters, must be electronically filed.

III. Working Copies

- A. General Rules. A court may require the submission of "working copies" of electronically filed documents. See Uniform Rule § 202.5-b(d)(4). Working copies shall be delivered to the Rockland Chief Clerk's Office.
- B. Part Rule:
- This Part does not require working copies.
  - This Part does not require working copies but may request working copies in specific instances.

■ This Part requires working copies for all electronic submissions.

□ This Part requires working copies for:

- [ ] motion submissions
- [ ] proposed orders to show cause
- [ ] proposed orders/judgments
- [ ] stipulations
- [ ] transcripts
- [ ] letters

C. Submission of Working Copies: All working copies submitted to this Part must include a copy of the NYSCEF Confirmation Notice firmly fastened as the front cover page of the submission and comply with other requirements set forth in the Rockland County Protocol. Working copies without the Confirmation Notice will not be accepted. Working copies are to be delivered no later than 2:00 p.m. on the first business day following the electronic filing of the document on the NYSCEF site.

#### IV. Hard Copy Submissions

This Part will reject any hard copy submissions in e-filed cases unless those submissions bear the “Notice of Hard Copy Submission – E-Filed Case” required by Uniform Rule §202.5-b(d)(1). The form is available at [www.nycourts.gov/efile](http://www.nycourts.gov/efile).

#### V. Scheduling

Counsel/parties should address questions about scheduling appearances or adjourning appearances to the Part Clerk, Thomas Morrissey, at (845) 638-5490.

## **PART II** **RULES OF THE COURT**

### I. General Rules

A. Calendar Call: The Court shall call its calendar each day at 9:30 a.m. or as soon thereafter as possible.

B. Court Papers: All submissions bearing the caption of the action must be signed by counsel as required by 22 NYCRR §130-1.1a. In any instance where a “service list” is required on a legal document, the service list must set forth the name, address and telephone number of the submitting party or attorney AND identify the party or person represented by that attorney and the person or party represented by the other persons named in that service

list. All filings are to be made at the Supreme Court Civil window except for opposition and reply papers on motions which are to be sent directly to chambers.

- C. Statutes and Rules: This Court strictly adheres to the procedural requirements set forth in the CPLR and Uniform Rules-Trial Courts, as well as all other state statutes that set forth specific procedural requirements to be followed in order to obtain the relief sought.
- D. Standards and Goals: Recognizing the important public policy considerations behind the various time limitations set by statute and rule, this Court strictly adheres to those time limitations. See, 22 NYCRR §202.12 and §202.16.

## II. Communications with the Court:

- A. Correspondence. Copies of all correspondence to the Court shall be sent to all counsel of record and must reflect the Index Number of the case to which it relates. Copies of correspondence between attorneys and/or pro se litigants shall NOT be sent to the Court unless there is some specific judicial purpose to be served by transmitting copies to the Court.
- B. Telephone Calls. Telephone calls to Court staff should be limited to those situations requiring immediate attention that cannot otherwise be addressed by correspondence.
- C. Papers by Facsimile: **The Court does not accept papers of any kind by fax transmission that must otherwise be filed in original form with the Office of the Clerk (e.g., petitions, proof of service, motions, opposition to motions, replies, proposed Orders, documents to be “So Ordered”).** Copies of letters confirming an adjournment of a motion or a conference may be sent to the Court by facsimile. However, all faxes must be faxed simultaneously to all other parties and the original correspondence must be mailed to the Part Clerk by mail. Counsel are not permitted, without prior approval, to send facsimile transmissions to Chambers that exceed five (5) pages in length.
- D. Ex Parte Communications: Ex parte communications are prohibited except where an Order to Show Cause is submitted for signature or during settlement negotiations upon the consent of all of the parties.

## III. Court Appearances

- A. General Rules:

1. Appearances at the calendar call are required by all attorneys in all matters. Detailed settlement discussions in any matter may be conducted in Chambers when permitted. **Counsel must be fully familiar with the matter(s) on which they appear and must be authorized to enter into both substantive and procedural agreements on behalf of their clients.** Any agreements entered into by counsel will be binding on their respective law firm.
  2. Counsel must be on time for all scheduled appearances and must bring sufficient material to allow meaningful discussion of unresolved issues to each Court appearance. Attorneys appearing “of counsel” to an attorney of record and parties appearing pro se will be held to the same requirements.
- B. Adjournments: As a matter of general practice, requests for adjournments of conferences, hearings and trials are greatly discouraged. Applications for such adjournments must be made in writing and received by the Court (by letter or facsimile) at least 24 hours in advance of the scheduled proceeding to be adjourned and must set forth: (1) good cause as to why an adjournment is sought; and (2) whether the other party/parties consent or object to the adjournment. The request may also suggest an approximate time period or a new date for the adjournment. The party requesting the adjournment must notify all parties of record as to the Court’s decision regarding the adjournment request.
- C. Conferences:
1. In general: Appearances at conferences are mandatory. Failure to appear at a conference may result in sanctions, as appropriate.
  2. Matrimonial Actions: Where a preliminary conference has been scheduled in a matrimonial action, the parties shall, prior to the conference, file and exchange the required documents as set forth in 22 NYCRR 202.16(f)(1), including the net worth statements, paycheck stubs, W-2 statements, tax returns and statements of account. Counsel shall inform their respective clients of the automatic orders set forth in Domestic Relations Law Section 236 Part B(2)(b) as soon as the attorney-client relationship is formed. The parties, as well as counsel, shall appear at all matrimonial conferences unless otherwise directed by the Court.

#### IV. Discovery and Inspection

- A. General Rules: Counsel shall exert a continuing effort to work cooperatively

and courteously with all adverse counsel towards the goal of completing all discovery expeditiously and efficiently and in the spirit of avoiding unnecessary motion practice and court intervention. See, 22 NYCRR 202.7. In other words, discovery motions are strongly discouraged.

- B. Motion Procedure: Prior to filing a discovery-related motion, counsel for the aggrieved party or the aggrieved pro se litigant shall request a conference with the Court at which time the matter will be resolved. In the event that a discovery motion is filed, see Part Rule V(H)(3).

## V. Motions

- A. General Rules: All motions shall be accompanied by a Notice of Motion and shall set forth a return date. See, CPLR Section 2212 and CPRL R 2214. Ex parte motions shall be accompanied by an Affidavit and shall set forth a return date. See, 22 NYCRR Section 202.7(d) and 22 NYCRR Section 202.8(a) and (b).
- B. Return Dates: Motions shall be returnable every Friday at 9:30 a.m. except those Fridays that fall on a legal holiday.
- C. Appearances/Oral Argument: No appearances shall be made on motion return dates EXCEPT for motions and Orders to Show Cause made in matrimonial actions or unless otherwise ordered by the Court. Oral argument may be requested by noting "Oral Argument Requested" immediately over the index number on the Notice of Motion. If the Court, in its discretion, determines that oral argument would assist the Court in rendering its decision, whether requested or not, the movant's attorney will be so advised and will be required to notify all parties of the date scheduled for oral argument.
- D. Papers To Be Submitted: All motions and opposition papers must be accompanied by a stamped, self-addressed envelope. Courtesy copies of motions shall NOT be submitted. All documents required to decide the motion must be included in the moving papers. It is not sufficient to refer the Court to the County Clerk, where the documents may be on file.
- E. Proposed Orders: The moving party shall submit with its motion papers a proposed Order.
- F. Form of Papers: Motion papers are to be securely bound. Exhibits tabs should be used in lieu of exhibit sheets. Papers should be in clear type of no less than 12 point in size and all paragraphs, where appropriate, and pages should be properly numbered.
- G. Filing: All motions, including ex parte motions and Orders to Show Cause,

shall be filed with the Chief Clerk's Office, Civil Division window (upon the appropriate payment to the County Clerk). Opposition and reply papers shall be sent directly to the Part Clerk. Sur-reply papers WILL NOT BE considered absent express permission from the Court in advance. If new issues are raised in the reply, or if there has been a change in the law while the motion is pending, counsel is to advise chambers, in writing, and request to submit additional affidavits or memoranda. Other papers, including letters, which are sent after the submission of the motion, will not be considered.

H. Adjournments

1. With Consent: Upon consent of all counsel and pro se litigants, the Court will ordinarily grant no more than two (2) adjournments of a motion or Order to Show Cause. The party seeking the adjournment must obtain the consent of adversary parties and notify the Part Clerk of the requested adjournment date at least 24 hours before the return date. The Court will assign a new date for the motion or Order to Show Cause and in doing so, will give due consideration to any specific date agreed upon by the parties.
2. Without Consent: Parties requesting an adjournment without the consent of the other parties shall send a brief letter to the Court with a copy to all interested counsel at least 24 hours prior to the return date. Parties seeking a non-consented-to adjournment must provide good cause as to why the adjournment should be granted. Counsel opposing the adjournment request should submit a brief response setting forth their reasons for objecting. No further communications will be permitted.
3. Notification: The party seeking the adjournment request shall send a confirming letter to the Court and all parties indicating whether the request has been granted or denied.

G. Withdrawn Motions: In the event that a motion has been resolved by a withdrawal or settlement of the case, counsel are to **immediately** notify the Court by faxing to Chambers a letter of withdrawal or a Stipulation of Settlement and Discontinuance.

H. Types of Motions:

1. Summary Judgment Motions: Motions for summary judgment shall be filed with the Court and served upon all parties no later than 60 days from the date of the filing of the Note of Issue. If an application to extend the time to make a summary judgment motion is granted by the Court, the moving party must indicate same in its motion papers. The filing of a motion made pursuant to CPLR 3211 or 3212 shall not

stay pre-trial discovery unless otherwise ordered by the Court.

2. Motions to Renew and Reargue: All motions to renew and reargue a prior motion pursuant to CPLR 2221 must contain as exhibits all papers submitted on the prior motion, as well as a copy of the Court's decision on the prior motion. Failure to comply with this requirement shall result in the denial of the motion.
3. Discovery-Related Motions: All discovery-related motions will automatically be converted to a conference for resolution of the issue.
4. Orders to Show Cause:
  - a. General Rules: The filing of Orders to Show Cause in lieu of Notices of Motion are greatly discouraged. Orders to Show Cause should be filed only where required by statute, setting forth the citation to the applicable statute, or where the moving party establishes "proper cause."
  - b. Stays and Temporary Restraining Orders: The moving party must provide notice to all other parties pursuant to 22 NYCRR 202.7(f) unless the moving party demonstrates that there will be significant prejudice by the giving of such prior notice. The Court may schedule a conference to determine whether such temporary relief should be granted. Following the conference, the Court shall render a determination only on the request for temporary relief.
  - c. Matrimonial Motions/OTSC for Pendente Lite Relief: There shall be appearances by both parties and counsel on the return date of all pendente lite motions/OTSC. The Court will conduct a preliminary conference, where appropriate, or a conference on the OTSC. Counsel shall have all exchanges and submissions made prior to the return date and counsel shall be prepared for oral argument on each issue. The Court may, in its discretion, decide the motion/OTSC from the bench on the return date. Counsel shall order a copy of the transcript, the cost to be shared equally by the parties (with a re-allocation to be determined at a later date if necessary), and provide a copy to the Court. Counsel are encouraged to submit a proposed order to the Court, on notice, with a copy of the transcript attached thereto, for the Court's signature.

I. Motion Decisions and Orders:

1. Proposed Orders: The moving party shall submit a proposed Order

with the Notice of Motion and supporting papers at the time of filing.

2. Written Decisions: Where appropriate, the Court will utilize the proposed Order submitted by the moving party. Otherwise, a written Decision and Order will be issued by the Court. A copy of the decision shall be sent to all counsel and parties who have submitted a self-addressed stamped envelope.
3. Bench Decisions: In certain instances, the Court will render a decision from the bench. Any party seeking a written order of a decision rendered from the bench shall submit to the Court a proposed Order with a copy of the transcript attached thereto. Where a decision from the bench is rendered in matrimonial actions, a copy of the transcript will be ordered by the Court, the cost of which shall be split between the parties unless otherwise ordered by the Court.

## **VI. Trials**

- A. Trial Dates. Trial dates shall be strictly adhered to and adjournments will rarely be granted except in the most extraordinary instances where good cause has been shown.
- B. Scheduling: Once a trial date has been scheduled, clients, fact witnesses, physicians, experts and others are to be timely advised of scheduled dates to avoid last minute claims of unavailability. The parties and their attorneys are encouraged to videotape trial testimony of witnesses who are likely to be unavailable at trial. Videotaping shall be conducted in accordance with the applicable statutes and uniform rules at the producing party's expense and shall occur between the pre-trial conference date and the trial date. In addition, the Court shall endeavor to accommodate bona fide special preferences to the extent recognized by CPLR Rule 3403 and Uniform Rules 202.24 and 202.25.
- C. Subpoenas.
  1. In General. All counsel are reminded that they may sign trial subpoenas duces tecum and subpoenas ad testificatum as officers of the Court pursuant to CPLR Section 2302.
  2. "So Ordered" Subpoenas. Subpoenas seeking documents in the possession of libraries, hospitals, and municipal corporations and their departments and bureaus must be "So Ordered" by the Court pursuant to CPLR Section 2306 and 2307. Subpoenas for documents possessed by libraries, hospitals and municipal corporations may only be "So Ordered" upon by notice of motion served upon the intended recipients of the subpoenas with at least one (1) day's notice pursuant

to CPLR Section 2307. “So Ordered” subpoenas must then be served upon the intended recipient at least twenty-four (24) hours before the time fixed for the production of documents, unless such notice is waived by the Court due to emergency circumstances as permitted by CPLR Section 2307. [Motions for “So Ordered” subpoenas should be delivered to the Part Clerk at the courthouse, and will be addressed by the Court promptly when time sensitive.] The Court’s issuance of a “So Ordered” subpoena does not constitute a ruling as to the admissibility of the subpoenaed materials.

3. Medical Records. All subpoenas for materials protected by HIPPA shall refer to and annex a duly executed HIPPA compliant authorization.
  4. Cover Letter. A cover letter shall accompany all subpoenas submitted to the Court to be “So Ordered” setting forth any information about the action that may assist the Court.
- D. Interpreters. In the event that any party requires the services of an interpreter during trial for foreign languages or services for the hearing impaired, the Court is to be notified of same no later than the Pretrial Conference so that appropriate arrangements can be made by the Court in advance of the trial date.
- E. Pre-Trial Requirements: At least five (5) days prior to the commencement of trial, counsel shall provide the following to the Court: marked pleadings, a list of names of witnesses with a one-line summary of their anticipated testimony (including expert witnesses in accordance with the CPLR), an exhibit list, a proposed verdict sheet, and requested jury charges referring to the section number of the Pattern Jury Instructions (PJI).
- F. Motions *in Limine*. Motions *in limine* must be delivered to the Part Clerk and served upon all counsel of record no later than seven (7) business days prior to the scheduled date of the trial, except as to issues that cannot be reasonably anticipated prior to trial. Unless otherwise directed by the Court, motions *in limine* and opposition papers to such motions shall not exceed ten (10) pages in length. If more than one motion *in limine* is contemplated by a party, each such motion shall be separately bound and is subject to a separate page limit.

## VII. Summary Jury Trials (SJT):

- A. In General. Summary jury trials are highly encouraged. The summary jury trial is a prompt, inexpensive method of resolving disputes before a jury in a one-day trial. Some other features of the summary jury trial are: (i) There

are specific time limits for each stage of the jury trial, e.g., jury selection (two hours), opening statements (ten minutes), case presentation per party (one hour); (ii) Expert reports are read to the jury instead of live testimony of expensive expert witnesses; (iii) Medical records need not be certified; and (iv) Recognized medical or other scientific or technical treatises are read to the jury.

- B. Request for an SJT. Submit a written request for an SJT to the Court with copies to all counsel and/or pro se parties of record.