

HON. ELAINE SLOBOD, J.S.C.
Orange County Courthouse
255-285 Main Street
Goshen, New York 10924

PART CLERK: Ellen Guerrera (845) 291-4511
LAW CLERK: Gregory C. Grasselena (845) 291-2926
SECRETARY: Jocelyn E. Youngman (845) 291-2107

FAX: (845) 291-2104

ALL inquiries regarding trials, conferences, motions, and adjournments shall be made to the Part Clerk at 291-4511. THE CALLER SHOULD BE FULLY FAMILIAR WITH THE SUBJECT MATTER.

MOTIONS

A. General

- (1) Notice of Motion may be made returnable any day at 9:15 AM. NO APPEARANCES ARE REQUIRED EXCEPT ON MATRIMONIAL MOTIONS and MOTIONS BROUGHT ON BY ORDER TO SHOW CAUSE when the Court has issued a TRO which will expire on the return date.
- (2) Use official citations.
- (3) No courtesy copies of motions are to be submitted.
- (4) Motion papers are to be securely bound. Papers that are not securely bound run the risk of being lost. Attorneys are requested to instruct clerical staff not to overload paper fasteners and to check the condition of papers before the papers leave the attorneys' office.
- (5) Exhibits should be tabbed. Please do not use exhibit sheets.
- (6) Appearances are not required except on matrimonial motions. Oral arguments may be requested by noting "Oral Argument Requested" immediately over the Index Number on the Notice of Motion. If the Court, in its discretion, requires such argument, the movant's attorney will be so advised and will be required to notify all parties.

- (7) Self-addressed, stamped envelopes must be submitted with all motions. Orders/Judgments must also have self-addressed, stamped envelopes and a copy if a conformed copy is requested.
- (8) Do not send opposing or reply papers to the County Clerk. They should be forwarded directly to Judge Slobod showing the motion return date at the top of the first page.
- (9) The court will not consider sur-reply papers or papers submitted after the return date without prior permission of the court.
- (10) A party moving to renew or reargue must attach copies of the papers submitted in connection with the underlying motion to the motion to renew or reargue.

B. Submission of Orders and Judgments Based Upon Rulings in Open Court

Proposed orders and judgments based upon rulings in open court must be supported by a copy of the stenographic minutes reflecting the ruling upon which the proposed order or judgment is based.

C. Summary Judgment

Summary judgment motions must be made no later than 60 days from the date of the filing of the Note of Issue or the motion will be denied.

D. Discovery Matters

- (1) Counsel must consult with one another in a "good faith" effort to resolve all disclosure disputes. See Uniform Rule 202.7. Apro forma letter to your adversary does not constitute "good faith." Discovery issues which cannot be resolved may be discussed at the next scheduled court conference or by motion. The service of a motion does not, in and of itself, stay any scheduling order. The making of a motion may result in a conference.

Simple discovery disputes, i. e., the scheduling of depositions, IMEs and the like may be addressed by letter faxed to the court and fax copied to all counsel. Substantive disputes, i. e., the application of

privilege, should be addressed by a letter faxed to the court requesting an immediate conference or by written motion.

E. Adjournments of Motions

- (1) Standards and Goals - No adjournments of a motion in a case in which the trial note of issue is filed and that is over or within 3 months of going over standards and goals will be permitted without prior written approval of the Court.
- (2) Other than Standards and Goals
 - (a) On Consent - The Clerk of the Part is to be advised by telephone, followed by a timely fax or letter, that the motion is adjourned on consent to a date no later than 21 days from the current return date. The combination of consent adjournments shall not exceed 45 days from the original return date. Any further adjournment will require an appearance. A copy of the letter is to be sent to all parties.
 - (b) Opposed - If your adversary will not consent to an adjournment, you should fax a short letter request to the Court with a copy to all interested counsel. Opposing counsel shall succinctly provide their reasons for objecting in a reply fax. No further communications will be permitted.
 - (c) Please show the index number and the current return date in your letter.

ORDERS TO SHOW CAUSE

Temporary Restraining Orders

Unless there are extremely unusual circumstances which are recited in a supporting affidavit, opposing counsel shall be advised by phone or fax that an Order to Show Cause containing a TRO is being presented to the Court and a good faith effort must be made to do so or a demonstration of significant prejudice must be made.

If there has been no appearance by opposing counsel, the adverse party shall be provided with notice as directed by the rules (Rule 202.7(f)).

Counsel are reminded that, if the summons and complaint have not already been served, copies must be served with the Order to Show Cause. Therefore, to obtain personal jurisdiction in the action being commenced, personal service of the Order to Show Cause will be required unless supporting papers justify service under CPLR 308(5).

CONFERENCES

A. Preliminary Conference

- (1) Appearances at the preliminary conference are mandatory.
- (2) Only an attorney familiar with the case and prepared to discuss and consent to the terms of a Preliminary Conference Order shall appear.

B. Compliance/Settlement Conference

Counsel must be prepared to discuss all procedural and substantive issues, as well as engage in meaningful settlement negotiations at the compliance/settlement conference.

C. Trial Readiness Conference

Failure to appear at a trial readiness conference may result in sanctions, including striking the pleadings. A formal motion for relief from the sanctions for such default will be required.

D. Adjournment of Conferences

- (1) Standards and Goals - No adjournments of a conference in a case in which the trial note of issue has been filed and which is over or within 3 months of going over standards and goals will be permitted without prior written approval of the Court.
- (2) Other than Standards and Goals
 - (a) On Consent - After telephone approval by the Part Clerk (291-4511), a conference may be adjourned on consent to a date no later than 15 days from the current scheduled date. There may be a second adjournment on consent, however, no combination of adjournments on consent shall exceed 30 days from the original conference date.

A letter or fax confirming any adjournment shall be sent to the Part Clerk and all counsel.

(b) Opposed - If your adversary will not consent to an adjournment, you should fax a short letter request to the Court with a copy to all interested counsel. Opposing counsel shall succinctly provide their reasons for objecting in a reply fax. No further communications will be permitted.

(c) Please show the index number and current conference date in your letter.

MATRIMONIAL ACTIONS

Counsel shall be familiar with and shall comply with the provisions of 22 NYCRR 202.16. Prior to the preliminary conference, the parties shall file and exchange those documents set forth in 22 NYCRR 202.16(f)(1) including net worth statements, paycheck stubs, W-2 statements, tax returns and statements of account.

Counsel should inform their clients of the automatic orders created by Domestic Relations Law §236 Part B(2)(b) as soon as the attorney-client relationship is formed.

Parties shall appear at all matrimonial conferences unless otherwise directed by the court.

Each party must file a statement of proposed disposition (22 NYCRR 202.16[h]) no later than 3 days prior to trial.

Counsel and parties are required to appear on the return date of motions seeking *pendente lite* relief.

TRIALS

A. Pleadings and Exhibits

Prior to the commencement of a trial, counsel shall provide the Court with:

- (1) marked pleadings.
- (2) an exhibit list. The attorneys are to pre-mark their exhibits. Only those received in evidence will be marked by the reporter. The reporter is to be provided with an exhibit list.

B. Motions in Limine

Shall be made returnable at least 15 days before the trial date.

C. Requests to Charge

Shall be submitted to the Court as directed at a conference immediately preceding trial. The charge will be drawn from the Pattern Jury Instructions (PJI). A complete list of requested charges is to be submitted. Unless counsel seek a deviation from the pattern charge or additions to the pattern charge, only the PJI numbers and heading need be listed.

Where deviations or additions are requested, the full text of such requests must be submitted, together with any supporting legal precedents.

D. Verdict Sheet

Counsel shall jointly prepare a verdict sheet. The verdict sheet is to be typed and in final form for presentation to the jury. If agreement cannot be reached, then each side shall present a proposed verdict sheet. If it is feasible, such proposals shall also be submitted on a computer disc in a format convertible to Word Perfect X3.

Verdict sheets should provide signature lines for each juror as to each question and after the last question, a line for the foreperson.

E. Identification of Deposition Testimony

Counsel for the parties shall consult prior to trial and shall in good faith attempt to agree upon the portions of deposition testimony to be offered into evidence without objection. The parties shall delete from the testimony to be read questions and answers that are irrelevant to the point for which the testimony is offered. Each party shall prepare a list of testimony to be offered by it as to which objection has not been made and, identified separately and clearly, a list of testimony as to which objection has been made.

At least five days prior to trial, each party shall submit its list to the Court and other counsel, together with a copy of the portions of testimony as to which objections has

been made. The Court will rule upon the objections at the earliest possible time after consultation with counsel.

F. Scheduling

As a general rule all trials will begin at about 10:00 AM. immediately following the conference calendar call.

ORDERS/JUDGMENT SUBMISSION

- A. All orders or judgments, including counter-orders and judgments, submitted for signature on notice will be returned unsigned unless an affidavit of service of same and Notice of Settlement for a date designated in accordance with 22 NYCRR 202.48 have been included.
- B. Do not fax proposed orders or judgments.
- C. (1) If a counter-order contains only a very minor change, the cover letter should clearly identify that change by page and paragraph.
(2) All other proposed changes to an adversary's original order should be highlighted in a duplicate sample copy of the proposed counter-order, and a brief explanation of counsel should accompany the counter-order.
(3) A copy of any relevant transcript should accompany the counter-order.
(4) Counsel who submitted the original order may submit a short response to the counter-order within 3 business days of receipt of same.

INFANT COMPROMISE APPLICATIONS AND ORDERS

- A. Attorneys should not seek reimbursement for disbursements for overhead expenses such as the cost of postage, in-house photocopies, legal research, phone, fax, etc.
- B. The amount of insurance coverage shall be stated in counsel's affirmation and, when relevant, a statement that an asset search was conducted on the defendants.
- C. Every proposed order shall provide that:
 - (1) "_____ % of the attorney's fees approved herein shall be held in escrow until the Court has been advised that

[the infant's funds have been deposited in the bank designated] and/or [the policy required by the structured settlement has actually been purchased]."

- (2) The bank may issue checks without court order each year for Federal and New York State taxes owed by the infant upon receipt of copies of tax returns. The bank may also in each year issue a check to a CPA or licensed tax preparer for up to \$_____ upon submission of an invoice for that amount.
- (3) _____% of said deposit shall be placed in the highest yielding certificate of deposit providing these funds shall be available without penalty when the infant attains the age of 18 years. The balance shall be kept in a regular passbook account.

LITIGATION CORRESPONDENCE

Copies of correspondence between or among counsel should not be sent to the Court for informational purposes.

DATED: March 2011