

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF

-----X

Plaintiff,

Index No.: _____

- against -

Part No.: _____

Defendant.

-----X

PRELIMINARY CONFERENCE STIPULATION/ORDER
CONTESTED MATRIMONIAL

PRESIDING: _____
Justice of the Supreme Court

The parties and counsel have appeared before this Court on _____ at a preliminary conference on this matter held pursuant to 22 NYCRR §202.16.

The Court has received a copy of:

Date Filed or To Be Filed

Plaintiff

Defendant

(1) A sworn statement of net worth as of date of commencement of the action.

(2) A signed copy of each party's attorney's retainer agreement:

A. BACKGROUND INFORMATION:

(1) Attorneys for Plaintiff:

Attorneys for Defendant:

Phone: _____

Phone: _____

Fax: _____

Fax: _____

Email: _____

Email: _____

(2) Summons: Date filed: _____ Date served: _____

(3) Date of marriage: _____

(4) Name(s) and date(s) of birth of child(ren):

(5) There is _____ or is not _____ an Order of Protection issued against _____
_____ from _____ Court. The order is dated
_____ and is / is not currently outstanding. Attach copy of order.

(6) The following other orders are outstanding:

Order: _____

Court Issuing: _____

Issue Addressed: _____

Attach copy of order.

Order: _____

Court Issuing: _____

Issue Addressed: _____

Attach copy of order.

(7) _____ is requesting a translator in the _____
language.

(8) Premarital, Marital or Separation Agreements asserted:

State the nature of each agreement and the date of the agreement _____

Any challenge shall be asserted no later than _____.

B. GROUNDS FOR DIVORCE:

The issue of fault is resolved _____ or unresolved _____.

If the issue of grounds is **resolved**: The parties agree that _____ will
proceed on an uncontested basis to obtain a divorce on the grounds of _____.

If the issue of grounds is **unresolved**: A trial of this issue shall be held on _____
_____, and a jury is / is not requested.

C. CUSTODY:

- (1) The issue of custody is resolved_____ unresolved_____.
- (2) The issue of parenting time is resolved_____ unresolved_____.
- (3) The issues relating to decision making are resolved_____ or unresolved_____.

If the issues of custody, including parenting time and decision-making, are resolved:
The parties are to submit a stipulated parenting plan no later than _____.

If any issue related to custody, including parenting time and decision-making is unresolved: Each party is to serve and submit a proposed parenting plan no later than _____.

After receipt of the parenting plans, if the parties do not notify the Court that all issues related to custody are resolved, a conference shall be held on _____ at which time the Court shall determine the need for an attorney for the child / guardian ad litem and/or a forensic evaluation and set a schedule for resolving all issues relating to custody.

Any appointment of an attorney for the child / guardian ad litem or forensic evaluator shall be by separate order which shall designate the attorney for the child appointed, the manner of payment, source of funds for payment and each party's responsibility for such payment.

D. FINANCIAL:

- (1) Maintenance is resolved_____ unresolved_____
- (2) Child Support is resolved_____ unresolved_____
- (3) Equitable Distribution is resolved_____ unresolved_____

E. OTHER:

List all other causes of action and ancillary relief issues that are unresolved.

Any issues not specifically listed in this Stipulation as unresolved may not be raised in this action unless good cause is shown.

Parent Education:

The Court: _____ has provided information as to parent education.
_____ has taken no action with respect to parent education.
_____ hereby orders the parties to attend parent education.

Alternate Dispute Resolution/Mediation:

The parties *are/are not* aware of the existence of alternate dispute resolution methods of resolving their matrimonial action, including, but not limited to, mediation and collaborative lawyering.

F. PENDENTE LITE RELIEF:

With respect to *pendente lite* applications, the Court hereby directs or the parties stipulate that:

G. DISCOVERY:

1. Preservation of Evidence:

- (a) **Financial Records:** Each party shall maintain all financial records in his or her possession through the date of the entry of a judgment of divorce.
- (b) **Electronic Evidence:** For the relevant periods relating to the issues in this litigation, each party shall maintain and preserve all electronic files, other data generated by and/or stored on the party's computer system(s) and storage media (i.e. hard disks, floppy disks, backup tapes), or other electronic data. Such items include, but are not limited to, e-mail and other electronic communications, word processing documents, spreadsheets, data bases, calendars, telephone logs, contact manager information, internet usage files, offline storage or information stored on removable media, information contained on laptops or other portable devices and network access information.

2. **Document Production:**

- (a) No later than 45 days after the date of this Order, the parties shall exchange the following records for the following periods:

| Check if Needed | Time Period | |
|--------------------|----------------|---|
| _____ | _____ | Federal, state and local tax returns, including all schedules, K-1's, 1099's, W-2's and similar data. |
| _____ | _____ | Credit card statements for all credit cards used by a party. |
| _____ | _____ | Joint checking account statements, checks and register. |
| _____ | _____ | Individual checking account statements, checks and register. |
| _____ | _____ | Brokerage account statements. |
| _____ | _____ | Savings account records. |
| _____ | _____ | Other: (specify) _____ |

Absent any specified time period, records are to be produced for the **three years** prior to the commencement of this action through the present. If a party does not have complete records for the time period, the party shall provide a written authorization to obtain such records directly from the source within five days of presentation. Any costs associated with the use of the authorization shall be paid by _____ **OR** reserved for the Court once the amount is determined.

No later than _____, the parties shall notify the Court of all items to be provided above that have not been provided. Failure to comply with the scheduled discovery may result in sanctions, including the award of legal fees.

- (b) No later than _____, a notice for discovery and inspection shall be served by plaintiff.
- (c) No later than _____, a notice for discovery and inspection shall be served by defendant.

3. **Other Discovery:**

| | | Plaintiff | Defendant |
|-----|-----------------------|--|-----------|
| (a) | Interrogatories | Shall be served no later than _____ | _____ |
| (b) | Party Depositions | Shall be completed no later than _____ | _____ |
| (c) | 3rd-Party Depositions | Shall be completed no later than _____ | _____ |
| (d) | Other _____ | | |

Compliance with discovery demands shall be on a timely basis pursuant to the CPLR. **Failure to comply may result in sanctions, including the award of legal fees.**

H. EXPERTS

1. Valuation/Financial Experts and Other Experts:

Check if experts are required to value any of the following:

- (1) Deferred compensation _____
- (2) Retirement assets _____
- (3) Business interest _____
- (4) Professional practice _____
- (5) License/degree _____
- (6) Art, antiques, personal property, jewelry _____
- (7) Separate property _____
- (8) Residential real estate _____
- (9) Commercial real estate _____
- (10) Stock options, stock plans or other benefit plan _____
- (11) Intellectual property _____
- (12) Other _____

Identify: _____

The date of valuation shall be _____ for items _____ and shall be the date of commencement of this action for items _____.

2. Neutral Experts:

(a) The Court shall appoint a neutral expert for items _____ listed above. Appointment of the expert shall be pursuant to a separate order which shall designate the neutral expert, what is to be valued, the manner of payment, the source of funds for payment, and each party's responsibility for such payment.

(b) The parties may suggest names for the Court to consider appointing. Said names shall be submitted by letter no later than _____.

(c) The parties shall notify the Court no later than _____ as to whether any other neutral experts are required.

3. **Experts to be Retained by a Party:**

Each party shall select his/her own expert with respect to items _____ listed above. The expert shall be identified to the other party by letter with their qualifications and retained no later than _____. If a party requires fees to retain an expert and the parties cannot agree upon the source of the funds, an application for fees shall be made no later than _____. Any expert retained by a party must

represent to the party hiring such expert that he or she is available to proceed promptly with the valuation.

Expert reports are to be exchanged by _____. Absent any date specified, they are to be exchanged 60 days prior to trial. Reply reports are to be exchanged 30 days after service of an expert report.

4. **Additional Experts:**

If a net worth statement has not been served prior to this order or a party cannot identify all assets for valuation or cannot identify all issues for an expert, the party promptly shall notify the other party as to any valuation or as to which an expert is needed. If the parties cannot agree upon a neutral expert or the retention of individual experts, either party may notify the Court for appropriate action. Timely application shall be made to the Court if assistance is necessary to implement valuation or the retention of an expert.

I. **CONFIDENTIALITY/NON-DISCLOSURE AGREEMENT:**

1. Plaintiff / Defendant anticipates the need for a Confidentiality/Non-Disclosure Agreement as to the following issues: _____

_____.

2. The party demanding the Agreement shall prepare and circulate the proposed agreement among the parties involved. If the parties cannot agree, or fail to timely respond, the demanding party shall promptly notify the Court. The failure to promptly seek a confidentiality agreement may result in its waiver.

J. HEALTH INSURANCE COVERAGE NOTICE:

I fully understand that upon the entrance of the divorce agreement, I may no longer be allowed to receive health coverage under my former spouse's health insurance plan. I may be entitled to purchase health insurance on my own through a COBRA option, if available, otherwise I may be required to secure my own health insurance coverage.

FURTHER ORDERS:

1. **The parties** and **their attorneys** shall appear at a compliance conference to be held on _____ at _____.

2. A Note of Issue shall be filed on or before _____. Failure to file a Note of Issue as directed herein may result in dismissal pursuant to CPLR 3216.

THE TRIAL IN THIS MATTER SHALL BE HELD ON:

_____ at _____ am / pm

Plaintiff

Defendant

Attorney(s) for Plaintiff

Attorney(s) for Defendant

Dated:

SO ORDERED:

Justice of the Supreme Court