

**SUPREME COURT - NASSAU COUNTY**  
**IAS PART 16 – PART RULES & PROCEDURES**  
**(REVISED 1/5/2015 )**

**Justice:** HON. EDWARD A. MARON  
**Law Clerk:** LINDA K. MEJIAS, ESQ.  
**Secretary:** CORINNE GLANZMAN  
**Part Clerk:** RICHARD ROMMENEY

**Phone:** (516) 493-3428  
**Courtroom:** (516) 493-3431  
**Fax:** (516) 493-3489

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**I. ADJOURNMENTS**

**A. Motions and Status Conferences:**

1. Any and all applications to adjourn any scheduled date with this Court, including, but not limited to conferences, motions, or submissions of papers, must be ON CONSENT of the opposing party and the Attorney for the Child(ren), if one is assigned, and such requests must be made using the REQUEST FOR ADJOURNMENT FORM, which must be received by Chambers via facsimile **by 2:00 p.m.** on the business day prior to the scheduled date. All applications for adjournments **MUST** be made using the Request for Adjournment Form which can be obtained through chambers or through the OCA website. Letter requests will be disregarded.

The Request for Adjournment Form is to be filled out **completely**. Incomplete forms or forms received after **2:00 p.m.** on the business day prior to the return date shall be summarily denied, unless the Court is advised of extraordinary circumstances which will be taken into consideration.

If the application is based on counsel's actual engagement on another matter, an Affirmation of Actual Engagement, in conformity with 22 N.Y.C.R.R. Part 125, must accompany the Request for Adjournment Form. If the application is granted, a letter confirming same shall be faxed to Chambers and copied to the opposing party and the Attorney for the Child(ren), if one is assigned.

2. Letters confirming adjournments shall state that the Court has adjourned the scheduled date on consent of the parties to the specified date, and shall contain the full names of both parties, the index number as well as a notation indicating the current date the matter is on the Court's calendar, and that all

parties have been copied.

3. Adjournment requests which are left on the Chamber's voice-mail shall be disregarded.

**B. Preliminary Conference:**

1. Adjournments of the Preliminary Conference will not be granted absent a compelling reason for same. Counsel is directed to review the provisions of 22 N.Y.C.R.R. § 202.16(f) concerning conferences.
2. In addition to scheduling a Certification Conference as part of the Preliminary Conference Order, the Court may direct that a pre-trial conference also be held at the time of the Certification Conference in which event, the rules concerning pretrial conferences as hereinafter set forth, shall be applicable.
3. Discovery deadlines, Certification deadlines and Note of Issue deadlines, will be enforced. Deadlines may not be adjourned or extended without prior approval of the Court, and failure to comply with such deadlines may result in sanctions.
4. The Court recommends that you complete the Preliminary Conference Order, as thoroughly as possible prior to the Preliminary Conference. You may obtain a blank Preliminary Conference Order at <http://www.nycourts.gov/courts/10jd/nassau/mat-forms.shtml>.

**II. MOTIONS**

**A. Pre-Motion Conferences:**

1. Prior to making or filing any motions, brought by Notice of Motion or Order to Show Cause, including applications to be relieved, counsel for the moving party MUST arrange for a CONFERENCE CALL to be held with his/her adversary and the Court to discuss the issues involved and the possible resolution thereof. The Attorney for the Child(ren) shall also be notified and included in such conference calls. Counsel fully familiar with the matter and with authority to bind their clients MUST be available to participate in the conference call.
2. If the matter can be resolved during the conference call, an order consistent with such resolution may be issued.

**B. Submission of Motions**

1. Appearances of all **Counsel and parties** are required on all motion return dates unless specifically waived by the Court.
2. All papers shall be securely and neatly fastened, and all exhibits must be clearly tabbed; a) papers will be considered properly bound if secured by Heavy Duty Staples, ACCO Clips or Mechanical Binding; b) papers greater than 2" thick must be split into multiple volumes and secured by Heavy Duty Staples, ACCO Clips or Mechanical Binding and clearly marked with a copy of the Order or Notice of Motion on each and a label (e.g. 1 of 3, 2 of 3, 3 of 3); and c) if using ACCO fasteners (3 ½" capacity), limit the documents to no larger than 2" thick. If using small ACCO fasteners (2" capacity), limit the document size to 1" thickness. Do Not attempt to tape the clip in place. Papers secured by Binder Clips and/or rubber bands will not be accepted. Motions not consistent with this rule **WILL BE REJECTED** and returned to counsel.
3. Motions are to be served and filed in conformity with C.P.L.R. §2214. All motions must be organized in such a manner so that each branch of the motion stated in the Notice of Motion or Order To Show Cause is preceded by a number or letter. Said number/letter designation shall be used in the supporting affirmations and affidavits and shall correspond to the number/letter used for each branch as set forth in the Notice of Motion or Order To Show Cause.
4. No sur-reply, affidavit, affirmation, memorandum of law or letter will be accepted or considered by the Court without leave of the Court.
5. Counsel shall be fully prepared for oral argument on the return date of all motions.

**C. Application for a Stay or Temporary Restraining Order**

1. Any Order to Show Cause seeking **any** injunctive relief, including a stay or temporary restraining order (TRO), must be made in accordance with 22 N.Y.C.R.R. 202.7(f). The moving party shall advise the Court as soon as practicable of counsel's intent to make such application.
2. Requests to continue or vacate a stay or TRO beyond the return date of the motion shall be made on the return date of the motion. Failure to apply for such extension shall result in the automatic vacatur of the stay or TRO, unless the Order to Show Cause provides otherwise.

3. An “Emergency” Order to Show Cause requires a special affidavit based upon personal knowledge and affirmation explaining in detail the nature of the emergency. In addition to the foregoing, the movant should be prepared to appear in Court and to make a record before the Court, if the Court requires same.

**D. Interim Partial or Full Settlement**

If all or part of a submitted motion is settled, counsel shall forward the original stipulation of settlement to the Court. Such stipulation shall be accompanied by a letter setting forth the date the motion was submitted, what aspects of the motion have been settled and what issues remain to be decided. If the motion is resolved in its entirety the movant shall indicate same. If the motion is resolved, in whole or in part, on the record, counsel shall obtain such transcript so that same can be “so ordered”, unless the Court otherwise directs.

**III. COURT APPEARANCES**

- A. All Court appearances, unless otherwise specified or directed by the Court, shall be scheduled for 9:30 a.m. Please be prompt.
- B. All parties and counsel shall appear at each and every scheduled Court date (including preliminary, status and compliance conferences), unless otherwise directed by the Court.
- C. Attorneys and “Pro Se” litigants must alert the Court Officer or Court Clerk of their presence and complete a sign-in sheet. The sign-in sheet shall be COMPLETELY filled out by all parties and/or their counsel. You matter WILL NOT BE CALLED until the sign-in sheet is COMPLETE.

If counsel must also appear before another Judge, counsel must advise the Part Clerk or Court Officer where counsel can be reached.

- D. All conferences will be held in the order in which **ALL** attorneys have checked in with the Part Clerk and completed the sign-in sheet.

**IV. COMMUNICATION WITH CHAMBERS**

- A. In all communications with chambers by letter, the title of the action, full names of the parties, the date on which the matter is scheduled on the Court’s calendar, and the index number shall be set forth, with copies simultaneously delivered to all counsel. *Ex parte* communications will be disregarded and discarded.

- B. Copies of correspondence between counsel shall not be sent to the Court. Such copies shall be discarded.
- C. The Court will not accept telefax submissions without prior permission.
- D. No out-of-Court settlement will be recognized or accepted unless counsel submits a letter, on notice to opposing counsel, and, if applicable, the Attorney for the Child(ren), submitting the executed settlement agreement/stipulation or certifying that such agreement/stipulation has, in fact, been executed.
- E. The Court shall not accept or participate in any form of *ex parte* communications on substantive issues.

**V. SANCTIONS**

The Court will not consider a sanctions application unless the moving party first seeks withdrawal, or discontinuation of the offending act, action, or demands required or necessary action which is refused. Proof of such request must be made a part of the sanctions application.

**VI TRIAL RULES**

- A. A Note of Issue and Certificate of Readiness **MUST** be filed within 30 days after certification unless otherwise instructed by the Court. A statement of Proposed Disposition shall be filed with proof of service along with the Note of Issue. 22 N.Y.C.R.R. § 202.16 (h). Neither side may prosecute a motion involving discovery issues once the case has been certified for trial without leave of the Court.
- B. After a matter has been certified as ready for trial, the Court may set a date for a pre-trial conference. Pre-trial conferences will be scheduled approximately 30 days prior to the trial date, which shall not be adjourned without the prior consent of the Court. Counsel with knowledge of the case and the parties must attend.

At least three weeks prior to the scheduled date of trial, both sides must exchange and submit to this Part the following:

- 1. Fully completed worksheets regarding the statutory criteria relating to maintenance and equitable distribution sworn to by each party. The Court will expect the accuracy of said worksheets to be testified to at trial, and the worksheets to be received in evidence and utilized by counsel to facilitate the fact finding process and achieve an expeditious completion of the trial. Said worksheets are available in the Courtroom;

2. An accounting of any claimed pendente lite arrears supported by backup documentation;

Annotated Statements of Proposed Disposition in which all of the criteria listed in the statute are provided and counsel's position stated as to each such criteria for both equitable distribution and maintenance issues;

3. Evaluations: In the event there are any evaluations of income producing assets subject to equitable distribution, (business interest, professional practice, enhanced earning capacity, license or degree, etc. involved in the case), then a "cash flow" chart shall be submitted by each side, setting forth counsel's proposal for apportioning the income stream produced by the asset for the payment of a distributive award as well as other obligations such as maintenance, child support, income taxes, interest on payments etc.;
4. Exhibits: A list of all exhibits for each party indicating whether such exhibits are stipulated to be in evidence or marked for identification. As to those exhibits marked for identification, the Court will address their admissibility *In limine* or during the trial, as may be appropriate. Both sides shall have available at least four (4) copies of all exhibits which are expected to be introduced into evidence.
5. Trial Notebooks: Parties shall submit **trial notebooks two (2) days prior to trial** with all listed exhibits separately and consecutively tabbed [numbers for Plaintiff and letters for Defendant], with the original documents for the witnesses and a copy for the Court. At the conclusion of the trial all exhibits not received into evidence will be removed from notebooks and returned to counsel
6. A list of proposed witnesses, the order in which they will testify and the estimated length of their testimony **MUST** be submitted at least 5 business days prior to trial.
7. Documentation in compliance with C.P.L.R. 3101(d) shall be provided with regard to any expert, other than a court-appointed neutral expert, that a party intends to call at trial. Such documentation must be submitted at least 5 business days prior to trial.
8. An updated Net Worth Affidavit, sworn to within 90 days prior to the date of trial.
9. All trial exhibits, whether stipulated or contested on admissibility, should be

**pre-marked by the Court Reporter at least one (1) day prior to trial.** Counsel shall contact Chambers to schedule “pre-marking”.

10. Both sides shall have available at least four (4) copies of all deposition transcripts and prior statements which are expected to be read into the record or utilized on cross examination at the trial.
  11. 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 any questions and answers that are irrelevant to the point for which the deposition testimony is offered. Each party shall prepare a list of deposition testimony to be offered to which no objection has been made, and a separate list of deposition testimony to which objection has been made. At least ten days prior to trial or such time as the Court may set, each party shall submit its list(s) to the Court and opposing counsel and Attorney for the Child(ren), if one is appointed, together with a copy of the portions of the deposition testimony as to which objection has been made. The Court will rule upon the objection at the earliest possible time after consultation with counsel.
  12. Objections should be stated without argument except to simply state the ground therefor, e.g., hearsay, relevance, etc. If further argument is appropriate, it will be invited by the Court.
  13. Closing Arguments and Memoranda of Law shall be submitted in writing within thirty (30) days of the conclusion of trial. Such closing arguments shall parenthetically cite to the trial transcript, shall consist of no more than 25 pages, and must be accompanied by the trial transcript. Such documents shall be prepared in accordance with the Section F of these rules, entitled “Closing Arguments and Memoranda of Law Rules.”
  14. Findings of Fact and Conclusions of Law shall be submitted within thirty (30) days of the conclusion of trial.
- C. On the day before the scheduled trial, counsel are directed to contact the Part Clerk or Chambers to confirm the Court’s availability; and
- D. On the scheduled date of trial:
1. Counsel are expected to be prepared to discuss settlement of all unresolved issues and to have complied with each of the trial rules set forth herein
  2. Parties are encouraged to submit a statement of stipulated facts and/or

exhibits.

Counsel are urged to stipulate that any issue relating to an award of counsel and expert fees be resolved by the Court, without testimony, upon the submission of affirmations and other appropriate documentation from counsel.

If it appears during the course of the trial that no bonafide attempt was undertaken to secure such stipulation, the Court will likely recess and delay the trial until there is compliance.

E. On the scheduled date of trial, both sides must exchange and submit to this Part the following:

1. Marked pleadings, including pleadings from any proceedings transferred from another court and consolidated with the matrimonial action, such as family offense proceedings transferred from the Family Court (C.P.L.R. 4012;
2. Copies of life insurance policies and medical and dental policies of insurance in effect as of the date of the commencement of the action and as of the present date;
3. A list of issues to be determined by the Court including any pretrial motion issues referred to the trial by the Court;
4. Copies of any and all of the following:
  - (a) relevant orders issued by another court, such as final orders of custody or temporary or permanent orders of protection issued by the Family Court;
  - (b) any order of this Court that referred issues raised in motion practice to the trial of the action;
  - (c) any relevant so-ordered stipulation of this Court, as well as transcripts of stipulations read into the record in open court during the pendency of the action; and
  - (d) any properly executed and acknowledged stipulation or agreement relating to material issues in this action.

F. Closing Arguments and Memoranda of Law Rules

1. At the conclusion of the trial, both sides, as well as the Attorney for the Child(ren), if any, will be expected to submit a written Closing Arguments and Memoranda of Law with respect to all issues to be decided by the Court. Said Closing Arguments and Memoranda of Law shall contain the following clearly delineated sections: a) a chronological procedural history of the action, including copies of all relevant orders, written stipulations and transcripts of stipulations placed on the record; b) a recitation of the issues to be determined; c) an in depth summary of the testimony of each witness; d) a summary of the findings of any expert report received in evidence; e) a summary of the exhibits in evidence; f) a detailed recitation of counsel's contentions as to the testimony and exhibits in evidence; and g) applicable law.
2. Closing Arguments and Memoranda of Law will be marked as Court Exhibits and shall be part of the record.
3. The right to submit Closing Arguments and Memoranda of Law shall be deemed waived if not timely submitted to the Court.
4. A copy of each side's Closing Arguments and Memoranda of Law, and, if applicable, the Attorney for the child(ren)'s Closing Arguments and Memoranda of Law shall be served on all other parties simultaneous with filing with the Court.
5. Responses to the Closing Arguments and Memoranda of Law are prohibited and will not be considered.
6. The Court is to be provided the original and one copy of each Closing Arguments and Memorandum of Law .
7. Closing Arguments and Memoranda of Law shall have a Table of Contents. Failure to provide such Table of Contents will result in the Court not considering such summations.

**HON. EDWARD A. MARON, J.S.C.**  
***REQUEST FOR ADJOURNMENT FORM - Part 16***

**THIS FORM IS REQUIRED FOR ANY AND ALL ADJOURNMENT REQUESTS**  
**THIS FORM MUST BE FILLED OUT COMPLETELY**  
**INCOMPLETE FORMS WILL BE SUMMARILY DENIED**

**ALL REQUESTS MUST BE ON CONSENT AND ALL REQUESTED ADJOURN DATES  
MUST BE CONFIRMED WITH YOUR ADVERSARY AND ATTORNEY FOR THE CHILD,  
IF APPLICABLE, PRIOR TO MAKING THE REQUEST.**

**Case Name:** \_\_\_\_\_ **Index No.:** \_\_\_\_\_

**Date on Calendar:** \_\_\_\_\_ **Last Court Date:** \_\_\_\_\_

**Is this request on consent of your adversary and the Attorney for the Child(ren)?**    **YES / NO**

**Req'd Adj. Dates (At Least 3):** 1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_

**Nature of Appearance:**

P.C. \_\_\_\_ COMPLIANCE \_\_\_\_ CERTIFICATION \_\_\_\_ PRE-TRIAL \_\_\_\_  
HEARING \_\_\_\_ TRIAL \_\_\_\_ MOTION \_\_\_\_  
SUBMISSION OF JUDGMENT PACKAGE/NON-COMPLIANCE \_\_\_\_

**Reason for Adjournment (Affirmation of Actual Engagement must be attached if applicable):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CONTACT INFORMATION**

**Party making request:** PLAINTIFF / DEFENDANT

**Attorney contacting Court:** \_\_\_\_\_

**Phone No.:** (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Fax No.:** (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Adversary's Attorney:** \_\_\_\_\_

**Phone No.:** (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Fax No.:** (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Attorney for the Child(ren):** \_\_\_\_\_

**ALL REQUESTS MUST BE RECEIVED VIA FAX [(516) 493-3489] BEFORE 2:00 P.M.**  
**OF THE BUSINESS DAY PRIOR TO THE SCHEDULED COURT DATE**  
**A CONFIRMING LETTER, IN FULL COMPLIANCE WITH THIS PART'S RULES MUST BE RECEIVED ON**  
**THE SAME DATE THE ADJOURNMENT IS GRANTED.**