

Hon. Terry Jane Ruderman, J.S.C.  
Westchester County Courthouse  
111 Dr. Martin Luther King, Jr., Boulevard  
White Plains, New York 10601  
Courtroom: 1401

Chambers Phone: (914) 824-5790  
Chambers Fax: (914) 824-5825  
Part Clerk: Kamal Brown  
Part Clerk Phone: (914) 824-5739

**PART RULES**

Contacting Chambers: Counsel/parties should address questions about scheduling or adjourning appearances to the Part Clerk, Kamal Brown, at (914) 824-5739. Do not contact Chambers regarding such issues. For all other questions, contact Chambers at (914) 824-5790.

Preliminary Conferences, Compliance Conferences and Pre-Trial Settlement Conferences: Pursuant to the Westchester Supreme Court Differentiated Case Management Protocol Part Rules (“Differentiated Case Management Protocol”) (<http://www.nycourts.gov/courts/9jd/diffCaseMgmt/CivilProtocols.pdf>), this Part does not conduct Preliminary Conferences, Compliance Conferences, or Pre-Trial Settlement Conferences. All questions, requests for adjournments, or other inquiries regarding these conferences should be addressed to the appropriate Part.

**Motion Practice Rules**

E-Filing Rules and Protocol: All parties should familiarize themselves with the statewide E-Filing Rules (Uniform Rule §§ 202.5-b and 202.5-bb [[www.nycourts.gov/efile](http://www.nycourts.gov/efile)]) and the Westchester County E-Filing Protocol (<http://www.courts.state.ny.us/courts/9jd/efile/WestchesterCountyJointProtocols.pdf>).

Return Date: The motion calendar is called on Wednesdays. Counsel should endeavor to make all motions returnable on a Wednesday when the Court is in session at 9:30 a.m. All motions not returnable on a Wednesday will be administratively adjourned to the next following Wednesday on which the Court is in session.

No Oral Argument: Motions are on submission, unless the Court directs otherwise. A request for oral argument may be made on the first page of the motion or order to show cause, or on the first page of the answering papers. (See Uniform Civil Rules for the Supreme Court and the County Court, § 202.8(d).)

Adjournments: No adjournments are permitted with respect to discovery motions, pre-note of issue summary judgment/dispositive motions, and post-note of issue summary judgment/dispositive

motions. These motions are forwarded to this Part and deemed fully submitted pursuant to the Differentiated Case Management Protocol (*supra*), and no further adjournments will be granted by this Part.

With respect to all other motions, one adjournment of no more than 30 days is permitted upon consent of all parties. A stipulation signed by all parties must be uploaded in E-File actions, or left in the designated basket for chambers on the 15th floor for actions that were not commenced using the E- Filing system.

Any request for a further adjournment must be made on consent of all parties and by letter form to the Court containing the reason(s) therefor. The Court will consider the request and will then advise the parties via phone call from the Part Clerk as to whether the request has been granted. The letter request must be uploaded in E-File actions or left in the designated basket for chambers on the 15th floor for actions that were not commenced using the E- Filing system.

Settlements and Discontinuances: If an action is settled, discontinued, or otherwise disposed in any manner by the parties, counsel and self-represented parties shall immediately inform the Court. Such notification shall be through NYSCEF in an e-filed case, or by letter in a non e-filed case. The Court will not mark any matter settled unless it has received a copy of a Stipulation of Discontinuance, the original of which has been filed with the County Clerk.

Working Copies: The Court requires working copies of all motion papers, exhibits, letters, transcripts, stipulations, and proposed orders. All working copies submitted must include a copy of the NYSCEF Confirmation Notice which is generated when the case is e-filed; the notice must be firmly fastened to the front cover page of the working copy submission and must otherwise comply with the Westchester County Protocol. Working copies that do not include a NYSCEF Confirmation Notice may be rejected. Working copies shall be mailed or hand-delivered so as to be received by chambers no later than the return date or notice of settlement date, or as otherwise directed or permitted by the Court. For convenience, working copies may be delivered to the Part Clerk or left in the designated basket for chambers on the 15th floor.

Requests for Temporary Injunctive Relief: When an Order to Show Cause is to be presented to the Court which seeks temporary injunctive relief, including but not limited to a stay or a temporary restraining order, counsel for the moving party or any self-represented party shall demonstrate compliance with Uniform Civil Rules for the Supreme Court and the County Court §202.7(f) regarding notice to affected parties.

Sur-Reply, Letters and Other Submissions: The Court will not consider letter submissions with respect to motions. Sur-reply papers and other additional submissions will not be considered without prior approval of the Court.

### **Trial Practice Rules**

Marked Pleadings: Immediately upon the commencement of a trial, counsel shall provide the court with marked pleadings.

Requests to Charge: Requests to charge shall be submitted to this 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 topic need be submitted. Where deviations or additions are requested, the full text of such requests must be submitted, together with any supporting legal precedents.

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 8.0.

Interpreters and Special Services: Upon reporting to the Court for a trial or a hearing, counsel and any self-represented party shall immediately advise the Part Clerk if the services of a foreign language interpreter are required for any party or witness, or if any special services are required for any party or witness who is hearing-impaired or who suffers from any other disability. Similarly, the Part Clerk shall be immediately informed if there is a need for an easel, blackboard, shadow box, or any other trial aid.

Copies of Transcripts: If any part of a transcript of an examination before trial or other recorded proceeding will be read as evidence-in-chief, the proponent of the transcript shall provide a complete copy of it to the Court, with citations to the page and line numbers for all portions to be read.

Copies of Exhibits: Upon the admission of an exhibit at trial, the proponent of the exhibit shall provide a copy of it to the Court.