

**Nassau County Supreme Court  
Matrimonial Center**

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**Procedure for giving notice pursuant to § 202.7 of the Uniform Rules for  
the Supreme and County Courts**

Pursuant to Administrative Order of Hon. Jonathan Lippman, § 202.7 of the Uniform Civil Rules for the Supreme and County Courts were amended, effective October 1, 2006, to add a new subdivision (f), relating to temporary restraining orders.

This rule provides that a party seeking a temporary restraining order (“TRO”) must make good faith efforts to notify the party against whom the TRO is sought, of the **time, date and place** that the application will be made, in a manner sufficient to permit the opposing party an opportunity to appear in response to the application. **This notice may be waived by the assigned Justice upon consideration of an affirmation demonstrating that there will be significant prejudice to the party seeking the restraining order by giving such notice.**

This rule change pertains to any application brought in a matrimonial action that contains a TRO or stay, (excluding Temporary Orders of Protection- *see amendment per administrative order dated June 11, 2007*) regardless whether the summons has been served or not prior to the application. Every affirmation or affidavit in support of a TRO must contain language demonstrating “significant prejudice” to the party seeking the restraining order by the giving of prior notice. If the applying party cannot demonstrate “significant prejudice”, then the papers will forwarded to chambers of the assigned Justice to await notification of their ruling as to whether argument will be granted prior to the application being considered. The applicant will need to contact chambers as what will be required on their particular application.

Generally, compliance with § 202.7 may be accomplished by providing the opposing parties or their attorneys with a copy of the proposed order, the supporting affidavits / affirmations and exhibits, and a cover letter advising them that the annexed order is being presented to the assigned Justice on a time and date certain which was previously obtained from the chambers of the assigned Justice. Nothing in the new rule precludes the assigned Justice from denying the application in its entirety or from striking the request for the TRO and fixing an expedited return date on the motion for oral argument on the issue.

**\*\* Orders to Show Cause which contain a temporary exparte order for change of custody or exclusive occupancy are also to be given prior notice in conformance with the above cited procedures.**