

Non-Custodial Contested Matrimonial Part

(NCCMP) Part Rules
Civil Term - Part 70, Courtroom 505
Special Referee Elizabeth Anderson
QSCPart70@nycourts.gov
(PLEASE UTILIZE E-MAIL)

PLEASE NOTE PART 70 (NCCMP) HAS NO SUPPORT STAFF TO ANSWER THE PHONE.

General

Unless otherwise directed the appearance of counsel and their clients is mandatory on all matters including, but not limited to compliance conferences, pre-trial conferences, emergency applications, and all other court-ordered conferences.

Interpreters

Notification for Court Interpreter Services shall be made to the NCCMP not less than five (5) business days prior to the first court appearance by email at QSCPart70@nycourts.gov. At the time of calendar call or check in, counsel and/or parties shall remind the NCCMP that Court Interpreter Services are needed.

Calendar

Calendar call is at 9:30 A.M., unless the matter is scheduled as a time certain. Please be prompt for all appearances. Defaults will be taken at 12:30 P.M.

Compliance Conference

Compliance Conferences shall be held on dates as scheduled by the Court. Calendar call is 9:30 A.M. Parties will be called in the order of check in with all counsel/parties present.

Before the call of the compliance conference calendar, counsel and/or pro se litigants must complete the Compliance Conference Order in preparation for conference with the Court. Counsel and/or pro se litigants are advised to be as specific as possible with their outstanding/continuing discovery demands. Failure to adhere to agreed upon discovery orders may result in preclusion and/or other appropriate sanctions(s) pursuant to the CPLR.

Motions

Motions shall be heard on Tuesdays. Calendar call is at 9:30 A.M. Motions shall be returnable only on the part's motion day. All motion papers must state the motion sequence number on the first page.

Pursuant to the CPLR, NO sur-replies, memoranda, or letters will be accepted or considered by the court unless specifically requested.

Conference Calls

Conference calls in lieu of motion practice or for some other case scheduling or related purpose may be arranged by contacting NCCMP via email, at QSCPart70@nycourts.gov.

Pre-Trial Conference

Pre-trial conferences shall be heard on Wednesdays in the A.M. only. Calendar call is 9:30 A.M. unless otherwise directed.

All attorneys appearing at the pretrial conference must be fully familiar with the case and authorized to enter into a settlement. Counsel must provide the Court with:

- (1) Proof of a filed Note of Issue;
- (2) Statements of Proposed Disposition;
- (3) Updated Statements of Net Worth with the last three tax returns; and
- (4) Child Support work sheets, if applicable.

At the close of the pre-trial conference the matter, if unresolved, will be set for a firm trial date.

Trials

- (1) A Note of Issue must be filed prior to any trial;
- (2) The pleadings must be filed prior to trial. Counsel must provide marked pleadings;
- (3) Matters set for trial with a firm date will not be adjourned unless counsel is actually engaged and provides an affirmation pursuant to Court rules attesting to that. Failure to be ready to proceed may result in a judgment of default or dismissal; and (4) If the action is actually resolved (i.e., by fully executed universal settlement agreement) counsel may contact the court via email to advance the matter for a date for inquest.

Adjournments

Adjournments are generally frowned upon. Every effort will be made to resolve actions within the time frame set by standards and goals. Therefore, adjournments may be granted on a limited basis only.

Counsel must notify their adversary/or opposing pro se of any intention to seek an adjournment and to obtain consent of all parties. Where consent is obtained please email the request to the court at QSCPart70@nycourts.gov. Where consent is not obtained, please email the court with a BRIEF explanation for the request at QSCPart70@nycourts.gov.

Actual Engagement

All adjournments on the grounds of actual engagement shall be granted only in accordance with Part 125 of the Rules of the Chief Administrator of the Courts. Affirmations must be provided to Part 70 and the adversary at least one (1) day prior to the scheduled appearance. Said affirmation shall contain several possible future dates for appearance.