

**COURT RULES OF  
THE HONORABLE JAMES R. FARRELL  
County Court Judge & Surrogate  
Acting Supreme Court Justice  
Supreme Court of the State of New York**

**Mailing/Physical Address:**

Sullivan County Supreme & County Court  
414 Broadway  
Monticello, NY 12701

**Principal Court Attorney:**

Rebecca Baldwin Mantello, Esq.

**Secretary:**

Brittany Gorr

**Chambers Email Address:**

[jfarrellchambers@nycourts.gov](mailto:jfarrellchambers@nycourts.gov)

**Chambers Phone Number:**

(845) 791-3554

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**COMMUNICATIONS:**

Correspondence to the Court shall, without exception, be copied to all counsel, including Attorneys for Children or Guardians Ad Litem where appropriate, and/or to any self-represented parties who have appeared in the action. Correspondence between counsel and/or self-represented parties shall not be copied to the Court, unless the Court directs otherwise.

All correspondence must bear the case name and Index Number of the action and indicate that a copy of the correspondence was sent to all other counsel and/or self-represented litigant(s).

Correspondence should either be uploaded to NYSCEF or sent via email.

**CONFERENCES:**

- A. **General Rules:** The Court's regular calendar is called on Thursdays at 10am. Only counsel (or self-represented parties) who are fully familiar with the case are to appear for court conferences. Requests for a conference must be in writing via NYSCEF or email. Counsel shall provide the reason for the conference and, if on consent, proposed dates convenient to all counsel.
- B. **Preliminary Conferences:** Preliminary conferences in civil cases (other than matrimonial actions) are scheduled pursuant to the Uniform Rule of Trial Courts 22 NYCRR §202.12 (a) and (b). In lieu of appearing, the parties may complete and submit a Preliminary Conference Stipulation and Order at least twenty-four (24) hours prior to the conference to be "So Ordered." If the completed form is timely received, the conference will be cancelled. If the signed stipulation is not timely received, appearances are required.

- C. **Pre-Trial Conference:** Pre-trial conferences will be scheduled after the filing of a Note of Issue. If a Note of Issue is not timely served and filed pursuant to a scheduling Order and no party has requested an extension of that Order, the Court will mark the case ready for trial, direct that a Note of Issue be filed and schedule a pre-trial conference. Counsel should contact their client(s), witnesses and experts prior to the conference to determine their availability for trial. Pursuant to 22 NYCRR §202.26(e), counsel attending the conference must be fully familiar with the case and have authority to enter into binding stipulations, and the parties, their representatives and/or representative(s) of insurance carrier(s) may also be required to attend, in person or by telephone. All counsel shall confer prior to the date of the conference to discuss settlement and the resolution of any trial issues.
- D. **Settlement Conference:** A settlement conference will be held no less than one month prior to the scheduled trial date. Settlement conferences shall be scheduled at a time convenient to the attorneys, parties and the Court. Counsel attending the Settlement Conference must be fully familiar with the action and authorized to enter settlement discussions.
- E. **Adjournment of Conferences:** Request for conference adjournment must be made in writing, via NYSCEF or email, copied to all counsel and/or pro se parties) no later than 3:00 p.m. the day prior to the scheduled conference. All requests must set forth: 1) the reason why an adjournment is necessary; 2) whether the opposing party(ies) consent(s) or object(s) to the application; and 3) at least three proposed adjourned dates. Dates should be on consent or on notice to all counsel and/or parties. An adjournment, whether or not on consent, is not granted unless and until the Court expressly grants the request in writing.

### **MOTIONS:**

**General Rules:** Motions are returnable on Thursdays. There are no appearances on the return date unless directed by the Court. All affirmations, affidavits, memoranda of law and any other submissions, including exhibits, must contain numbered pages. Page length should comply with 22 NYCRR 202.8b. Sur-replies and replies to cross-motions are not permitted without express leave of the Court. If such papers are submitted without leave, they will not be considered. (*see* 22 NYCRR 202.8-c).

**Discovery Motions:** No discovery motion may be filed without leave of the Court. Prior to requesting such leave, counsel must personally confer to resolve the discovery issue in accordance with 22 NYCRR §202.7. The parties shall also contact the Court's Principal Law Clerk to schedule a conference in an attempt to resolve the dispute. Each party shall provide Ms. Baldwin Mantello with a short letter outlining its position relative to the discovery dispute prior to the conference.

**Summary Judgment Motions:** Summary judgment motions shall be filed within 60-days of the filing of the Note of Issue. Upon application, this period may be extended. The parties shall submit a Statement of Material Facts and response thereto in accordance with 22 NYCRR 202.8-g. Please note that in accordance with the discretionary authority provided by CPLR 3214(b), discovery is NOT stayed during the pendency of any summary judgment motion, unless the Court orders otherwise.

**Orders to Show Cause:** Please contact chambers directly to schedule emergency matters requiring signing of an Order to Show Cause and provide an email address for counsel. All applications for temporary injunctive relief, including TRO requests, must comply with 22 NYCRR §202.7(f).

**Adjournment of Motions:** Adjournment requests shall be made to the Court, in writing via NYSCEF or email before the scheduled return date. Counsel requesting the adjournment should confer with opposing counsel prior to making the request and specifically indicate whether the request is on consent. An adjournment, whether or not on consent, is not granted unless and until the Court expressly grants the request in writing. Unless the court orders otherwise, no motion may be adjourned on consent more than three times or for a cumulative total of more than 60 days (*see* NYCRR 202.8-a[c]).

**EXPERT DISCLOSURE:**

Expert disclosure is governed by the Third Judicial District Rules unless modified by Court Order. Any motion to preclude or limit an expert's testimony requires leave of court and should be made as soon as practicable. Any party seeking such leave shall request a court conference. Such request shall succinctly state the grounds for the preclusion motion.

**SPECIAL INSTRUCTIONS IN MATRIMONIAL CASES**

Notwithstanding this section, the Rules of Court apply in matrimonial actions. Preliminary conferences will be scheduled pursuant to 22 NYCRR §202.16(f). All pertinent matters will be discussed at the conference in an effort to resolve and limit contested issues. The parties **must** attend the preliminary conference and their attorneys must be prepared to discuss the topics listed in 22 NYCRR §202.16(f)(2).

No later than ten (10) days before a preliminary conference in a matrimonial action, each party must provide the following documents to chambers:

- a. Retainer Agreement;
- b. Net Worth Statement;
- c. Most recent paystub and income tax return; and
- d. All other items required to be filed by 22 NYCRR 202.16(f).

Unless otherwise directed by the Court, Statements of Proposed Disposition shall be filed in accordance with 22 NYCRR §202.16(h)(3).

If the parties report that an action has resolved by written stipulation of the parties, the Court will not remove the action from the calendar until it receives a signed copy of the stipulation.

Any proposed Judgments of Divorce and Findings of Fact and Conclusions of Law must comply with the Uniform Rules of Trial Courts 22 NYCRR §202.50. The proposed Judgment of Divorce must include the parties' Social Security numbers (see DRL §240-a and §240-b). Where the proposed Judgment of Divorce provides for continuation of Family Court Order(s), the date and docket number of the Family Court Order(s) must be included, and copies of the Order(s) must be attached.

Qualified Domestic Relations Orders submitted for signature shall include a copy of the Judgment of Divorce and relevant portions of the Stipulation of Settlement, or transcript, if any.

Orders containing a child support provision, including judgments of divorce and opting-out agreements, must include, on the face page, the modification notice language required by Domestic Relations Law §236-b[7].

Any support order directing payment through the support collection must include the SCU notice required by Domestic Relations Law §240-c[5][b].

**ACCOMMODATIONS:**

Counsel must immediately inform chambers whenever a party/witness requires the services of an interpreter and of the party/witness's native language or dialect. Counsel must also immediately inform chambers if a party/witness has any disability (hearing, sight, etc.) and of the appropriate accommodation request.

**TRIAL RULES AND SPECIAL DIRECTIVES**

1. Where complex evidentiary or other trial issues are anticipated, trial memoranda may be submitted to the Court, but not less than 10 days prior to trial.
2. Motions *in limine* shall be in writing and shall be timely served on all counsel and filed with the Court not less than 10 days prior to trial. Opposing papers shall be submitted and served not later than five days before the trial date.
3. Not less than one week before trial, counsel must provide the Court with the following: marked pleadings, bill of particulars, a list of applicable PJI sections and any other requested jury charges, and a proposed jury verdict sheet. Counsel shall cooperate to prepare an agreed-upon verdict sheet. If that is not possible, then the parties shall submit separate proposed verdict sheets following the suggested forms in the PJI. Each question shall be on a separate page. All verdict sheets shall be submitted in writing and word format, via email to [jfarrellchambers@nycourts.gov](mailto:jfarrellchambers@nycourts.gov).
4. Jury selection shall follow one of the authorized methods contained within the Uniform Rules for Trial Courts 22 NYCRR §202.33(f), as the parties may agree. The Court may preside over a portion of, or the entire, jury selection process. Time limits on counsel may be imposed.

5. Exhibits should be marked prior to commencement of trial and counsel should confer and stipulate to those exhibits that can be admitted without objection.
6. Experts who testify at trial shall bring their entire file and all documents considered in arriving at their opinion(s) with them to Court. Failure to do so may result in an expert's testimony being limited or stricken.
7. A charge conference will be held prior to summations, at which time counsel may supplement or amend their previously submitted requests to charge.

**NON-JURY TRIALS - PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

Unless otherwise directed by the Court, in non-jury cases, each party shall submit post-trial proposed findings of fact and conclusions of law. Citations within the proposed findings will be to the record. The proposed findings of fact and conclusions of law shall be submitted in writing and in word format, via email to [jfarrellchambers@nycourts.gov](mailto:jfarrellchambers@nycourts.gov).

**SETTLED OR DISCONTINUED CASES:**

If a case has been settled or otherwise disposed, counsel shall promptly advise the Court, in writing, and ensure that a Stipulation of Discontinuance is promptly filed prior to the next scheduled appearance before the Court. A copy of the Stipulation of Discontinuance shall be emailed to chambers at [jfarrellchambers@nycourts.gov](mailto:jfarrellchambers@nycourts.gov).

Please contact chambers if you have any questions concerning these Rules.

Hon. James R. Farrell, AJSC  
Sullivan County Supreme Court  
414 Broadway  
Monticello, NY 12701  
[jfarrellchambers@nycourts.gov](mailto:jfarrellchambers@nycourts.gov)