

PART RULES

JUSTICE CHRISTINE A. SPROAT

New York State Supreme Court
10 Market Street, Poughkeepsie, NY 12601
COURTROOM 207

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MOTIONS:

After a case has been assigned to this part, prior to making any motion, except a motion pursuant to CPLR 3211 or 3212, movant shall notify the Court in writing, with a copy to all parties, setting forth the relief sought and the basis for that relief. The Court will then schedule a conference. This procedure provides the Court with an opportunity to resolve the dispute giving rise to the motion without the need for a formal written application. Failing resolution of the dispute, or if the Court, in its discretion does not schedule the conference within seven (7) business days after receipt of the written request, then the party seeking the relief may proceed with the motion.

There shall be no motion(s) regarding discovery without prior permission of the Court. If there is a discovery issue requiring judicial intervention, notify the Court in writing. Counsel must consult with one another in a good faith effort to resolve all discovery disputes. See Uniform Rule 202.7. If counsel are unable to resolve a discovery dispute in this manner, the Court will schedule a conference to address the discovery issue.

All motions are returnable on Friday except by order of the Court. Any motion returnable on another day of the week will be adjourned by the Clerk to the succeeding Friday that the Court is in session.

There shall be no stay of discovery resulting from the filing of a motion made pursuant to CPLR 3211 or 3212 unless otherwise ordered by the Court.

Summary judgment motions must be returnable within 120 days of the filing of the note of issue unless otherwise authorized by the Court for good cause shown.

Cases cited in support of or in opposition to the motion must include the cite to an official state reporter if available. All documents needed to reach a decision on the motion shall be attached to the motion papers. *It is not sufficient that copies of such documents may be on file with the Dutchess County Clerk.*

If new issues are raised in the reply, or if there has been a change in the law while the motion is pending, counsel are to advise chambers, in writing, of the request to submit additional affidavits or memoranda.

Length of Papers: Absent express permission obtained in advance from the Court, which shall be granted only upon a showing of good cause, briefs or memoranda of law shall be limited to 30 pages each, and affirmations and affidavits shall be limited to 25 pages each. Papers submitted to the Court in violation of this rule may be disregarded by the Court in deciding the motion, without prior notice to the party who submitted the papers.

Appearances are **not** required unless directed by the court. Oral argument may be requested by noting "Oral Argument Requested" immediately over the index number on the Notice of Motion. If the Court, in its discretion, requires such argument, the movant's attorney will be so advised and will be required to notify all parties.

Self-addressed, stamped envelopes **must** be provided by all parties with all motions and opposition papers except those electronically filed.

ADJOURNMENTS OF MOTIONS:

a) *On Consent* - The parties must seek consent of all other parties for an adjournment of a motion. The Clerk of the Part is to be advised by telephone, followed by a letter, that the motion is adjourned on consent. A copy of the letter is to be sent to all the parties. No more than three adjournments, for an aggregate period of sixty (60) days, without prior permission of the Court, will be granted. The cooperation of counsel is urged.

b) *Opposed* - In the event a party cannot obtain the consent of the other parties, the party seeking an adjournment must notify the other parties that an oral request, by telephone, will be made for an adjournment for good cause. If the Court grants the adjournment, such good cause should be detailed in a letter to the Court and a copy of that letter must be sent to all other parties confirming the adjournment.

E-FILING RULES AND PROTOCOL:

All parties should familiarize themselves with the statewide E-Filing Rules (available at www.nycourts.gov/efile) and the Dutchess County E-Filing Protocol. General questions about E-filing should be addressed to the E-Filing Resource Center at 646-386-3033 or efile@courts.state.ny.us.

FILING OF PAPERS:

All civil actions approved for E-filing are to be filed through the New York State Courts E-Filing System (NYSCEF). Submissions to the Court including motion papers, proposed orders, proposed judgments, and letters must be electronically filed.

WORKING COPIES:

E-Filing rules provide that a court may require the submission of “working copies” of any electronically filed documents intended for judicial review. A working copy is defined as “a hard copy that is an exact copy of a document that is electronically filed.”

Judge Sproat’s Part requires that working copies of all papers filed electronically be provided to Chambers. Pursuant to Uniform Rule 202.5-b(d)(4), the working copy shall bear as a cover page firmly fastened thereto a copy of the confirmation notice received from the NYSCEF site upon the electronic filing of the document. Hard copies not bearing such cover page may be discarded, unread. All working copies of E-filed documents intended for judicial review must include exhibit tabs and backs.

Working copies of all documents are to be mailed or delivered so as to be received by Chambers by the return date or notice of settlement date.

HARD COPY SUBMISSIONS:

This Part will reject any hard copy submissions in E-filed cases unless those submissions bear the Cover Sheet for Hard Copy Submission - E-Filed Case required by Uniform Rule §202.5-b(d)(1). The form is available at www.nycourts.gov/efile.

CONFERENCES:

Conferences are scheduled for 9:30 a.m. unless otherwise directed by the Court.

Parties will be expected to abide by the provisions of the Preliminary Conference Stipulation and Order issued by this part. Failure to do so may result in sanctions.

Preliminary Conference - After a case is assigned, a conference will be held within 45 days. The attorney who filed the RJI will receive notice of the scheduled date and time with directions to notify opposing counsel of same. Appearances are required in all Matrimonial, Medical/Dental Malpractice, and Product Liability actions. In most other actions, a Preliminary Conference Stipulation and Order will be included with the assignment notification. The attorneys are encouraged to complete the document and send it back for the Court's signature, unless they are unable to agree, in which case they are to appear at the conference.

Matrimonial Cases - No later than ten (10) days prior to preliminary conference in any matrimonial action, each party shall file and serve copies of the following documents:
1) Retainer agreement; 2) Net worth statement; 3) Most recent pay stub and income tax return.

Parties **must** be present at all preliminary conferences unless their appearance has been specifically excused by the Court in advance of the conference.

Compliance/Settlement Conference - Counsel must come prepared to discuss settlement at the Compliance/Settlement Conference.

Pre-Trial Conference - Will occur after the filing of the Note of Issue as required in the Preliminary Conference Stipulation and Order. A trial date will be set at the Pre-Trial Conference.

ADJOURNMENT OF CONFERENCES:

All requests for adjournments must be made on at least **forty-eight (48) hours** notice in advance of the scheduled appearance and must be approved by the Court even if it is on consent. Counsel must check with the Clerk of the Part regarding the adjourned date and send a confirming letter to the Court and all other parties.

BENCH DECISIONS:

In certain instances, the Court will render a decision from the bench. Any party seeking a written order shall submit to the Court a proposed order supported by a copy of the transcript of the proceeding at which the bench decision was rendered. The signed order will be filed in the Dutchess County Clerk's Office by the Court.

TRIALS:

a) Trial Dates are Firm. - Trial dates established by the Court are to be considered firm, subject only to minor adjustments based upon the Court's availability. Counsel should be prepared to commence the trial at the scheduled time on the scheduled date.

b) Adjournment of Trial Dates. - Requests for adjournment of a trial date shall be made to the Part Clerk. Adjournments of trial dates will **not** be granted except upon a showing of unusual and unanticipated circumstances. As required by § 202.32 of the Uniform Rules, adjournments requested by reason of the engagement of counsel must be accompanied by the affidavit required by Part 125 of the Rules of the Chief Administrator. Anticipation that the matter will settle is not considered a legitimate basis for an adjournment. No adjournment will be granted within the three (3) days prior to the scheduled trial date except upon exigent circumstances.

c) Exchange of Expert Reports. - Not later than thirty (30) days prior to the scheduled trial date, counsel shall each provide to opposing counsel a copy of any report by an expert whom counsel expects to call at trial.

When the attorneys appear to begin selecting a jury or to begin a bench trial, they shall provide the Court with:

a) Marked Pleadings.

b) An Exhibit List - Material to be used on cross-examination need not be listed. The attorneys are urged to pre-mark their exhibits. The reporter is to be provided with an exhibit list.

c) Request For Charges - The charge will be drawn from the Pattern Jury Instructions (PJI). A complete list of requested charges is to be submitted. Unless counsel seeks a deviation from the pattern charge or additions to the pattern charge, only the PJI numbers need be submitted. Where deviations or additions are requested, the full text of such requests must be submitted, together with any supporting legal precedents. All submissions must be served on opposing counsel.

d) Verdict Sheet - Counsel shall jointly prepare a verdict sheet and present it to the Court in a typed final form for presentation to the jury. If agreement cannot be reached, then each side shall present a proposed verdict sheet.

e) IN MATRIMONIAL ACTIONS: A statement of proposed disposition and an updated Statement of Net Worth, if circumstances have changed. Both must be exchanged at least ten (10) days prior to the trial date.

GENERAL INFORMATION:

Orders/judgments must have at least one line of text on the signature page. Each must be submitted with a self-addressed, stamped envelope and a copy if a conformed copy is requested.

Counsel who appear must be fully familiar with the case and have authority to enter into any agreement, either substantive or procedural, on behalf of their clients. Counsel must be on time for all scheduled appearances and must bring sufficient material to allow meaningful discussion of unresolved issues at each Court appearance. Sanctions may be imposed for failure to comply with this rule.

If an action is settled, discontinued, or otherwise disposed of, counsel shall immediately inform the Court by submission of a copy of the stipulation or other document evidencing the disposition.