

**HON. JOHN P. COLANGELO
INDIVIDUAL PART RULES
EFFECTIVE JANUARY 2, 2019
Supreme Court Justice, 9th J.D.
Westchester County Courthouse
111 Dr. Martin Luther King Jr., Blvd.
White Plains, New York 10601**

Court Clerk	Grace Omiunu-Augustus	914-824-5371
Law Clerk	Lisa B. Dorman, Esq.	914-824-5385
Secretary	Barbara Coleman	914-824-5423

PART RULES

1. GENERAL RULES

A. Communications with the Court

Counsel and any self-represented party should address questions about scheduling or adjourning motions and/or appearances to the Part Clerk at (914) 824-5371. Do not contact Chambers regarding such issues.

B. Papers by Facsimile Transmission

This Part does not accept papers of any kind by fax transmission without prior Court approval.

C. Electronic-Filing Rules and Protocol

All parties should familiarize themselves with the statewide E-Filing Rules (Uniform Rule §§ 202.5-b and 202.5-bb), available at www.nycourts.gov/efile) and the Westchester County E-Filing Protocol, available at <http://www.nycourts.gov/courts/9jd/e-file.shtml>. General questions about E-Filing should be addressed to the E-Filing Resource Center at (646) 385-3033 or efile@nycourts.gov.

Specific questions about local procedures should be addressed to the Westchester County Supreme Court Civil Calendar Office at (914) 824-5300.

D. Differentiated Case Management (“DCM”) Protocol Part Rules

All parties should familiarize themselves with the Westchester County Supreme Court

DCM Protocol Part Rules, available at <http://www.nycourts.gov/courts/9jd/diffCaseMgmt.shtml>, which govern all discovery motions, pre-note of issue summary judgment/dispositive motions.

E. Preliminary, Compliance and Pre-Trial Settlement Conferences

Pursuant to the Westchester Supreme Court DCM Protocol Part Rules, 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.

F. Working Copies

This Part requires working copies of all motion papers, exhibits, letters, transcripts, stipulations, letter requests for additional adjournments, and proposed orders.

i. E-File Cases

Working copies in E-File cases must include a copy of the NYSCEF Confirmation Notice. 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 in E-File cases that do not include a NYSCEF Confirmation Notice may be rejected.

ii. By Mail or Hand-Delivery

Working copies shall be delivered no later than 10 A.M. on the first business day following electronic filing of the document on the NYSCEF site. For convenience, working copies may be delivered to the Part Clerk of left in the designated basket for chambers on the 13th floor of the Courthouse.

II. MOTION PRACTICE RULES

A. Return Date

The motion calendar is called on Thursdays. Counsel should endeavor to make all motions returnable on a Thursday when the Court is in session at 9:30 a.m. All motions not returnable on a Thursday will be administratively adjourned to the following Thursday on which the Court is in session unless the Court otherwise directs.

B. 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, the order to show cause, or the answering papers. (See Uniform Civil Rules for the Supreme Court and the County Court, § 202.8(d).) The Court will consider the request and advise the parties if the request has been granted.

C. Form of Papers

All motion papers submitted to the Court, including Orders to Show Cause, must be legible, securely bound, include external exhibit tabs, and indicate the motion sequence and index numbers of the case.

D. Proposed Orders

All proposed orders must be submitted to the Court as a separate document, rather than bound into motion papers.

E. Ex-Parte Motions

The Court does not accept ex-parte motions unless they are motions for service by publication or such other motions as permitted by statute. All other motions, including motions for Orders of Reference and Judgments of Foreclosure and Sale, must be on notice. If there is any question about whether a motion should be on notice, contact the Part Clerk.

F. Orders to Show Cause and 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.

If an Order to Show Cause is signed by the Court, a copy of it shall be sent to counsel for the moving party or to the self-represented party. If appearances are required on the return date of the motion, the Court will so indicate on the Order to Show Cause. Otherwise, no appearances shall be required and no oral argument shall be heard on the return date of the motion.

G. 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.

H. Adjournments

This part cannot grant an adjournment once a post-note of issue summary judgment/dispositive motion is filed.

With respect to all other motions, one adjournment of no more than 30 days is permitted upon consent of all parties. A stipulation of adjournment, signed by all parties, must be uploaded to NYSCEF (in E-File actions) and, in all actions, mailed, or hand delivered to the Part Clerk, or left in the designated basket for chambers on the 13th floor of the Courthouse.

Any request for a further adjournment must be made by letter to the Court explaining the need for an adjournment. The Court will advise the parties whether the request has been granted. If granted, a stipulation of adjournment must be signed by all parties. Both the letter correspondence and the signed stipulation must be uploaded to NYSCEF (in E-File cases) and, in all actions, mailed, or hand delivered to the Part Clerk, or left in the designated basket for chambers on the 13th floor of the Courthouse.

In the event consent by any party is denied, a letter request to the Court, explaining the need for an adjournment must be uploaded to NYSCEF (in E-File cases), and, in all actions, mailed or hand-delivered to the Part Clerk, or left in the designated basket for chambers the the 13th floor of the Courthouse. The Court will consider the request and advise the parties whether an adjournment has been granted.

All requests for adjournments must be made before the applicant's time to move or submit opposition or reply papers has expired.

I. Settlements and Discontinuances

If an action is settled, discontinued, or otherwise disposed of 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-File case, or by hard-copy letter in a non E-File 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.

III. TRIAL PRACTICE RULES

A. Conference

Immediately prior to the commencement of the trial, this Part shall conduct a conference with all counsel to discuss preliminary matters. Counsel shall:

- i. Alert the Court to any anticipated in limine motions or evidentiary or legal issues that may arise during the trial;
- ii. Alert the Court as to any anticipated requests for a jury instruction relating to missing witnesses or evidence; and
- iii. Provide the Court with a pre-trial memorandum of law as to any known disputed legal issues that must be determined by the Court.

B. Marked Pleadings

Counsel shall provide the Court with marked pleadings immediately upon

commencement of trial.

C. 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 deviation or additions are requested, the full text of such requests must be submitted, together with any supporting legal precedents.

D. Verdict Sheet

Counsel shall jointly prepare the 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 to the Court.

E. 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.

F. 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.

G. 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.