

**HON. LARRY J. SCHWARTZ, A.J.S.C.**  
ROCKLAND SUPREME AND COUNTY COURT  
Rockland County Courthouse  
1 South Main Street  
New City, NY 10956  
Courtroom 464

Chambers Tel: (845) 483-8340  
Chambers Fax: (914) 824-5211  
Part Clerk: (845) 483-8341

Principal Law Clerk: Djinsad Desir  
Secretary: Maria Jetjomlong



## I. COMMUNICATIONS WITH THE COURT

### A. Telephone Calls

Telephone calls to the Court staff are permitted only in necessary or emergency situations requiring immediate attention that cannot otherwise be attained by correspondence. Counsel and pro se litigants should not call Chambers or the Part Clerk to discuss the substance of pending cases, unless a conference call is approved by the Court and all opposing counsel or pro se litigants are involved in the conference call.

**For Criminal Matters:** Do not call chambers. Call the Part Clerk at (845) 483-8341. Counsel will be directed to call chambers by the clerk if necessary.

**For Other Matters:** If a telephone call to Chambers' staff is necessary as described above, the call should be made to the Court's secretary at (845) 483-8340.

### B. Correspondence

Correspondence to the Court shall be copied to all adversaries (counsel and pro se litigants) and must reflect the Index/Indictment Number of the action to which it relates. Correspondence between counsel(s) and/or pro se litigants shall not be copied to the Court unless there is some judicial purpose to be served by transmitting copies to the Court.

### C. Faxes

Counsel are not permitted, without prior approval, to send facsimile transmissions to Chambers that exceed five (5) pages in length. Faxes of correspondence with the Court will be accepted so long as the cover sheet or correspondence clearly indicates that the communication was sent to all other parties.

The Court will not accept faxed papers that must be filed with the Rockland County Clerk's office (motions, opposition papers, reply papers, proposed Orders, or documents to be so-ordered). Such papers must be delivered in hard copy (mail or drop off).

D. Ex Parte Communications

Ex parte communications are strictly prohibited, except: 1) in the limited permissible context involving the presentation of Orders to Show Cause for signature, or 2) with the consent of all parties during settlement negotiations at the Courthouse, or 3) in the unusual circumstance where oral argument is required by the Court on a motion and a party fails to appear at the scheduled date and time, argument may be heard by the adversary party/parties in attendance in open court. Inappropriate ex parte communications will be returned to the sender, unread.

E. Court Papers

All pleadings, motions, Orders to Show Cause, opposition papers, reply papers, memoranda of law and other submissions must be signed by counsel to the extent required by § 130-1.1-a of the Uniform Rules of the Chief Administrator (hereinafter "Uniform Rules").

**II. COURT CONFERENCES**

A. Adjournments

As a matter of general practice, adjournments will not be granted for conferences, hearings or trial. Applications for adjournments must be made in writing actually received by the Court (by mail or fax) at least twenty-four (24) hours in advance of the scheduled conference, and must address:

- (1) The date of the scheduled Court appearance and hearing date, if any,
- (2) good cause why an adjournment is sought,
- (3) whether the adverse parties consent or object to the application, and
- (4) may, at the option of the sender, suggest an approximate time period, or an exact date, for which the adjournment is sought.

All such communications must be copied to all counsel and pro se litigants. The Court may, in the exercise of sound discretion, permit or refuse a conference adjournment in any given instance.

### **III. MOTIONS AND ORDERS TO SHOW CAUSE**

#### **A. General Rules**

The Court will entertain motions on submission (Notice of Motion) on any Wednesday the Court is in session. The return date for an Order to Show Cause shall, of course, be determined by the Court at the time papers are submitted for consideration and executed. Unless "Appearance Required" is noted, the papers shall be marked submitted without appearance and no oral argument permitted. If "Appearances Required" is noted, the motion will be considered on the return date, and argument may be permitted and a decision may be rendered from the bench. The failure of a moving party to appear at the scheduled date and time may result in the motion being denied and otherwise marked off, while the failure of appearance by an opposing party may result in the motion being argued ex parte and then decided either on the merits or granted on default.

For all motions: (a) no affidavit or affirmation shall exceed 15 pages in length unless the affirmation contains legal authority in which case it may not exceed 20 pages in length; (b) affirmations or affidavits of counsel shall address only those facts which are within their personal knowledge; (c) the only exhibits that shall be attached to motion papers shall be those which are specifically referred to in an accompanying affidavit or affirmation and only that portion of the document which is specifically referenced shall be attached as an exhibit; and (d) type point shall be at least type point 12 and double spaced.

#### **B. Filing of Papers Applicable to All Motions**

Except with the express permission of the Court, all motion papers and Orders to Show Cause, including Notices of Motion, proposed Orders, affidavits or affirmations in support, affidavits or affirmations of good faith and memoranda of law, must contain the address, telephone and fax numbers of counsel (or pro se litigant) and be typewritten, double-spaced, securely bound, entirely legible, and all exhibits labeled with exhibit tabs. The Court may refuse to accept any such paper which does not conform to the foregoing. Similarly, working copies of electronically filed motions should conform to the above requirements as well. Motion papers and all related correspondence must reflect the Index Number assigned to the action.

Unless directed otherwise by the Court, the filing of a motion does not relieve any party from attending any previously scheduled conferences, or court appearances, regardless of the nature of the relief sought in the motion.

#### **C. Supporting Documents**

In all matters, all documents required to decide the application must be included in the moving papers. It is not sufficient that those documents are on file with the County Clerk or e-filed. If the required documents are not attached, the Court may dismiss or deny the application entirely.

#### D. Motion Adjournments

Applications for adjournments of motions must be made in writing actually received by the Court (by letter or fax) not later than 9:00 a.m. on the day prior to the return date, and must address:

- (1) good cause why an adjournment is sought,
- (2) whether the adverse party (parties) consent or object to the application,
- (3) whether the motion has previously been adjourned and if so, at the request of which side,
- (4) the Hearing date, if one has been scheduled, and
- (5) may, at the option of the sender, suggest an approximate time period, or an exact date, for which the adjournment of the motion is sought.

All such communications must be copied to all counsel and pro se litigants. Stipulations to adjourn motions that are not accompanied by the above-mentioned application or request in writing **will not** be entertained. The Court may, in the exercise of sound discretion, permit or refuse a motion adjournment in any given instance. No more than three adjournments of any single motion will be permitted. In assigning an adjourned date, the Court shall give due consideration to any specific date agreed upon by all parties. Motion adjournments shall be confirmed to the Court and all adversary parties in writing. No adjournment request will be entertained by the Court unless the party seeking the adjournment has first attempted to obtain consent from all the other parties in the action, or provides sufficient reason why he/she has not contacted his/her adversary(ies). Parties seeking a non-consented to adjournment must provide good cause as to why the adjournment should be granted.

#### E. Reply Papers.

Reply Papers shall not set forth new factual claims, legal arguments, expert affidavits, or requests for relief that were not within the scope of the papers that initiated the motion.

#### G. Sur-Reply Papers.

This Court will not consider any papers or materials submitted after a Reply submission absent a party receiving express permission from the Court in advance.

### V. DECISIONS AND ORDERS

#### A. Written Decisions and Orders.

In most instances, a Decision and Order will be rendered in written form following the full submission of the motion, or Order to Show Cause.

The Decision and Order, with all supporting and opposition papers, will be filed by the

Court with the Office of the Rockland County Clerk. A copy of the Decision and Order will be faxed to counsel for the parties or any pro se party provided a facsimile number was provided with the motion papers as required by these Part Rules.

B. Oral Decisions and Orders.

In certain instances, the Court may render a Decision and issue an Order orally from the bench. In such instances, a transcript of the Decision and Order, paid for by the parties and provided to the Court, will be executed or so-ordered by the Court. Counsel or any pro se litigant may also submit a proposed Order with a copy of the transcript.

The so-ordered transcript, or executed proposed Order, will be filed with the Office of the Rockland County Clerk.

C. Interpreters.

In the event that any party requires the services of a translator during any appearance for foreign languages or services for the hearing impaired, the Court is to be notified of same as soon as practicable, so that appropriate arrangements can be made by the Court in advance.