

INDIVIDUAL PART RULES OF

**Hon. Maria S. Vazquez-Doles, J.S.C.
Orange County Supreme Court**

**Courtroom 5, Orange County Government Center, 285 Main Street, Goshen, NY
Mailing Address - 285 Main Street, Goshen, NY 10924
Chambers Fax: (845) 476-3684**

Principal Court Attorney: **Jane P. Harrington, Esq.**

Part Clerk: **Lorraine DeJesus-Hall 845-762-5930**

Secretary/Chambers: **Karen Keenan 845-762-5932**

**Part Rules & E-Filing
(Effective July 24, 2019)**

PLEASE NOTE: As of January 18, 2017, actions before the Hon. Maria S. Vazquez-Doles, J.S.C. are subject to **MANDATORY** electronic filing rules for **approved** cases. See **Rule 18** below for e-filing details.

***IT IS NO LONGER NECESSARY TO SUBMIT COURTESY OR
WORKING COPIES ON E-FILE CASES.***

APPEARANCES

Rule 1. (A) In all **MATRIMONIAL matters**, all parties and counsel must be present at each appearance, unless otherwise directed by the Court.

In all **IAS matters**, counsel may choose whether or not to bring clients.

(B) In all matters, Counsel for all parties must be present and prepared to proceed.

(C) Attorneys appearing per diem or 'of counsel' must be prepared to discuss details of the case and availability of trial counsel.

Appearances by Counsel with Knowledge and Authority: All counsel who appear before the Court must be familiar with the case and be **fully authorized** to enter into agreements as to both substantive and procedural matters on behalf of their clients. Attorneys appearing of counsel to the attorneys of record and self-represented parties shall be held to the same requirements. Failure to comply with this rule may be regarded as a default and dealt with appropriately. All counsel and self-represented parties must be on time for all scheduled appearances.

Rule 2. Attorneys and litigants **must check in with the Part Clerk arrival.** If your appearance is required elsewhere that day, please inform the Part Clerk upon arrival and note the location and time of that appearance.

Rule 3. Matters will be heard by the Court as follows:

9:15am - Status/Compliance/Preliminary conferences

10:00am - Settlement or Pre-trial conferences

11:00am - Settlement or Pre-trial conferences

2:00pm - Last Wednesday of each month- foreclosure matters

First call of calendar is at 9:15am

Second call of calendar is 10:30am. Motions for default will be considered at the second calendar call at 10:30am.

ADJOURNMENTS

Rule 4. ALL ADJOURNMENTS MUST BE APPROVED BY THE COURT. IF NOT APPROVED, THEN ALL APPEARANCES ARE REQUIRED.

A) Applications to adjourn, **on consent**, must be received, by Chambers, via facsimile at least **48 hours** prior to scheduled appearance. **USE OF THE PART ADJOURNMENT FORM IS REQUIRED. (See last page of rules).** All requests must be accompanied by three (3) proposed dates for adjournment on consent of all parties, including the attorney for the children, in a single submission to the Court. **Proof must accompany any Emergency application when less than 48 hours is available. Trial dates may not be adjourned without PRE-APPROVAL of the JUDGE.**

B) If the application is based on counsel's actual engagement on another matter, an Affirmation of Actual Engagement, in conformity with 22 NYCRR Part 125, must be filed with the Court. A Request for Adjournment Form must also accompany your Affirmation of Actual Engagement.

C) If the adjournment is granted, **the applicant must fax notification to all parties on the same day the application is granted.** Please bring proof of notification to Court on adjourned date.

D) Adjournment requests which are left on the Chamber's voice mail **will be disregarded**, and counsel is expected to appear unless the adjournment is specifically granted by the Court.

PRELIMINARY CONFERENCES

Rule 5.

PLEASE HAVE YOUR PRELIMINARY CONFERENCE ORDER FILLED OUT PRIOR TO THE CALENDAR CALL. ASK THE PART CLERK FOR A BLANK COPY

A) **MATRIMONIAL ACTIONS**; pursuant to 22 NYCRR §202.16(f)(1), there must be an exchange of papers ten(10) days **prior** to the Preliminary Conference date. These papers shall include those listed in sub-paragraphs (i) - (vi) of §202.16(f)(1). In addition to those exchanged between parties, counsel shall also file **directly with the Court**, a copy of the pleadings, the net worth statement, the most recent W2's or pay stubs.

B) **MATRIMONIAL and IAS** cases; a copy of all pleadings, **SEPARATE FROM ANY MOTIONS**, must be submitted to the Court before or at the Preliminary conference. Failure to comply with this rule may result in the assessment of costs.

C) Adjournments of the Preliminary Conference will not be granted, absent a compelling reason. Counsel is directed to review the provisions of 22 NYCRR §202.12 and §202.16(f) concerning preliminary conferences.

MOTIONS and LITIGATION BY LETTER

Rule 6.

A) Litigation by letter is **STRICTLY PROHIBITED. UNSOLICITED LETTERS WILL BE DISREGARDED**, and not considered or addressed by the Court. Where matters cannot be resolved between the parties, motions are to be served and filed in accordance with the CPLR, or an oral application made to the Court during an appearance. In limited circumstances, at the discretion of the Court, a conference call with all the attorneys may be arranged with the Principal Court Attorney.

B) All motions must be paid for and filed with the Orange County Clerk's Office prior to filing with the Supreme Court Clerk. Do NOT send motion fees to chambers as they will be returned to you.

C) Motions are to be served and filed in conformity with the CPLR §2214. **Copies** of Affidavits of service must also be submitted to the Court, after the original is filed with the County Clerk.

D) Motions shall be double spaced, on one side only and limited to 20 pages, excluding exhibits. All exhibits must be clearly tabbed and pages numbered. Motions not consistent with this rule will be rejected and disposed of without considering the merits.

E) No sur-reply will be accepted or considered by the Court.

F) Appearances are not required on the return date of motions, **UNLESS** otherwise directed by the Court.

G) **In cases which are e-filed, the Court DOES NOT require a COURTESY or WORKING HARD COPY to be sent directly to chambers.** Signed Orders to Show Cause will be faxed to the movant for service upon opposing counsel.

H) The Court will determine, after submission, whether oral argument is warranted. Upon such determination, counsel for all parties will be contacted and advised of the new adjourned date for purposes of oral argument. If an appearance on the OTSC/Motion is required, there will be a notation on the front page.

I) Motions for **Summary Judgment** shall be filed no later than **60 days** from the filing of the Note of Issue, except as otherwise Ordered by the Judge.

J) All motions seeking *pendente lite* relief, including counsel fees, shall comply with 22 NYCRR §202.16(k), and include a copy of all pleadings and a Statement of net worth. Any motion seeking an award of counsel fees must be supported by an affirmation of service, a retainer agreement, and detailed bill. (See 22 NYCRR §202.16(k)(3)).

K) All motions to *renew or reargue* must be clearly designated and include, as exhibits, a complete copy of all papers filed in support of the motion sought to be reargued; including a copy of the Decision and Order of the Court. Failure to do so will result in a summary denial of the application. If e-filed, exhibits must be separately tabbed.

L) All applications for *injunctive relief, including a stay or temporary restraining order* must be made in accordance with 22 NYCRR 202.7(f), and contain language of compliance. The moving party shall advise the Court as soon as practicable of counsel's intent to make such application.

(1) Requests to continue or vacate a stay or TRO beyond the return date of the motion shall be made on the call of the motion calendar. Failure to apply for such extension shall result in the automatic vacatur of the stay or TRO, unless the Order to Show Cause provides otherwise.

(2) An “*Emergency*” *Order to Show Cause* requires a special affidavit based upon personal knowledge and an affirmation explaining in detail the nature of the emergency. In addition to the foregoing, the movant should be prepared to appear in Court and to make a record before the Court on the date of filing.

M) Counsel shall immediately notify the Court, by way of a letter withdrawing the motion, if it becomes unnecessary to decide a motion.

N) If all or part of the submitted motion is settled, counsel shall forward the original Stipulation of Settlement to the Court with a letter that sets forth the date the motion was submitted, the issues which have settled, and those issues that remain unresolved. **When settled on the record, in whole or in part, counsel must obtain transcripts for so ordering by the Court, pursuant to CPLR §2219.**

O) The Court **WILL NOT hold motions in abeyance**. Motions must be formally withdrawn by letter within seven (7) days of the staying event. (Examples include: Loan modifications, bankruptcy, death, etc).

P) All motions decided on the record must be reduced to writing pursuant to CPLR §2219, prior to any request for enforcement. The successful party should prepare and submit a proposed order, on notice of settlement, with a copy of the transcript, to the Court for signature within 30 days of said oral decision.

STAYS

Rule 7.

Parties requesting a stay must submit proof to support the request, such as death certificate, proof of bankruptcy filing, letter granting loan modification, etc. If granted, the matter will be calendared for 2-6 months for a status conference, appearances required.

COMMUNICATION WITH CHAMBERS

Rule 8.

A) All communications with chambers shall include; the title of the action, full names of the parties, the date the matter is next on the Court's calendar and the index number. Copies shall simultaneously be delivered to all counsel and noted on the letter. **Ex parte written communications will be disregarded and discarded.** Letter requests for Orders will also be ignored and discarded UNLESS prior permission is granted by the Judge.

B) Copies of correspondence between counsel shall not be sent to the Court. Such copies shall be disregarded and discarded.

C) No out of Court settlement will be recognized or accepted, unless counsel submits a letter, on notice to opposing counsel and, if applicable, the Attorney for the Child(ren), along with the executed settlement agreement/stipulation.

D) The Court will not accept ex parte telephone communications on substantive issues.

E) Pro-se litigants will be held to the same legal standards as attorneys. The Court cannot provide legal advice.

F) Facsimiles to chambers shall be **no more than 10 pages** in length. Submissions larger than 10 pages must be mailed or hand delivered. **DO NOT FAX copies of pleadings, motions, answering papers, statements of net worth, or statements of proposed dispositions.** This is prohibited and they will be discarded. **Please mail hard copy or deliver them to the Supreme Court Clerk.**

G) E-mail communications will not be addressed except at the discretion of Chambers.

COSTS and SANCTIONS

Rule 9.

Costs may be assessed for certain conduct including but not limited to; an attorney or party's failure to appear, a failure to comply with discovery, or a failure to file Updated Statements of Net Worth /Statements of Proposed Disposition/Trial Notebooks, etc.

The Court will not consider a sanction application unless the moving party first demands the withdrawal or discontinuation of the offending act or action, and it is refused. Proof of such demand must be made a part of the sanctions application.

NOTE OF ISSUE

Rule 10.

A **Note of Issue** and Certificate of Readiness are to be filed with the County Clerk as directed by the Court, prior to trial. Notes of Issue may be filed with conditions when necessary.

SETTLEMENT/PRE-TRIAL CONFERENCES

Rule 11.

A) All parties, and counsel **with knowledge and authority of the case**, must attend the settlement and/or pre-trial conference. There will be NO adjournments without the Court's consent. Litigants and insurance adjusters must be present unless otherwise directed by the Judge.

B) In **Matrimonial actions**, parties Must Submit the following **48 hours prior** to the scheduled Pre-trial conference:

- 1) Statements of Proposed Disposition/Distribution
- 2) Updated statements of Net Worth,
- 3) Any valuations of a business interest or increased earning capacity;
- 4) A list of all payments claimed due (such as payor's obligations for maintenance, child support, income taxes, etc.).

Failure to do so may result in the imposition of costs.

TRIAL

Rule 12.

A) At least 5 business days **prior to trial**, parties shall submit the following:

1) *In limine* applications, on notice to all parties.

2) **Trial Notebooks**: All trial cases, **including inquests upon default**, require trial notebooks. These notebooks shall include;

- a copy of the marked pleadings, and
- a copy of all decisions, including appellate decisions on the case, and
- a copy of all exhibits - separately and consecutively tabbed [Numbers for Plaintiff; Letters for Defendant], **except VOLUMINOUS** medical or and financial records, and
- a list of proposed witnesses, the order in which they will testify, and the estimated length of their testimony; and
- a list of all expert witnesses, with copies of their reports; and
- a list of requested jury charges and proposed verdict sheet if appropriate
- If deposition transcripts are to be utilized, a copy of the witness' deposition

Counsel for the parties shall consult prior to trial and shall, in good faith, attempt to agree upon the portions of deposition testimony to be offered into evidence without objection.

In Matrimonial actions trial books shall include all of the above as well as;

-An accounting of any claimed *pendente lite* arrears, supported by backup documentation; and

- Copies of life insurance policies and medical and dental policies of insurance in effect as of the date of the commencement of the action and as of the present date; and

- A list of issues to be determined by the Court, including any pretrial motion issues deferred to the trial by the Court; and

- Both sides shall have available at least three (3) copies of any and all of the following:

(a) relevant orders issued by another court, such as final orders of custody or temporary or permanent orders of protection issued by the Family Court; and

(b) any order of this Court that referred issues raised in motion practice to the trial of the action; and

(c) any relevant so-ordered stipulation of this Court, as well as transcripts of stipulations read into the record in open court during the pendency of the action; and

(d) any properly executed and acknowledged stipulation or agreement relating to material issues in this action.

B) Counsel are urged to stipulate that any issue relating to an award of counsel and expert fees be resolved by the Court, on motion, without testimony, upon the submission of affirmations, invoices, and other appropriate documentation from counsel.

Rule 13.

On the date the trial is scheduled, counsel are expected to be prepared to discuss settlement of all unresolved issues and to have complied with each of the trial rules set forth herein. Failure to comply with these trial rules may result in the assessment of costs.

Rule 14.

Objections during trial should be stated distinctly, with the grounds only. If further argument is appropriate, it will be invited by the Court.

Rule 15.

Upon completion of trial, all trial notebooks and evidence will be destroyed after 30 days. Please see the Part Clerk if you wish to recover any of these items.

ORDERS/JUDGMENT/SUBPOENAS

Rule 16.

A) Proposed Orders, Judgments, or counter Orders are to be submitted within thirty (30) days of the Decision whether by bench or jury.

ORDERS concluding the matter but NOT SUBMITTED WILL RESULT IN AN ABANDONMENT of the case, and marked off calendar pursuant to CPLR §3404, followed by a dismissal after 1 year. Matters will only be restored, upon a proper showing in a Motion to Restore, which is timely filed.

ALL ORDERS or JUDGMENTS MUST BE SUBMITTED WITH:

- (1) a copy of the transcript, if the order was done on the record. The line number in the transcript must be identified for the Court to compare language.
- (2) An affidavit of service and Notice of Settlement for a date designated in accordance with 22 NYCRR 202.48.

Do not fax proposed orders or judgments. Please submit a hard original to chambers.

B) Proposed counter-orders must be submitted on a copy of the proposed order, clearly marked in red, to delineate each proposed change. DO NOT SEND A COMPLETELY NEW ORDER or letters referencing what to change. Failure to follow this rule may result in your opposition being disregarded.

C) Consent Orders MUST include ORIGINAL signatures of the parties or they will be rejected.

D) QDROs/DROs must be pre-approved by the plan Administrator. Proof of approval must accompany the submission or it will be rejected.

E) Subpoenas directed to libraries, hospitals, municipalities and their departments and bureaus, must be “So Ordered” by the Court pursuant to CPLR §2307. Notice of the forth coming subpoena must be served upon the municipality or agency at least one day prior to the submission for signature by the Court. Proof of service must be filed with the proposed subpoena.

-Subpoenas seeking information protected by HIPAA shall include an executed HIPAA authorization prior to presenting the subpoena to the Court for signature.

MISCELLANEOUS

Rule 16.

A) Attorneys who have appeared in the matter are to make all appearances until they are relieved by the Court or a Consent to Change Attorney(s) has been filed with the Clerk of the Court and a copy of the file has been turned over to the new attorney.

(1) A party wishing to proceed pro-se must submit a ***withdrawal of attorney on consent***, signed by the outgoing attorney and the pro-se litigant and submitted to the Court. In all matrimonial cases, a copy of the client file **must** be released to pro-se litigants by the outgoing attorney.

B) Once the parties have executed a matrimonial Stipulation of Settlement, the first and last page, including both parties' signature, shall be faxed to the Court indicating that the matter has settled. The original, fully executed, stipulation shall be filed with the judgment papers, within 30 days.

C) Failure to appear at any scheduled call of the calendar or at any conference may result in a default and/or a dismissal of the action (NYCRR §202.27). In addition, costs may be assessed as well.

D)PRO HAC VICE

Request for admission PRO HAC VICE, shall be made by Order to Show Cause and shall be accompanied by a proposed order and an affidavit in support from a member of the Bar of the State of New York, and an affidavit of the applicant, and a recent certificate of good standing from the applicant. The affidavit of the applicant must advise the court as to how many times the applicant has been admitted in New York pro hac vice, whether that admission pro hac vice has been vacated, and whether the applicant has even been or is presently subject to a disciplinary proceeding.

E) The Court functions through the aid and assistance of the courtroom and Chambers staff. They are expected to treat attorneys, litigants and others in a dignified and civil manner, and they expect to be treated in a civil and dignified manner in return.

F) It is incumbent upon all counsel and parties appearing before this Court to insure they have this Court's current Part Rules and are in compliance with same.

G) These rules are in addition to the Uniform Rules for New York State Trial Courts and the Local Rules of Court. Failure to comply with any rules or orders of this Court may result in preclusion and/or costs without further notice.

H) Stipulations of discontinuance must be filed within 30 days of settlement of a case. If more time is needed, please submit a request on the Part adjournment form. Discontinuance should include a withdrawal of any outstanding motions.

SPECIAL E-FILINGS RULES OF THE COURT:

Actions before the Hon. Maria S. Vazquez-Doles, J.S.C. are subject to **MANDATORY** electronic filing rules at this time, (As of January 18, 2018; Excludes CPLR Article 70, CPLR Article 78, Election Law Proceedings, Mental Hygiene Matters, Matrimonial Matters (unless all consent), SCAR proceedings, Consumer Credit Transactions)

RULE 17: E-FILING

A) All parties intending to file electronically must familiarize themselves with the statewide E-Filing Rules Uniform Rule §§ 202.5 and 202.5-bb - available at www.nycourts.gov/efile and the Orange County E-Filing Protocol. General questions about e-filing should be addressed to the E-Filing Resource Center at (646) 386-3033 or efile@nycourts.gov.

Specific questions relating to local procedures should be addressed to the Chief Clerk's Office (845) 476-3429.

B) If filing electronically, all submissions, including proposed orders, proposed judgments, and letters to the Court, must be through the New York State Courts E-Filing system (NYSCEF). There is **no need** to submit courtesy or working hard copy to chambers.

EXCEPTION: All Subpoenas Duces Tecum and Ad Testificatum, to be so-ordered for trial, should still be presented to the Court in Original paper form for signature.

C) When e-filing documents with exhibits, **each exhibit MUST be uploaded as a separate document and titled so as to identify its exhibit number and contents.**

D) Oral Orders must be reduced to writing by obtaining a copy of the transcript and submitting the hard copy to chambers to be so ordered. The so ordered transcript may then be uploaded to the E-filing system.

E) There shall be NO ELECTRONIC FILING OF DISCOVERY except as allowed under 22 NYCRR§202.5-b(j)

F) Consolidated cases shall be e-filed under the most recent index

G) Joined cases will require a copy of all motions and responses to be filed under each separate Index number.

Scheduling

Counsel/parties should address questions about scheduling appearances or adjourning appearances to the **Part Clerk, Lorraine DeJesus-Hall** by facsimile to 845-476-3684. Please use the form below for all adjournment requests.

HON. MARIA S. VAZQUEZ-DOLES, J.S.C.
FAX # 845-476-3684
REQUEST FOR ADJOURNMENT FORM

**THIS FORM MUST BE FILLED OUT COMPLETELY
INCOMPLETE FORMS WILL BE DISREGARDED**

Case Name: _____ Index # _____

Date on Calendar: _____ Last Court Appearance: _____

Req'd Adj. Dates (At Least 3): 1) _____ 2) _____ 3) _____

**ALL REQUESTS MUST BE ON CONSENT AND ALL REQUESTED
ADJOURN DATES MUST BE CONFIRMED WITH YOUR ADVERSARY AND
ATTORNEY FOR THE CHILD, IF APPLICABLE, PRIOR TO MAKING THE
REQUEST.**

Nature of Conference: _____

If Motion, Nature of Relief Sought: _____

Reason for Adjournment (Affirmation of Actual Engagement must be attached if applicable):

Contact Info:

Attorney contacting Court and party he/she represents: _____

Person Making Call: _____ Phone # _____

Fax # _____

Adversary's name: _____ Phone # _____

Fax # _____

**ALL REQUESTS MUST BE RECEIVED 48 HOURS PRIOR TO SCHEDULED COURT
DATE, EXCEPT FOR EMERGENCIES.**
REQUESTS BY ANY OTHER METHODS WILL BE DISREGARDED.