

**HON. VICTOR J. ALFIERI, JR.**  
County Court Judge, Acting Supreme Court Judge  
Rockland County Courthouse  
1 South Main Street  
New City, New York 10956

**Secretary:** Jeannie Connolly  
**Senior Court Clerk:** Blanqui Rodriguez  
**Principal Law Clerk:** Emily R. Fabrizio  
Telephone #:(845) 483-8353  
Facsimile #:(845) 483-8141

**PART RULES FOR CIVIL CASES**

**PART I**  
**E-FILING RULES OF THE COURT**

**I. E-Filing Rules and Protocol**

- A. General Rule:** 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](http://www.nycourts.gov/efile) and the Rockland County E-Filing Protocol. All approved case types are to be filed through the New York State Courts E-Filing system (NYSCEF)
- B. Contact Information:** General questions about e-filing should be addressed to the E-Filing Resource Center at (646) 386-3033 or [efile@courts.state.ny.us](mailto:efile@courts.state.ny.us). Specific questions relations to local procedures should be addressed to the Chief Clerk's Office (845) 483-8310.

**II. Working Copies**

- A. General Rule:** A court may require the submission of "working copies" of electronically filed documents. See, Uniform Rule §202.5-b(d)(4). Working copies shall be delivered to the Rockland Chief Clerk's Office.
- B. Part Rule:** This Part requires working copies for all electronic submissions. All working copies must include a copy of the NYSCEF confirmation Notice firmly fastened as the front cover page of the submission and comply with other requirements set forth in the Rockland County Protocol. Working copies without the Confirmation Notice will not be accepted. Working copies are to be delivered no later than 2:00 p.m. on the first business day following the electronic filing of the document on the NYSCEF site. *Only one copy of each document is required including proposed Orders and Judgments.*

**III. Hard Copy Submissions**

This Part shall reject any hard copy submissions in e-filed cases unless those submissions include the "Notice of Hard Copy Submission-E-Filed Case" required by Uniform Rule §202.5-b(d)(1). The form is available at [www.nycourts.gov/efile](http://www.nycourts.gov/efile).

#### IV. Scheduling

Counsel/parties should address questions about scheduling appearances or adjourning appearances to the Part Clerk, Blanqui Rodriguez at (845) 483-8332.

### PART II RULES OF THE COURT

#### I. General Rules

- A. **Calendar Call:** The Court shall call its calendar each day at 9:30 a.m. or as soon thereafter as possible.
- B. **Court Papers:** All submissions bearing the caption of the action must be signed by counsel as required by 22 NYCRR §130-1.1a. In any instance where a “service list” must set forth the name, address and telephone number of the submitting party or attorney AND identify the party or person represented by that attorney and the person or party represented by the other persons named in that service list. All filings are to be made at the Supreme court Civil window except for opposition and reply papers on motions which are to be sent directly to chambers.
- C. **Statutes and Rules:** This Court strictly adheres to the procedural requirements set forth in the CPLR and Uniform Rules-Trial Courts, as well as all other state statutes that set forth specific procedural requirements to be followed in order to obtain the relief sought.
- D. **Standards and Goals:** Recognizing the important public policy considerations behind the various time limitations set by statute and rule, this Court strictly adheres to those time limitations. *See*, 22 NYCRR §202.12 and §202.16.

#### II. Communication with the Court

- A. **Correspondence:** Copies of all correspondence to the Court shall be sent to all counsel of record and must reflect the Index Number of the case to which it relates. Copies of correspondence between attorneys and/or pro se litigants shall NOT be sent to the Court unless there is some specific judicial purpose to be served by transmitting copies to the Court.
- B. **Telephone Calls:** Telephone calls to Court staff should be limited to those situations requiring immediate attention that cannot otherwise be addressed by correspondence.
- C. **Papers by Facsimile:** The Court does not accept papers of any kind by fax transmission that must otherwise be filed in original form with the Office of the Clerk (e.g. petitions, proof of service, motions, opposition to motions, replies, proposed Orders, documents to be “So Ordered”). Copies of letters confirming an adjournment of a motion or conference may be set to the Court by facsimile. However, all faxes must be faxed or mailed simultaneously to all other parties. Originals are not required. *Counsel are not permitted, without prior approval, to send facsimile transmissions to Chambers that exceed five (5) pages in*

*length.*

- D. **Ex Part Communications:** Ex parte communications are prohibited except where an Order to Show Cause is submitted for signature or during settlement negotiations upon the consent of all of the parties.

### III. **Court Appearances**

- A. **General Rules:** Appearances at the calendar call are required by all attorneys in all matters. Counsel must be on time and must bring sufficient material to allow meaningful discussion or unresolved issues to each Court appearance. Detailed settlement discussions in any matter may be conducted in Chambers when permitted. Counsel must be fully familiar with the matter(s) on which they appear and must be authorized to enter into both substantive and procedural agreements on behalf of their clients. Any agreements entered into by counsel will be binding on their respective law firm. Attorneys appearing “of counsel” to an attorney of record and parties appearing pro se will be held to the same requirements.

- B. **Adjournments:** Due to the great number of phone calls and correspondence received daily diverting staff from all other business, adjournments will only be granted pursuant to 22NYCRR §125.1 or for emergent circumstances. The request must be in writing and submitted 48 hours prior to the court appearance. If the case is e-filed, the request must be uploaded to NYSCEF. If the case is not e-filed the request must be faxed to the Part Clerk at (845) 483-4181.

C. **Conferences**

1. Appearances at conferences are mandatory. Failure to appear at a conference may result in sanctions, where appropriate.

2. Where a preliminary conference has been scheduled in a matrimonial action, the parties shall, prior to the conference, file and exchange the required documents as set forth in 22 NYCRR §202.16(f)(1), including the net worth statement, paycheck stubs, W-2 statements, tax returns and statements of account. Counsel shall inform their respective clients of the automatic orders set forth in Domestic Relations Law Section 236 Part B (2)(b) as soon as the attorney-client relationship is formed. The parties, as well as counsel shall appear at all matrimonial conferences unless otherwise directed by the Court.

### IV. **Discovery and Inspection**

- A. **General Rules:** Counsel shall exert a continuing effort to work cooperatively and courteously with all adverse counsel towards the goal of completing all discovery expeditiously and efficiently and in the spirit of avoiding unnecessary motion practice and court intervention. See, 22 NYCRR 202.7. In other words, discovery motions are strongly discouraged.

- B. **Motion Procedure:** Prior to filing a discovery-related motion, counsel for the aggrieved party or the aggrieved pro se litigant shall request a conference with the Court at which time the matter will be resolved. In the event that a discovery motion is filed, see Part Rule V(H)(3).

## V. Motions

- A. General Rules:** All motions shall be accompanied by a Notice of Motion and shall set forth a return date. See, CPLR Section 2212 and CPLR R 2214. Motion papers shall also include an Affidavit of Service of said motion.  
Ex parte motions shall be accompanied by an Affidavit and shall set forth a return date. See, 22 NYCRR Section 202.7(d) and 22 NYCRR Section 202.8(a) and (b).
- B. Return Dates:** Motions shall be returnable every Friday at 9:30 a.m. except those Fridays that fall on a legal holiday.
- C. Appearances/Oral Argument:** Appearances *shall be made on motion return dates* and provide the Court with working copies of motion papers if not already provided to the Court.
- D. Papers To Be Submitted:** All motions and opposition papers must be accompanied by a stamped, self-addressed envelope. Courtesy copies of motions shall NOT be submitted. All documents required to decide the motion must be included in the moving papers. It is not sufficient to refer the Court to the County Clerk, where the documents may be on file.
- E. Proposed Orders:** The moving party shall submit a proposed Order with the Notice of Motion and supporting papers at the time of filing.  
Where appropriate, the Court will utilize the proposed Order submitted by the moving party. Otherwise, a written Decision and Order will be issued by the Court. A copy of the decision shall be sent to all counsel and parties who have submitted a self-addressed stamped envelope.  
In certain instances, the Court will render a decision from the bench. Any party seeking a written order of a decision rendered from the bench shall submit to the Court a proposed Order with a copy of the transcript attached thereto. Where a decision from the bench is rendered in matrimonial actions, a copy of the transcript will be ordered by the Court, the cost of which shall be split between the parties unless otherwise ordered by the Court.
- F. Form of Papers:** Except for the Proposed Order, all motion papers are to be securely bound. Exhibits tabs should be used in lieu of exhibit sheets. Papers should be in clear type of no less than 12 point in size and all paragraphs, where appropriate, and pages should be properly numbered.
- G. Filing:** All motions, including ex parte motions and Orders to Show Cause, shall be filed with the Chief Clerk's Office, Civil Division window (upon the appropriate payment to the County Clerk). Opposition and reply papers shall be sent directly to the Part Clerk. Sur-reply papers WILL NOT BE considered absent express permission from the Court in advance. If new issues are raised in the reply, or if there has been a change in the law while the motion is pending, counsel is to advise chambers, in writing, and request to submit additional affidavits or memoranda. Other papers, including letters, which are sent after the submission of the motion, will not be considered.
- H. Adjournments:** Only upon consent of all counsel and pro se litigants, the Court will grant no more than three (3) adjournments at a maximum of four (4) week intervals of a motion or Order to Show Cause. The party seeking the adjournment must

obtain the consent of all adversary parties and notify the Part Clerk of the requested adjournment date at least 24 hours before the return date. The parties must choose a new date which is any Friday within the four (4) week period and upload said notice to NYSCEF if the case is an e-file case or fax to (845) 483-4181.

**I. Withdrawn Motions:** In the event that a motion has been resolved by a withdrawal or settlement of the case, counsel *must immediately notify the Court* by faxing to Chambers a letter of withdrawal or a Stipulation of Settlement and Discontinuance.

**J. Types of Motions**

**1. Summary Judgment Motions:** Motions for summary judgment shall be filed with the Court and served upon all parties no later than 60 days from the date of the filing of the Note of Issue. If an application to extend the time to make a summary judgment motion is granted by the Court, the moving party must indicate same in its motion papers. The filing of a motion made pursuant to CPLR 3211 or 3212 shall not stay pre-trial discovery unless otherwise ordered by the Court.

**2. Motions to Renew and Reargue:** All motions to renew and reargue a prior motion pursuant to CPLR 2221 must contain as exhibits all papers submitted on the prior motion, as well as a copy of the Court's decision on the prior motion. Failure to comply with this requirement shall result in the denial of the motion.

**3. Discovery-Related Motions:** All discovery-related motions will automatically be converted to a conference for resolution of the issue.

**4. Orders to Show Cause**

**a. General Rules:** The filing of Orders to Show Cause in lieu of Notices of Motion are greatly discouraged. Orders to Show Cause should be filed only where required by statute, setting forth the citation to the applicable statute, or where the moving party establishes "proper cause."

**b. Stays and Temporary Restraining Orders:** The moving party must provide notice to all other parties pursuant to 22 NYCRR 202.7(f) unless the moving party demonstrates that there will be significant prejudice by the giving of such prior notice. The Court may schedule a conference to determine whether such temporary relief should be granted. Following the conference, the Court shall render a determination only on the request for temporary relief.

**c. Matrimonial Motions/OTSC for Pendente Lite Relief:** There shall be appearances by both parties and counsel on the return date of all pendente lite motions/OTSC. The Court will conduct a preliminary conference, where appropriate, or a conference on the OTSC. Counsel shall have all exchanges and submissions made prior to the return date and counsel shall be prepared for oral argument on each issue. The Court may, in its discretion, decide the motion/OTSC from the bench on the return date. Counsel shall order a copy of the transcript, the cost to be shared equally by the parties (with a re-allocation to be determined at a later date if necessary), and provide a copy to the Court. Counsel are encouraged to submit a proposed order to the Court, on notice, with a copy of the transcript attached thereto, for the Court's signature.

## VI. Trials

- A. **Trial Dates:** Trial dates shall be strictly adhered to and adjournments will rarely be granted except in the most extraordinary instances where good cause has been shown.
- B. **Scheduling:** Once a trial date has been scheduled, clients, fact witnesses, physicians, experts and others are to be timely advised of scheduled dates to avoid last minute claims of unavailability. The parties and their attorneys are encouraged to videotape trial testimony of witnesses who are likely to be unavailable at trial. Videotaping shall be conducted in accordance with the applicable statutes and uniform rules at the producing party's expense and shall occur between the pre-trial conference date and the trial date. In addition, the Court shall endeavor to accommodate bona fide special preferences to the extent recognized by CPLR Rule 3403 and Uniform Rules 202.24 and 202.25.
- C. **Subpoenas**
1. **In General:** All counsel are reminded that they may sign trial subpoenas duces tecum and subpoenas ad testificatum as officers of the Court pursuant to CPLR Section 2302.
  2. **"So Ordered" Subpoenas:** Subpoenas seeking documents in the possession of libraries, hospitals, and municipal corporations and their departments and bureaus must be made by motion on one (1) days notice and if granted to be "So Ordered" by the Court pursuant to CPLR Section 2306 and 2307. Subpoenas for documents possessed by libraries, hospitals and municipal corporations may only be "So Ordered" upon by notice of motion served upon the intended recipients of the subpoenas with at least one (1) day's notice pursuant to CPLR Section 2307. "So Ordered" subpoenas must then be served upon the intended recipient at least twenty-four (24) hours before the time fixed for the production of documents, unless such notice is waived by the Court due to emergency circumstances as permitted by CPLR Section 2307. [Motions for "So Ordered" subpoenas should be delivered to the Part Clerk at the courthouse, and will be addressed by the Court promptly when time sensitive.] The Court's issuance of a "So Ordered" subpoena does not constitute a ruling as to the admissibility of the subpoenaed materials.
  3. **Medical Records:** All subpoenas for materials protected by HIPPA shall refer to and annex a duly executed HIPPA compliant authorization.
  4. **Cover Letter:** A cover letter shall accompany all subpoenas submitted to the Court to be "So Ordered" setting forth any information about the action that may assist the Court.
- D. **Interpreters:** In the event that any party requires the services of an interpreter during trial for foreign languages or services for the hearing impaired, the Court is to be notified of same no later than the Pretrial Conference so that appropriate arrangements can be made by the Court in advance of the trial date.
- E. **Pre-Trial Requirements:** At least five (5) days prior to the commencement of trial, counsel shall provide the following to the Court: marked pleadings, a list of

names of witnesses with a one-line summary of their anticipated testimony (including expert witnesses in accordance with the CPLR), an exhibit list, a proposed verdict sheet, and requested jury charges referring to the section number of the Pattern Jury Instructions (PJI).

- F. Motions in Limine:** Motions in limine must be delivered to the Part Clerk and served upon all counsel of record no later than seven (7) business days prior to the scheduled date of the trial, except as to issues that cannot be reasonably anticipated prior to trial. Unless otherwise directed by the Court, motions in limine and opposition papers to such motions shall not exceed ten (10) pages in length. If more than one motion in limine is contemplated by a party, each such motion shall be separately bound and is subject to a separate page limit.

## **VII. Summary Jury Trials (SJT)**

- A. In General:** Summary jury trials are highly encouraged. The summary jury trial is a prompt, inexpensive method of resolving disputes before a jury in a one-day trial. Some other features of the summary jury trial are: (i) There are specific time limits for each stage of the jury trial, e.g., jury selection (two hours), opening statements (ten minutes), case presentation per party (one hour); (ii) Expert reports are read to the jury instead of live testimony of expensive expert witnesses; (iii) Medical records need not be certified; and (iv) Recognized medical or other scientific or technical treatises are read to the jury.
- B. Request for an SJT:** Submit a written request for an SJT to the Court with copies to all counsel and/or pro se parties of record.