

## **INDIVIDUAL PART RULES**

**HON. COLLEEN D. DUFFY**  
**Supreme Court of the State of New York**  
**Ninth Judicial District**  
**111 Dr. Martin Luther King Jr. Blvd.**  
**Chambers 1729**  
**White Plains, New York 10601**  
**Tel. (914) 824-5576**  
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The Individual Part of Justice Colleen D. Duffy of the Supreme Court, Ninth Judicial District, shall be conducted pursuant to the following information, practices, rules and procedures:

### **STAFF**

**Susan C. Meaney, Principal Law Secretary**  
**914-824-5539**

**Meena Shah, Assistant Law Secretary**  
**914-824-5576**

**Nancy Fitzpatrick, Part Clerk**  
**nfitzpat@courts.state.ny.us**

### **I. GENERAL RULES**

1. The relevant sections of the Matrimonial Part Operational Rules, Supreme Court, Westchester County, pertaining to matrimonial post-judgment applications, are incorporated herein as if set forth in full.
2. The calendar will be called at 9:30 a.m. A second call will be held at 10:00 a.m.
3. All parties and attorneys are required to be present at the calendar call on the return date and on every subsequent adjourned date unless directed otherwise by the court
4. Attorneys who are actually engaged in a matter that takes priority to the matter before this Court pursuant to Part 125.1 of the Uniform Rules of the Chief Administrative Judge of the Courts and cannot appear on any matter must advise the Court that they will be unable to attend by filing a notice of actual engagement (see fax number above) with Judge Duffy no later than 9:00 a.m. on the day of a scheduled appearance.
5. The Clerk is not responsible for calling counsel. Failure to appear or contact

the Court could result in a dismissal of the case, re-assignment of counsel or sanctions, as appropriate.

6. Motion papers, responsive papers and/or any other correspondence shall **NOT** be faxed to the court without the express permission of the Court.

7. All proposed orders submitted to the Judge for signature must be legible. Spelling counts!

8. Review of court files by counsel shall occur in the courtroom or its antechamber; arrangements for such review shall be made with Nancy Fitzpatrick.

## II. DECORUM

**A. Cell Phones.** All cell phones are required to be turned off when in the courtroom. No phone calls may be made or received in the courtroom.

**B. Appropriate Attire.** Appropriate attire shall be worn at all times while in the courtroom. Attorneys shall be dressed in a professional manner. Hats shall not be worn.

**C. Courtroom Behavior.** All attorneys shall remain outside the well at all times. Attorneys are not permitted in the well for any reason, including discussions with the court reporter, unless directed to enter by the Clerk or the Court. Any discussion an attorney needs to have with the court reporter should be held outside the courtroom.

## III. COMMUNICATIONS WITH THE COURT

**A. Correspondence.** Correspondence to the Court shall, without exception, be **copied to all adversary counsel and pro se litigants**. Correspondence between counsel(s) and/or pro se litigants shall not be copied 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 the Court staff are permitted only in necessary or emergency situations requiring immediate attention that cannot otherwise be attained by correspondence.

**C. Emails.** Email correspondence with the Court is permitted and must, without exception, be **copied to all adversary counsel and pro se litigants**. Any email correspondence received, without being copied to all parties, will not be reviewed.

## IV. COURT CONFERENCES AND RETURN DATES

**A. Adjournments. Each side shall be entitled to only ONE adjournment.** All adjournments require the prior approval of the court and must be requested no later than 11:00 a.m. of the business day immediately preceding the return date. Applications for adjournments must be made in writing *actually received* by the Court. Such application should include:

- 1) good cause why an adjournment is sought;
- 2) effort(s) made to obtain the consent of the adversary;
- 3) whether the adversary party(ies) 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.

Parties may not agree to adjourn any matter without the prior approval of the Court.

## V. MOTIONS AND ORDERS TO SHOW CAUSE

**A. *Movant Must Attach Prior Orders and Decisions.*** The moving party must attach to the order to show cause or notice of motion, copies of any prior post-judgment decision or order rendered in this matrimonial action. If any such decision was rendered orally from the bench, a transcript of such decision must be attached. Only the portion of the transcript relevant to the decision should be attached.

**B. *Filing of Papers Applicable To All Motions.*** Except with the express permission of the Court, all motion papers and Orders to Show Cause, must be typewritten, double-spaced, securely bound, entirely legible, with all exhibits labeled with tab markings. Pages must be numbered. The Court may refuse to accept any such paper which does not conform to the foregoing. Sur-replies and/or affidavits or affirmations **are not** permitted; letters and papers are not accepted after the return date unless on the consent of the Court. Courtesy copies to be submitted to chambers, not the Clerk.

**C. *Response to Motions.*** Upon receipt of service of a motion or Order to Show Cause, the opposing party shall submit any opposition within the time period specified in the CPLR pertaining to such motion.

**D. *Motion Adjournments.*** Upon consent of all counsel and pro se litigants, the Court typically will grant an adjournment of a motion or Order to Show Cause; typically, no more than one adjournment request per party of any single motion will be entertained. The party seeking the adjournment should seek to obtain the consent of adversary parties and, if consent is not provided, written request to the Court with reason for such adjournment should be made at least twenty-four (24) hours in advance of the scheduled date. Motion adjournments should be confirmed in writing via email to the Court and all adversary parties.

**E. *E-Filed Motion Papers.*** Where submissions are electronically filed, working copies of such filing should be sent to Chambers. Please note, the rules for electronic filing may be accessed at <https://iapps.courts.state.ny.us/nyscef/HomePage>.

## VI. DECISIONS AND ORDERS

A. While copies of Decisions and Orders will be mailed to all counsel and any self-represented litigants, the Court cannot guarantee receipt. All parties are responsible to obtain copies of all written Orders, Motions and Decisions. Parties will be **BOUND BY ALL DATES, OBLIGATIONS & APPEARANCES** directed in Orders, Motions and Decisions.

## VII. TRIALS AND HEARINGS

A. If a case is scheduled for trial or hearing, no adjournments will be granted except if good cause is shown or the attorney is actually engaged in a matter that requires priority over the trial/hearing pursuant to the Uniform Rules for the Engagement of Counsel, Part 125.1 of the Uniform Rules of the Chief Administrative Judge of the Courts.