

JUSTICE LINDA S. JAMIESON

**Supreme Court of the State of New York
Westchester County Courthouse
111 Dr. Martin Luther King, Jr. Boulevard
White Plains, New York 10601
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Rev. 9.7.17

Staff

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Frances Schiel-Doyle, Part Clerk (914) 824-5345

These rules apply to all NON-COMMERCIAL CASES appearing before Linda S. Jamieson, Justice of the Supreme Court, Westchester County. This Part has separate rules for all Commercial Division cases.

Counsel must be fully familiar with the Uniform Civil Rules for the Supreme Court 22 NYCRR Part 202.

E-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.courts.state.ny.us/courts/9jd/efile/WestchesterCountyJointProtocols.pdf>
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 Civil Calendar Office (914) 824-5300**.

I. 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 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. **As postage is no longer available to the Court, this Part will not mail courtesy copies of Decisions and Orders. However, any counsel submitting a stamped, self-addressed envelope will receive a courtesy copy unless it is an e-filed action, in which case the Decision/Order will be uploaded to the NYSCEF system.**

B. *Scheduling:*

All questions about scheduling appearances or adjournments should be addressed to the Part Clerk, Frances Schiel-Doyle, at (914) 824-5345. Do not contact Chambers regarding such issues.

II.

A. ELECTRONIC FILING

Motions in civil actions and related filings, including proposed Orders and Judgments, assigned to Justice Jamieson must be filed through the New York State Courts E-Filing system (NYSCEF), unless an exception applies.

B. WORKING COPIES

THIS PART REQUIRES THE SUBMISSION OF “WORKING COPIES” OF ELECTRONICALLY FILED DOCUMENTS. *See* Uniform Rule § 202.5-b(d)(4). Working copies of motions, proposed Orders to Show Cause and proposed Orders and Judgments shall be delivered to the Part Clerk no later than 3:00 p.m. within 1 business day following the electronic filing. UNDER NO CIRCUMSTANCES SHALL WORKING COPIES BE FURNISHED TO CHAMBERS VIA FACSIMILE. Any such received submissions shall be disregarded. It is not Chamber’s obligation to seek compliance with the foregoing. Counsel must write the motion sequence number on the first page of their submission, as well as the then-current return date.

Papers not timely received may be disregarded by this Court.

All working copies submitted to this Part must include a copy of the NYSCEF Confirmation Notice firmly fastened as the **last page** of the submission and comply with other requirements set forth in the Westchester County Protocol. **WORKING COPIES WITHOUT THE CONFIRMATION NOTICE WILL NOT BE ACCEPTED.**

C. HARD COPY SUBMISSIONS

This Part will reject any hard copy submissions in e-filed cases unless those submissions bear 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.

III. MOTIONS AND ORDERS TO SHOW CAUSE

A. General Rules. The Court will entertain motions on **submission** only brought by Notice of Motion on any Friday 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 same is submitted for consideration and executed. Although counsel may request oral argument, no oral arguments will be heard on any motions unless directed by the Court. In the unusual instance when the Court wishes to hear oral argument on a motion, as permitted by Uniform Rule § 202.8(d), all counsel and *pro se* litigants shall be provided with reasonable prior notice of the date and time scheduled for such purpose at which parties are expected to appear in Court.

B. Unless a litigant is seeking a Temporary Restraining Order, or a statute expressly requires that the relief being sought be brought by Order To Show Cause, relief requests shall be brought by Notice of Motion.

C. Temporary Restraining Orders. Moving counsel must submit adequate proof of compliance with 22 NYCRR § 202.7(f). Failure to do so will result in a denial of the requested TRO. Parties seeking TROs must call the Part Clerk to schedule an appearance date and time.

D. Working Copies of Papers Applicable To All Motions. All motion papers and Orders to Show Cause must be typewritten, double-spaced, securely bound, entirely legible and all exhibits labeled with tab markings. Deposition transcripts included as exhibits must be single-sided pages only unless they are double-sided in a way that does not require the rotation of the papers to read the transcript. The Court may reject any such paper which does not conform to the foregoing.

Absent express permission obtained in advance from the Court, which shall be granted only upon a showing of good cause, briefs or memoranda of law shall be limited to 30 pages each, and affirmations and affidavits shall be limited to 25 pages each. Papers submitted to the Court in violation of this rule may not be considered by the Court in deciding the motion, without prior notice to the party who submitted the papers.

E. Ex Parte Motions

The Court does not accept ex parte motions, unless they are motions for service by publication or other such unusual motions. All other motions, including motions for Orders of Reference and Judgments of Foreclosure and Sale, must be on notice. If you have any questions about whether your motion should be on notice, please contact the Part Clerk.

F. 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; however, no more than three adjournments of any single

motion will be permitted. The party seeking the adjournment must attempt to obtain the consent of adversary parties and notify the Part Clerk of the requested adjourned date at least 24 hours before the return date. Granted motion adjournments must be confirmed in writing by the requesting party to the Court and all adversary parties. No adjournment shall be so marked in the absence of this Court's receipt of a confirmed adjournment letter. If answering or reply papers are missing on the return date without proper notification to the Court, the Court will assume no such submissions exist, and will render a decision based upon the submissions then presently before it.

F. CPLR § 3214

As per the DCM Protocol, no discovery shall be stayed by the filing of any motion. This Part does not handle any discovery matters. Counsel should contact the Compliance Part for any discovery-related issues.

IV. DECISIONS AND ORDERS

The parties are responsible to obtain copies of all written Orders, Motions and Decisions. Courtesy copies will be furnished only when chambers is PROVIDED WITH A STAMPED, SELF-ADDRESSED ENVELOPE *prior* to the return date.

Proposed Orders in foreclosure and other cases shall be submitted to the Court in a separate back, rather than bound into the motion papers. The Court should not have to pry papers apart to access the proposed Order.

V. TRIALS AND HEARINGS

A. Prior to commencement of a trial, counsel shall provide the Court with:

- 1) Marked pleadings and Bill of Particulars in accordance with CPLR Rule 4012;
- 2) Pre-trial memoranda of law as to any known disputed legal issues that must be determined by the Court;
- 3) All previous judicial decisions, including appellate decisions, on the case;
- 4) A list of witnesses for each party;
- 5) An exhibit list. Material to be used on cross-examination need not be listed. The attorneys are to pre-mark their exhibits. Only those received into evidence will be marked by the reporter. The reporter is to be provided with an exhibit list;
- 6) Requests to charge. 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 need be submitted. The parties must meet to discuss the charges, and note on their request to charge any disagreements, along with the reasons therefor. Where deviations or additions are requested, the full text of such requests must be submitted, together with any supporting legal precedents;

7) Verdict sheet. Counsel shall jointly prepare 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. If it is feasible, such proposals shall also be submitted on a computer disc in the format convertible to Word Perfect 8.0.

B. *Motion in Limine.* Any motions for the Court's consideration *in limine* must be delivered to the Part Clerk and served upon adversary counsel not later than one (1) week prior to the scheduled date of the trial, except as to issues that cannot be reasonably anticipated prior to trial.

VI. SETTLED AND DISCONTINUED CASES:

Counsel shall immediately notify the Court of a case disposition. Following the initial notification, counsel shall submit a copy of the stipulation of discontinuance to chambers so that the matter may be formally marked off the calendar.