

**Richmond County Supreme Court Uniform Matrimonial Rules
Part MP 12 (J. Panepinto)**

Motions

On Tuesday (Pendente Lite) and Thursday (Post Judgment) and oral argument is required. Counsel are required to file all responsive papers and Cross Motions with the Matrimonial Support Office two full days before the return date of the motion. All exhibits are to be identified by tabs.

Motions may not be adjourned on consent more than twice and require advance notification to the Court. Further adjournments will require attorneys for the parties to appear personally.

No courtesy copies of papers are to be filed with the Courtroom or Chambers.

Counsel are reminded that the CPLR does not provide for sur-reply papers nor allow submission of papers or letters to the court after argument of a motion. Sur-replies, letters, and responses to such letters addressed to the substance of motions will not be considered.

Any allegations of fact submitted to the Court, including allegations contained in an affidavit and/or the complaint, must be certified by counsel in the form prescribed by the Chief Administrative Judge.

Preliminary Conference

Pursuant to 22 NYCRR 202.16(d), a RJI must be filed within forty-five (45) days of the date of service of the summons unless an affidavit of no necessity is filed, in which event the RJI must be filed within one-hundred-and-twenty (120) days.

Counsel are reminded that pursuant to 22 NYCRR 202.16(f), net worth affidavits are to be exchanged and filed with the Court ten (10) days prior to the conference date. They are to be accompanied by the attorneys' retainer statements and all mandatory attachments pursuant thereto. Both parties must be present at the conference. At this conference a referral may be made to the Parental Education Programs or the Social Worker.

Compliance Conference

The date of the compliance conference shall be set at the time of the preliminary conference. Counsel are directed not to wait until this conference to bring to the Court's attention any failure to comply with discovery orders or preliminary conference directions. Such failure must be addressed prior to the conference either by motion or conference call to Chambers. Both parties are to be present at the compliance conference unless the Court excuses their appearance.

Pre-Trial Conference

The date of the pre-trial conference will be set at the compliance conference. Note of issue shall be filed prior to the pre-trial conference in accordance with the compliance order. At the final pre-trial conference, counsel will provide the Court with statements of proposed disposition, updated net worth statements with the last three years of tax returns and a child support worksheet, if applicable. Counsel shall present all motions *in limine* at this conference.

Failure to provide these documents or to file a note of issue pursuant to the compliance conference order will result in case being adjourned one week or issues deemed waived..

Trial

One month preceding the trial date the Court is to be provided with the following:

- If grounds are to be tried, marked pleadings.
- If there had been a change in the finances of the parties since the pre-trial conference, updated statement of net worth, proposed disposition and child support worksheet, if applicable.
- A witness list, expert reports not previously filed and any pre-trial memorandum.

Counsel are reminded that pursuant to 22 NYCRR 20216(g), all expert reports are to be exchanged and filed with the Court sixty (60) days before the date set for trial. Reply reports, if any, shall be exchanged and filed no later than thirty (30) days before said date.

- A list of all proposed exhibits.
- A list of documents which counsel may stipulate into evidence, such documents are to be pre-marked by counsel.
- A written copy of any issues or facts to which the parties can stipulate in the advance of trial, said stipulation to be read into the record at the commencement of the trial.

Sanctions including waiver and/or costs may be imposed for failure to comply with any rules set forth herein.

Once a case has been assigned a trial date, it is presumed ready for trial. **No** consent adjournments will be accepted. Failure to proceed may result in default relief being granted or the action being dismissed. In the event the action is resolved prior to the court date, counsel are expected to notify Chambers immediately.

Copies of decisions and orders will be mailed to all counsel and any self-represented litigants.

Correspondence between counsel is **not** to be copied to Chambers. Please note if this rule is disregarded, the Court is under no obligation to read or act on same.