

**COURT RULES OF  
THE HONORABLE DAVID M. GANDIN, J.S.C.**

**Mailing/Physical Address:**

Ulster County Supreme Court  
285 Wall Street  
Kingston, New York 12401

**Law Clerk:**

Michael Collado, Esq.

**Secretary:**

Tara Buyl

**Chambers Email Address:**

[gandinchambers@nycourts.gov](mailto:gandinchambers@nycourts.gov)

**Chambers Phone Number:**

(845) 481-9399

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**COMMUNICATIONS:**

**All communications with chambers must be in writing and not exceed three (3) pages.** The communication must include the name of the case, its index number and show that it was sent to opposing counsel. **Documents that do not show contemporaneous service upon all adversaries will not be considered.**

**CONFERENCES:**

Requests for conferences must be in writing, via email. Counsel shall provide the reason for the conference and, if on consent, proposed dates convenient to all counsel. Adjournment requests shall be made to the Court in writing at least forty-eight (48) hours before the scheduled appearance. Counsel requesting the adjournment should confer with opposing counsel prior to making the request and specifically indicate whether the request is on consent. An adjournment on consent is not granted unless and until the Court expressly grants the request in writing.

**PRELIMINARY CONFERENCES:**

Preliminary conferences in civil cases (other than matrimonial actions) are scheduled pursuant to the Uniform Rule of Trial Courts 22 NYCRR §202.12 (a) and (b). In lieu of appearing, the parties may complete and submit a Preliminary Conference Stipulation and Order at least twenty-four (24) hours prior to the conference to be “So Ordered.” If the completed form is timely received, the conference will be cancelled. If the signed stipulation is not timely received, appearances are required.

**PRE-TRIAL CONFERENCES:**

Pre-trial conferences will be scheduled after the filing of a Note of Issue. If a Note of Issue is not timely served and filed pursuant to a scheduling Order and no party has requested an extension of

that Order, the Court will mark the case ready for trial, direct that a Note of Issue be filed and schedule a pre-trial conference.

Counsel should contact their client(s), witnesses and experts prior to the conference to determine their availability for trial. Pursuant to 22 NYCRR §202.26(e), counsel attending the conference must be fully familiar with the case and have authority to enter into binding stipulations; and the parties, their representatives and/or representative(s) of insurance carrier(s) may also be required to attend, in person or by telephone.

All counsel shall confer prior to the date of the conference to discuss settlement and the resolution of any trial issues.

**MOTIONS:**

Motions are returnable any weekday. There are no appearances are on the return date unless directed by the Court. **Hard copies of all motion papers must be filed directly with chambers.** All affirmations, affidavits, memoranda of law and any other submissions must contain numbered pages. All affirmations and affidavits must have numbered paragraphs and all exhibits must be attached to motions and tabbed. Sur-Reply papers are not permitted absent advance Court authorization (*see* 22 NYCRR 202.8-c). Memoranda of law, affirmations and affidavits may not exceed ten (10) pages without prior Court authorization.

**Pre-Motion Conference:** Required for all discovery and for all non-dispositive motions.

**Discovery Motions:** No discovery motion may be filed without leave of the Court. Prior to requesting such leave, counsel must personally confer to resolve the discovery issue in accordance with 22 NYCRR §202.7. The parties shall also contact the Court's Principal Law Clerk, Michael Collado, Esq., to schedule a conference in an attempt to resolve the dispute. Each party shall provide Mr. Collado with a short letter outlining its position relative to the discovery dispute prior to the conference.

**Summary Judgment Motions:** Summary judgment motions shall be filed within 60-days of the filing of the Note of Issue. Upon application, this period may be extended.

**Orders to Show Cause:** Please contact chambers directly to schedule emergency matters requiring signing of an Order to Show Cause and provide an email address for counsel. All applications for temporary injunctive relief, including TRO requests, must comply with 22 NYCRR §202.7(f).

**Requests to adjourn motions:** Adjournment requests shall be made to the Court, in writing via email, before the scheduled return date. Counsel requesting the adjournment should confer with opposing counsel prior to making the request and specifically indicate whether the request is on consent. An adjournment on consent is not granted unless and until the Court expressly grants the request in writing.

**EXPERT DISCLOSURE:**

Expert disclosure is governed by the Third Judicial District Rules unless modified by Court Order. Any motion to preclude or limit an expert's testimony requires leave of court and should be made as soon as practicable. Any party seeking such leave shall request a court conference. Such request shall succinctly state the grounds for the preclusion motion.

**SPECIAL INSTRUCTIONS IN MATRIMONIAL CASES**

Notwithstanding this section, the Rules of Court apply in matrimonial actions. Preliminary conferences will be scheduled pursuant to 22 NYCRR §202.16(f). All pertinent matters will be discussed at the conference in an effort to resolve and limit contested issues. The parties **must** attend the preliminary conference and their attorneys must be prepared to discuss the topics listed in 22 NYCRR §202.16(f)(2).

No later than ten (10) days before a preliminary conference in a matrimonial action, each party must provide the following documents to chambers:

- a. Retainer Agreement;
- b. Net Worth Statement;
- c. Most recent paystub and income tax return; and
- d. All other items required to be filed by 22 NYCRR 202.16(f).

Unless otherwise directed by the Court, Statements of Proposed Disposition shall be filed in accordance with 22 NYCRR §202.16(h)(3).

If the parties report that an action has resolved by written stipulation of the parties, the Court will not remove the action from the calendar until it receives a signed copy of the stipulation.

Any proposed Judgments of Divorce and Findings of Fact and Conclusions of Law must comply with the Uniform Rules of Trial Courts 22 NYCRR §202.50. The proposed Judgment of Divorce must include the parties' Social Security numbers (see DRL §240-a and §240-b). Where the proposed Judgment of Divorce provides for continuation of Family Court Order(s), the date and docket number of the Family Court Order(s) must be included and copies of the Order(s) must be attached.

**ACCOMMODATIONS:**

Counsel must immediately inform chambers whenever a party/witness requires the services of an interpreter and of the party/witness's native language or dialect. Counsel must also immediately inform chambers if a party/witness has any disability (hearing, sight, etc.) and of the appropriate accommodation request.

## **TRIAL RULES AND SPECIAL DIRECTIVES**

1. No case will be scheduled for trial unless a Note of Issue has been filed;
2. Where complex evidentiary or other trial issues are anticipated, trial memoranda may be submitted to the Court, but not less than 10 days prior to trial;
3. Motions *in limine* shall be in writing and shall be timely served on all counsel and filed with the Court not less than 10 days prior to trial;
4. Not less than 3 business days before trial, counsel must provide the Court with the following: marked pleadings, a list of applicable PJI sections and any other requested jury charges, and a proposed jury verdict sheet. Counsel shall cooperate to prepare an agreed-upon verdict sheet. If that is not possible, then the parties shall submit separate proposed verdict sheets following the suggested forms in the PJI (*see eg.* NY PJI 2:275, SV-1; 2:301, SV-1). Each question shall be on a separate page. All verdict sheets shall be submitted in writing **and** word or word perfect format, via email to [gandinchambers@nycourts.gov](mailto:gandinchambers@nycourts.gov);
5. Jury selection shall follow one of the authorized methods contained within the Uniform Rules for Trial Courts 22 NYCRR §202.33(f), as the parties may agree. The Court may preside over a portion of, or the entire, jury selection process. Time limits on counsel may be imposed;
6. Exhibits should be pre-marked by the Court Reporter.
7. Counsel shall stand to object during the trial. After objecting, add only the words necessary to state a generic ground, e.g. “hearsay” or “bolstering.” For further argument, request to approach the bench;
8. Experts who testify at trial shall bring their entire file and all documents considered in arriving at their opinion(s) with them to Court. Failure to do so may result in an expert’s testimony being limited or stricken;
9. A charge conference will be held prior to summations, at which time counsel may supplement or amend their previously submitted requests to charge.

## **NON-JURY TRIALS - PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

Unless otherwise directed by the Court, in non-jury cases, each party shall submit post-trial proposed findings of fact and conclusions of law. Citations within the proposed findings will be to the record. The proposed findings of fact and conclusions of law shall be submitted in writing **and** in word or word perfect format, via email to [gandinchambers@nycourts.gov](mailto:gandinchambers@nycourts.gov).

**SETTLED OR DISCONTINUED CASES:**

If a case has been settled or otherwise disposed, counsel shall promptly advise the Court, in writing, and ensure that a Stipulation of Discontinuance is promptly filed prior to the next scheduled appearance before the Court. A copy of the Stipulation of Discontinuance shall be emailed to chambers at [gandinchambers@nycourts.gov](mailto:gandinchambers@nycourts.gov).

Please contact chambers if you have any questions concerning these Rules.

Hon. David M. Gandin, JSC  
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Kingston, New York 12401  
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