

HON. MARK R. ROSE, J.S.C. – MOTION TERM CALENDAR 2023

Oneida County Return Dates	Herkimer County Return Dates
January 25 (W)	
February 15 (W)	
March 8 (W)	March 7 & 21 (T)
April 5 (W)	April 4 & 18 (T)
May 10 (W)	May 2 & 16 (T)
June 7 (W)	June 6 & 20 (T)
July 12 (W)	July 3 & 18 (M,T)
August 9 (W)	August 1 & 15 (T)
September 6 (W)	September 5 & 19 (T)
October 4 (W)	October 3 & 17 (T)
November 1 (W)	November 7 & 21 (T)
December 6 (W)	December 5 & 19 (T)

HON. MARK R. ROSE, J.S.C. – FORECLOSURE MOTION TERM CALENDAR 2023

March 14 & 28 (T)
April 11 & 25 (T)
May 9 & 23 (T)
June 13 & 27 (T)
July 11 & 25 (T)
August 8 & 22 (T)
September 12 & 26 (T)
October 10 & 24 (T)
November 14 & 28 (T)
December 12 (T)

General Motion Procedures

1. **FILING**. All motion papers must be filed electronically, either through the New York State Courts Electronic Filing system (NYSCEF) for e-filed cases, or through the Electronic Document Delivery System (EDDS), with a copy emailed to Chambers, for non-e-filed cases. Working (or courtesy) copies of motion papers are not required.
2. **Dispositive Motions**. Unless brought by Order to Show Cause, all papers in support of dispositive motions pursuant to CPLR 3211 or 3212 must be filed and served at least 28 days before the return date. Answering papers and cross-motions, if any, must be filed and served at least 14 days before the return date. Reply papers, and answering papers to any cross-motions, must be filed and served at least seven (7) days before the return date.
3. **Oral Argument**. Unless otherwise directed, personal appearances of counsel at oral argument (either in person or virtually) are required on the return date for all opposed motions and motions seeking an order of reference upon default in a mortgage foreclosure. Unopposed motions and customarily *ex parte* motions, including motions seeking a name change, *pro hac vice* admission, discontinuance, or service by publication, will be taken on submission. In person arguments will be held at 9:30 a.m. in either the Oneida County Courthouse in Utica (200 Elizabeth Street #4, Utica, NY 13501 or the Herkimer County Courthouse (301 N. Washington Street, Herkimer, NY 13350). Virtual arguments, when directed, will be scheduled by the Court for a specific time, and a link will be sent. Counsel appearing remotely must have access to Microsoft Teams and a computer with video and audio capabilities.
4. **POST ORAL ARGUMENTS**. To facilitate settlement negotiations, the Court may require the parties to remain in the Court facility post oral arguments for the purpose of conducting a case conference.

5. **Adjournments**. Stipulated adjournments and requests for adjournments are governed by the Uniform Rules (22 NYCRR § 202.8 [e]), and must be submitted in writing via email to Chambers. Motions that are adjourned will be scheduled on the next available return date.

HON. MARK R. ROSE, J.S.C. - Virtual (Remote) Appearance Protocols & Procedures

Overview

The Court is cognizant of the need at times to conduct virtual (Remote) appearances to provide the effective and efficient administration and access to justice. The Court is also cognizant of the need to administer virtual proceedings with the same for military as though an in-person court proceeding is being conducted.

Rules of Virtual Appearances

1. All appearances shall be conducted by the Court at a specific time scheduled by the Court and a link will be sent. Counsel and litigants must have access to Microsoft Teams and an electronic device with well-functioning video and audio capabilities.
2. All participants are expected to insure beforehand that their electronic device is properly functioning with proper video and audio control. Video and audio must be of such quality so as to ensure that all communication may be seen and heard in a manner comparable to an in-person hearing.
3. All participants shall maintain proper etiquette as though they were in a courtroom appearing before the Judge, the Court's Law Clerk, & staff.

HON. MARK R. ROSE, J.S.C.- Decisions and Orders

- 1. Written Decisions and Orders.** In Certain instances, a Decision and Order may be reserved and rendered in written form following the full submission of the motion. The Decision and Order, with all supporting and opposition papers, will be filed by the Court with the County Clerk. A copy of the Decision and Order will be mailed to all counsel and pro se litigants upon filing.
- 2. Oral Decisions and Orders.** With many motions, the Court will render a Decision and issue an Order orally from the Bench, or by letter to counsel. In such instances, the prevailing party shall submit an Order for Court signature, approved as to form by other parties. If there is disagreement over the contents of the proposed order, the matter shall be submitted to the Court with a Notice of Settlement on a date obtained from the Court Clerk. If the parties desire, a transcript may be ordered and attached to a “so ordered” Order. If a party submits on the papers, it will be the party’s obligation to obtain the transcript of any Decision issued by the Court.
- 3. Notice of Entry.** It is the responsibility of the prevailing party to provide other parties with a Notice of Entry of an Order or Judgement determining a Motion or Special Proceeding, notwithstanding that an Order or Judgement may have been filed by the Court with a written Decision.