

**Hon. Charles C. Merrell**  
**Lewis County Supreme Court**  
**General Motion Practice Rules**

(Effective July 18, 2022)

**NOTE: THESE GENERAL TRIAL RULES SUPPLEMENT  
CASE SPECIFIC SCHEDULING ORDERS IN ALL CASES**

- A. **Submission**  
Pursuant to Uniform Rule §202.8(d), all motions are deemed submitted without personal appearance unless oral argument is requested by a party and scheduled by the Court.
- B. **Return Date**  
Motions shall be made returnable, **on submission**, on the **first or third Thursday** of the month at 10:00 a.m.
- C. **Filing of Papers**  
Except with the express permission of the Court, all motion papers and Orders to Show Cause, including Notices of Motion, Notices of Petition, proposed Orders, affidavits or affirmations in support, affidavits or affirmations of good faith and memoranda of law, must be filed with the County Clerk of the county where the case is venued, who will deliver them to the Court Clerk.
- D. **E-Filing**  
If e-filed, hard copies of all e-filed motion papers are to be mailed to Chambers at Lewis County Courthouse, 7660 North State Street, Lowville, NY 13367
- E. **Oral Argument**  
If oral argument is requested, it must be clearly stated on bold typeface in the case caption on the first page of the Notice of Motion, or in the case caption on the first page of answering papers, as the case may be.
- F. **Oral Argument Date**  
In the event oral argument is granted, the Court will schedule a separate date for argument, at which appearances are expected.
- G. **Order to Show Cause**  
Oral argument is required on all Orders to Show Cause seeking emergency relief, with personal appearances of parties and/or counsel as specified by the Court in the Order to Show Cause. The return date for an Order to Show Cause shall be determined by the Court at the time papers are submitted for consideration and execution.

H. Failure to Appear

Failure of the moving party to appear for oral argument at the scheduled date and time may result in the motion being denied and otherwise marked off, while the failure of appearance by an opposing party may result in the motion being argued ex parte and then decided either on the merits or granted on default.

I. Adjournments

Upon consent of all counsel and pro se litigants, the Court will normally grant a first request for an adjournment of a motion or Order to Show Cause unless, in the discretion of the Court, there is a specific reason not to do so, in which instance the Court will so advise the litigants. A written request for adjournment will not be entertained by the Court unless the party seeking the adjournment has first attempted to obtain consent from all other parties in the action. Parties seeking a non-consented adjournment must provide good cause why the adjournment should be granted.

J. Particular Motions

1. Pendente Lite relief. In any matrimonial action seeking pendente lite relief when a party's Statement of Net Worth is annexed as an exhibit, one courtesy copy of the Statement of Net Worth must be separately provided.
2. Motions for Summary Judgment and similar Relief. Motions for summary judgment and other dispositive **motions must be filed within ninety (90) days after the filing of the trial note of issue.** The Court does not require a statement or counterstatement of material facts pursuant to Uniform Rule 202.8-9.
3. Motions to Renew or Reargue. On any motion seeking leave to renew or reargue a prior determination under CPLR Rule 2221, copies of all papers submitted on the prior motion, including all exhibits, must be provided to the Court by the moving party.
4. Motions to Amend, Supplement or Correct Pleadings. On any motion seeking to correct pleadings under CPLR Rule 3024 or to amend or supplement pleadings under CPLR Rule 3025, copies of all pleadings filed as of the date of the motion must be provided to the Court as exhibits by the moving party, together with the proposed amended, supplemented or corrected pleadings.
5. Applications Seeking Injunctive Relief. In any Order to Show Cause presented to the Court or motion which seeks a temporary restraining order or preliminary injunction or the vacatur or modification of injunctive relief, copies of the summons and complaint commencing the underlying action or proceeding, and any filed responsive pleadings, must be provided by the movant. **Applications for temporary injunctive relief must comply with Uniform Rule 202.7(f) notice to opposing parties.**

6. Discovery Motions. All motions involving issues of discovery under CPLR Article 31 must contain an affidavit or affirmation of good faith as required by Uniform Rule 202.7.

K. Decisions and Orders

1. Written Decisions and Orders. The original Decision and Order will be mailed to the prevailing party for filing with the County Clerk. Any original supporting and opposition papers received by the Court will be filed by the Court with the County Clerk. Please note, in an e-filed case, the Court will upload the Decision and/or Order. The prevailing party is responsible for serving a copy of the filed Decision and Order with Notice of Entry on all counsel and pro se litigants.
2. Notice of Entry. It is the responsibility of the prevailing party to provide other parties with a Notice of Entry of an Order determining a motion or Order to Show Cause, notwithstanding that the Order may have been entered by the Court with a written Decision.