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SPECIAL TERM MOTIONS

CURRENTLY, ALL SPECIAL TERM MOTIONS ARE BEING DECIDED ON PAPERS ONLY. NO ORAL ARGUMENT WILL BE REQUIRED UNLESS THE COURT SPECIFICALLY REQUESTS ORAL ARGUMENT. IF REQUIRED, IT WILL BE UP TO THE COURT AS TO WHETHER ORAL ARGUMENT IS IN-PERSON OR VIRTUAL.

CIVIL MOTIONS

All moving papers, answering papers, reply affidavits, and memoranda are to be received in Chambers by the return date specified in the notice of motion or notice of cross-motion.

The parties must adhere to the “New Uniform Rule Section” of the Uniform Civil Rules instituted by the Administrative Order of the Chief Administrative Judge of the Courts dated December 29, 2020.

Summary judgment motions must be timely made pursuant to CPLR §3212(a).

A copy of the motion papers does not need to be supplied to the Court.

TROs handled on a case-by-case basis. TROs must be on notice to other attorney if known or where a government entity is involved. Orders to Show Cause/TROs on a case assigned to another judge will be signed only upon prior written approval of IAS judge or his/her law clerk.

Adjournments: Motions cannot be adjourned generally. If all attorneys consent to an adjournment, then the motion can be adjourned to a mutually agreed upon special term date. The attorney requesting an adjournment will send a confirming letter

with the new return date to all attorneys and the Court. If one of the attorneys does not consent to the adjournment, the Court will decide whether to adjourn the motion on a case-by-case basis. Any request for adjournment must be made at least twenty-four (24) hours prior to return date. Further, no more than three adjournments will be granted. After three adjournments, the motion may be dismissed by the Court.

MATRIMONIAL MOTIONS

All moving papers, answering papers, reply affidavits, memoranda and paid Special Term Notes of Issue, are to be uploaded to NSCEF or EDDS by 3:00 p.m. the Wednesday before the return date, notwithstanding CPLR 2214(b), any papers submitted after 3:00 p.m. on Wednesday may result in an adjournment, at the Court's discretion.

Any request for financial relief will not be considered unless a 236(b) Financial Affidavit is attached to the motion.

TROs rarely granted if not mutual; if granted, a quick return date is required and only where assets are in jeopardy or in extreme circumstances, supported by objective evidence (police or medical report). TROs on notice to other attorney, if known. Orders to Show Cause/TROs on a case assigned to another judge will be signed only upon prior approval of IAS judge or his/her law clerk.

Adjournments: Motions cannot be adjourned generally. If all attorneys consent to an adjournment, then the motion can be adjourned to a mutually agreed upon special term date. The attorney requesting an adjournment will send a confirming letter with the new return date to all attorneys and the Court. If one of the attorneys does not consent to the adjournment, the Court will decide whether to adjourn the motion on a case-by-case basis. Any request for adjournment must be made at least twenty-four (24) hours prior to return date. Further, no more than three adjournments will be granted. After three adjournments, the motion may be dismissed by the Court.

ORDERS

Must be submitted within thirty (30) days. There must be an indication that the order has been sent to all opposing counsel or *pro se* litigant and that no objection has been received. Orders will not be signed unless opposing counsel has had an opportunity to review for at least seven (7) days. However, if no objections are

received after seven (7) days, the Order will be signed without further delay. **Facsimiles (orders, subpoenas, etc.) will not be signed as originals.**

CONFERENCES

CIVIL

Preliminary conferences will be scheduled within 45 days of the filing of the RJI and are mandatory. All conferences before the IAS judge or designated Court attorney. No pleadings or other papers need be submitted, but it will be appreciated if a synopsis of the case's facts and procedural/settlement posture is sent to the court by each party in advance of the preliminary conference.

Adjournments: Will be granted only with consent of all attorneys **and** assignment by court staff of a new date for the conference. No general adjournments will be granted and no adjournments will be granted if beyond the 45 day requirement.

IDV MATTERS

All attorneys and litigants must appear for the scheduled conference, unless otherwise directed by the Court. Adjournments of the preliminary conference will be granted only under extreme circumstances. A failure to appear, in person, as required above may result in sanctions or other appropriate remedies.

TRIALS and PREFERENCES

CIVIL

Adjournments granted only by the Judge.

List of witnesses, proposed jury charge and verdict sheets required **one (1) week prior to jury selection.** The charge conference will be held following the completion of proof, unless otherwise directed by the Court.

Motions in limine returnable at least **one (1) week prior to jury selection,** at 9:30 a.m.

Any motions regarding the adequacy of expert disclosure are to be made within ten (10) days of receipt of such disclosure. Deadline on expert disclosure

at least thirty (30) days prior to commencement of trial, unless otherwise ordered by the Court.

Special Requirement on Policy Limits Cases

If a case with a value in excess of the policy limits is being settled for available insurance coverage, be prepared to submit an affidavit from the insureds detailing their knowledge of insurance coverage; an affidavit from counsel offering the policy limits detailing their activities in ascertaining the existence of all available insurance coverage, and an affidavit from a principal with the insurance company swearing they have no knowledge of any other insurance coverage.

MATRIMONIAL

Judgments and findings of fact should be submitted on notice to opposing counsel within four (4) weeks of prove-up or decision. If no objections to final papers are received after seven (7) days, submitted papers and/or orders will be signed without further delay.

1. Counsel shall provide the Court with statements of proposed disposition, updated net worth statements with the last three (3) years tax returns, and child support worksheets when applicable.
2. Chambers shall be notified by all sides immediately if the action is resolved prior to the scheduled trial date.
3. The following, if applicable, shall be provided to the Court at least one week prior to the date of trial if not previously provided at a pre-trial conference:
 - a. Marked pleadings;
 - b. Updated affidavits of net-worth, statement of proposed dispositions and child support worksheets;
 - c. A witness list and any pre-trial memorandum;
 - d. Expert reports, if any
 - e. A list of all proposed exhibits;
 - f. A list of documents, pre-marked by counsel, which counsel may stipulate into evidence;

g. A written copy of any issues or facts to which parties can stipulate before trial, to be read into the record at the commencement of trial.

4. When presenting a witness with a document to be marked into evidence, a courtesy copy of that document must also be provided to the Court and opposing counsel.

5. There will be no adjournment of the trial date without express Court permission.

6. Failure to proceed may result in a judgement of default or dismissal of the action.