

HON. MARY L. SLISZ

Part 11 - First floor
25 Delaware Avenue, Buffalo New York 14202
Telephone 716-845-2680
Facsimile 716-845-7508

Secretary:	Patricia A. Benson pbenson@nycourts.gov	716-845-2680
Law Clerk:	Amy J. Murphy, Esq. ajmurphy@nycourts.gov	716-845-2675
Court Clerk:	Janet M. Marchinda jmarchin@nycourts.gov	716-845-9419

COURT APPEARANCES:

SCHEDULING - this Court makes every effort to accommodate counsel and clients to the best of its ability. It is expected that counsel will be respectful when scheduling virtual and in-person appearances, such that one could reasonably expect to be on time.

MOTIONS are heard on any business day, by appointment only. Before a motion or cross motion will be scheduled the papers must be filed and paid for. Counsel must comply with CPLR 2214 time requirements when serving moving, opposing and reply papers.

FORECLOSURE MOTIONS are heard on the first Wednesday of the month. Motions are on paper only, unless oral argument is requested and granted.

NO PAPERS MAY BE SUBMITTED BY FAX OR EMAIL the Court will not consider any such submission, short of extenuating circumstances.

ORDERS TO SHOW CAUSE are to be used for exigent or emergency circumstances only.

Orders of Protection – if requested, contact the assigned judge’s chambers or the Chief Clerk’s office if unassigned. You must email the Protective Registry Information Sheet to the Court Clerk with the application. If an individual is in imminent danger, **call the police**.

ADJOURNMENTS are only granted with approval of the judge and must be requested with the Adjournment Request Form [see below], via email or fax to chambers. Telephone requests and emails without the Adjournment Request Form will not be considered. It is counsel’s responsibility to arrange the adjournment request with opposing counsel’s and AFC’s office and the clients. If you do not receive approval from the Court, you must appear as scheduled. Only the Court may excuse appearances by parties.

MATRIMONIAL ACTIONS

PRELIMINARY CONFERENCES are held all day on Thursdays and Friday mornings and must be held within 45 days of the filing of an RJI as required by 22 NYCRR 202.12 (b). Attendance is mandatory for parties and counsel. The Preliminary Matrimonial Information Sheet, a retainer agreement, summons, affidavit of service, a certified DRL § 236 (B) affidavit must be provided to the Court and opposing counsel 10 days prior to the conference. Be prepared to discuss issues of *pendente lite* relief.

The Preliminary Conference Order [PCO] is sent with the PC notice. The PCO, including the addendum, must be completed as set forth in the notice.

PRELIMINARY CONFERENCE ADJOURNMENTS - because of the limited time to hold a Preliminary Conference, adjournment requests will only be considered within 3 business days of the notice. Therefore, you must confirm your client's availability immediately upon receipt of the notice. The Adjournment Request Form must be used if the attorneys and clients are not available.

FINAL JUDGMENT ROLL – All items on the Checklist must be uploaded to NYSCEF.

QUANTUM MERUIT APPLICATIONS – must be filed as a motion. Counsel should review 22 NYCRR 1400.2, 1400.3 1400.9 and 22 NYCRR 202.16 for the filing requirements.

[Q]DROs - counsel are strongly encouraged to submit all QDROs with the final judgment roll. Counsel should follow the guidelines in the QDRO memo of Justice Feroletto of August 2019.

Plaintiff

REQUEST FOR ADJOURNMENT
Index No.

v.

Defendant

REQUESTS MUST BE RECEIVED AT LEAST 2 BUSINESS DAYS PRIOR TO APPEARANCE.

Pursuant to the rules of Part 11, the undersigned request an adjournment of the appearance in the above-captioned matter currently scheduled for _____, 2023 at _____AM()PM()

The reason for the adjournment request is _____

An extension is requested for a Temporary Order of Protection that will expire on or immediately after the currently scheduled appearance date.

I have notified my client of my request or opposing counsel’s request for this adjournment.

I hereby affirm that I have the consent of all counsel or self-represented litigant to adjourn this matter. All counsel and the parties are available on the following future dates and times. Please provide three alternatives. The dates must be within 2 weeks of the original date.

1. _____ at _____AM ()PM ()
2. _____ at _____AM ()PM ()
3. _____ at _____AM ()PM ()

I hereby affirm that I do NOT have the consent of all counsel to adjourn this matter. The reason counsel for the Plaintiff/Defendant/infant issue objects is as follows:

OR See attached correspondence from objecting attorney.

THIS CASE IS NOT ADJOURNED UNTIL CONFIRMATION FROM THE COURT IS RECEIVED GRANTING THE ADJOURNMENT.

Dated: _____, 20__ . REQUESTED BY: _____
PRINT NAME:

Attorney for Plaintiff: _____	Attorney for Defendant: _____
Phone/Fax _____	Phone/Fax _____
E-Mail _____	E-Mail _____

Attorney for Child(ren): _____
 Phone/Fax _____
 E-Mail _____

Approval by Court: Granted Denied **NEW DATE:** _____ at _____AM ()PM ()
NO ADDITIONAL NOTICES WILL BE SENT

DATE:

SO ORDERED

HON. MARY L. SLISZ, J.S.C.

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF**

-----X

Plaintiff,

Index No.: _____

- against -

Part No.: _____

Defendant.

-----X

**PRELIMINARY CONFERENCE STIPULATION/ORDER
CONTESTED MATRIMONIAL**

PRESIDING: Hon. _____
Justice of the Supreme Court

The parties and counsel have appeared before this Court on _____
at a preliminary conference on this matter held pursuant to 22 NYCRR §202.16.

A. BACKGROUND INFORMATION:

1. Summons: Date filed: _____ Date served: _____
2. Date of Marriage: _____
3. Name(s) and date(s) of birth of child(ren):
Name: _____ DOB: _____
Name: _____ DOB: _____
Name: _____ DOB: _____
Name: _____ DOB: _____

4. Attorneys for Plaintiff: _____ Attorneys for Defendant: _____

 Phone: _____ Phone: _____
 Fax: _____ Fax: _____
 Email: _____ Email: _____

5. The Court has received a copy of:

	Plaintiff	Defendant
	(Date Filed OR To Be Filed)	
(a) A sworn statement of net worth as of date of commencement of the action.	_____	_____
(b) A signed copy of each party's attorney's retainer agreement.	_____	_____

6. An Order of Protection has been issued against:

Plaintiff	Yes	No	Defendant	Yes	No
Issue Date:	_____		Issue Date:	_____	
Issuing Court:	_____		Issuing Court:	_____	
Currently in Effect?	Yes	No	Currently in Effect?	Yes	No

7. Plaintiff/Defendant requests a translator in the _____ language.

8. (a) Please identify and state the nature of any Premarital, Marital, Separation or other Agreements and/or Orders which affect the rights of either of the parties in this action.

(b) Plaintiff/Defendant shall challenge the Agreement dated _____ by _____. If no challenge is asserted by that date, it is waived unless good cause is shown

B. GROUNDS FOR DIVORCE:

1. The Complaint (was) (or will be) served on: _____
2. A Responsive Pleading (was) (or will be) served on: _____
3. Reply to Counterclaim, if any, (was) (or will be) served on: _____
4. The issue of grounds is **resolved** **unresolved**.

If the issue of grounds is **resolved**, the parties agree that Plaintiff/Defendant will proceed on an uncontested basis to obtain a divorce on the grounds of DRL § 170(7) and the parties waive the right to serve a Notice to Discontinue pursuant to CPLR 3217(a) unless on consent of the parties.

5. Other: _____

C. CUSTODY:

1. The issue of parenting time is **resolved** **unresolved**.
2. The issues relating to decision-making are **resolved** **unresolved**.
 - (a) If the issues of custody, including parenting time and decision-making, are resolved: The parties are to submit an agreement/stipulation no later than _____.

(b) If the parties do not notify the Court that all issues related to custody are resolved, a conference shall be held on _____ at which time the Court shall determine the need for an Attorney for the Child/Guardian ad Litem and/or a forensic evaluation and set a schedule for resolving all issues relating to custody.

3. **ATTORNEY FOR CHILD(REN) or GUARDIAN AD LITEM:** Subject to judicial approval, the parties request that the Court appoint an Attorney for the parties' minor child(ren) ("AFC"). The cost of the AFC's services shall be paid as follows:

FORENSIC: Subject to judicial approval, the parties request that the Court appoint a neutral forensic expert to conduct a custody/parental access evaluation of the parties and their child(ren). Subject to Judicial approval, the cost of the forensic evaluation shall be paid as follows:

Any appointment of an Attorney for the Child/Guardian ad Litem or forensic evaluator shall be by separate order which shall designate the individual appointed, the manner of payment, source of funds for payment, and each party's responsibility for such payment.

D. FINANCIAL:

1. Maintenance is **resolved** **unresolved**
2. Child Support **resolved** **unresolved**
3. Equitable Distribution is **resolved** **unresolved**
4. Counsel Fees are **resolved** **unresolved**

List all other causes of action and ancillary relief issues that are **unresolved**.

Any issues not specifically listed in this Order as unresolved may not be raised in this action unless good cause is shown.

E. OTHER:

List all other causes of action and ancillary relief issues that are unresolved.

F. PENDENTE LITE RELIEF:

See annexed Order _____

See annexed Stipulation _____

G. DISCOVERY:

1. Preservation of Evidence:

- (a) **Financial Records:** Each party shall maintain all financial records in his or her possession or under his or her control through the date of the entry of a judgment of divorce.
- (b) **Electronic Evidence:** For the relevant periods relating to the issues in this litigation, each party shall maintain and preserve all electronic files, other data generated by and/or stored on the party's computer system(s) and storage media (*i.e.* hard drives, floppy disks, backup tapes), or other electronic data. Such items include, but are not limited to, e mail and other electronic communications, word processing documents, spreadsheets, data bases, calendars, telephone logs, contact manager information, internet usage files, offline storage or information stored on removable media, information contained on laptops or other portable devices, and network access information.

2. **Document Production:**

- (a) No later than _____ days after the date of this Order, the parties shall exchange the following records for the following periods:

Time Period

- _____ Federal, state and local tax returns, including all schedules, K-1s, 1099s, W-2s and similar data.
- _____ Credit card statements for all credit cards used by a party.
- _____ Checking account statements, cancelled checks and check registers for joint and individual accounts.
- _____ Brokerage account statements for joint and individual accounts.
- _____ Savings account statements for joint and individual accounts.
- _____ Other: (specify) _____

Absent any specified time period, the records listed above are to be produced for the **three years** prior to the commencement of this action through the present. If a party does not have complete records for the time period, the party shall provide a written authorization to obtain such records directly from the source within five days of presentation.

- (b) Service of Notice For Discovery and Inspection:
Plaintiff: _____/_____/_____ **Defendant:** _____/_____/_____
- (c) Responses to Notice for Discovery and Inspection:
Plaintiff: _____/_____/_____ **Defendant:** _____/_____/_____
- (d) Service of Interrogatories:
Plaintiff: _____/_____/_____ **Defendant:** _____/_____/_____
- (e) Response to Interrogatories:
Plaintiff: _____/_____/_____ **Defendant:** _____/_____/_____
- (f) Interrogatories:
Interrogatories are limited to 25 including subparts unless the parties stipulate, or the court orders otherwise. In this proceeding The parties stipulate OR the court orders _____ Interrogatories including subparts.

- (g) Depositions:
 Plaintiff to be deposed on or before _____
 Defendant to be deposed on or before _____
 Nonparties who may be deposed are _____
 Nonparty depositions shall be completed by _____

All depositions shall be limited to 7 hours in length, except as follows

-
- (h) Electronically Stored Information:
 Parties and non-parties should adhere to the Guidelines on Electronically Stored Information contained in Appendix A to the Uniform Civil Rules for Supreme and County Courts in accordance with 22 NYCRR 202.20(j).
 - (h) Privilege Logs:
 The Court orders OR declines to order that the provisions of 22 N.Y.C.R.R. §202.20-a relating to privilege logs be applicable to this case.

Failure to comply with the provisions of this section may result in sanctions, including the award of legal fees, and other penalties.

H. VALUATION/FINANCIAL EXPERTS

- 1. **Neutral Experts** – The parties request that the Court appoint a neutral expert to value the following:

The cost of the valuations shall be paid (subject to reallocation): _____ % Plaintiff and _____ % Defendant

- (a) Deferred compensation/Retirement assets _____
- (b) Business interest _____
- (c) Professional practice _____

- (d) Real property _____
- (e) Stock options, stock plans or other benefit plan _____
- (f) Intellectual property _____
- (g) Other (identify): _____

The parties agree that the appointment of the neutral expert as specified above, shall be pursuant to a separate order which shall designate the neutral expert, what is to be valued, the manner of payment, the source of funds for payment, and each party's responsibility for such payment if not agreed above.

If the Court does not appoint the neutral expert(s) requested above simultaneously with the signing of this Order, then the parties may suggest names for the Court to consider appointing. Said names shall be submitted by letter no later than _____.

The parties shall notify the Court no later than _____ as to whether any other neutral experts are required.

2. Experts to be Retained by a Party:

Each party shall select his/her own expert to value _____.

The expert shall be identified to the other party by letter with their qualifications and retained no later than _____. If a party requires fees to retain an expert and the parties cannot agree upon the source of the funds, an application for fees shall be made. Any expert retained by a party must represent to the party hiring such expert that he or she is available to proceed promptly with the valuation.

Expert reports are to be exchanged by _____. Absent any date specified, they are to be exchanged 60 days prior to trial or 30 days after receipt of the report of the neutral expert, whichever is later. Reply reports are to be exchanged 30 days after service of an expert report.

3. **Additional Experts:**

If, as of the date of this order, a net worth statement has not been served or a party cannot identify all assets for valuation or cannot identify all issues for an expert, then, upon the parties' becoming aware of such assets or issues, that party promptly shall notify the other party as to any assets for valuation or any issue for which an expert is needed. If the parties cannot agree upon a neutral expert or the retention of individual experts, either party may notify the Court for appropriate action. Timely application shall be made to the Court if assistance is necessary to implement valuation or the retention of an expert.

I. HEALTH INSURANCE COVERAGE NOTICE:

Each party fully understands that upon the entry of a divorce judgment, he/she may no longer be allowed to receive health coverage under his/her former spouse's health insurance plan. Each party understands that he/she may be entitled to purchase health insurance on his/her own through a COBRA option, if available, otherwise he/she may be required to secure his/her own health insurance coverage.

J. AUTOMATIC STATUTORY RESTRAINTS (D.R.L. §236[B][2])

Each party acknowledges that he/she has received a copy of the Automatic Statutory Restraints/Automatic Orders (D.R.L. §236[B][2]). Each party acknowledges that he/she understands that he/she is bound by those Restraints/Orders during the pendency of this action, unless terminated, modified, or amended by order of the Court upon motion of either party or upon written agreement between the parties duly executed and acknowledged.

K. PARENT EDUCATION:

The Court: has provided information as to parent education.
 has taken no action with respect to parent education.
 hereby orders the parties to attend parent education.

L. ALTERNATE DISPUTE RESOLUTION/PRESUMPTIVE MEDIATION:

The parties *are* OR *are not* aware of the existence of presumptive mediation, collaborative processes and other alternative dispute resolution methods.

M. NOTICE OF GUIDELINE MAINTENANCE

Each party acknowledges receipt of the following notice from the Court:

If your divorce was commenced on or after January 25, 2016, this Notice is required to be given to you by the Supreme Court of the county where your divorce was filed to comply with the Maintenance Guidelines Law ([S. 5678/A. 7645], Chapter 269, Laws of 2015) because you may not have counsel in this action to advise you. **It does not mean that your spouse is seeking or offering an award of “Maintenance” in this action. Maintenance” means the amount to be paid to the other spouse for his or her support, either during the pendency of the divorce action as temporary maintenance or after the divorce is final as post-divorce maintenance.**

You are hereby given notice that under the Maintenance Guidelines Law (Chapter 269, Laws of 2015), there is an obligation to award the guideline amount of maintenance on income up to \$203,000 to be paid by the party with the higher income (the maintenance payor) to the party with the lower income (the maintenance payee) according to a formula, unless the parties agree otherwise or waive this right. Depending on the incomes of the parties, the obligation might fall on either the Plaintiff or Defendant in the action.

There are two formulas to determine the amount of the obligation. If you and your spouse have no children, the higher formula will apply. If there are children of the marriage, the lower formula will apply, but only if the maintenance payor is paying child support to the other spouse who has the children as the custodial parent. Otherwise the higher formula will apply.

Lower Formula

- (a) Multiply Maintenance Payor’s Income by 20%.
- (b) Multiply Maintenance Payee’s Income by 25%.
- (c) Subtract Line b from Line a: = **Result 1**
- (d) Subtract Maintenance Payee’s Income from 40 % of Combined Income* = **Result 2.**
- (e) Enter the lower of **Result 2** or **Result 1**, but if less than or equal to zero, enter zero.

THIS IS THE CALCULATED GUIDELINE AMOUNT OF MAINTENANCE WITH THE LOWER FORMULA

Higher Formula

- (a) Multiply Maintenance Payor's Income by 30%
- (b) Multiply Maintenance Payee's Income by 20%
- (c) Subtract Line b from Line a= **Result 1**
- (d) Subtract Maintenance Payee's Income from 40 % of Combined Income*=
Result 2
- (e) Enter the lower of **Result 2** or **Result 1**, but if less than or equal to zero, enter zero.

**THIS IS THE CALCULATED GUIDELINE AMOUNT OF MAINTENANCE
WITH THE HIGHER FORMULA**

***Combined Income equals Maintenance Payor's Income up to \$203,000 plus
Maintenance Payee's Income**

**The Court is not bound by the Guideline Amount of Maintenance and may deviate
therefrom in the Court's discretion as set forth in the statute.**

**The Court will determine, in its discretion, how long maintenance will be paid in
accordance with the statute.**

N. CONFERENCING AND PRE-TRIAL REQUIREMENTS

1. Both parties are represented by Counsel, and the parties affirm that their Counsel met prior to the submission of this Preliminary Conference Stipulation/Order in a good faith effort to reach agreement without Court intervention, and this Preliminary Conference Stipulation/Order reflects the agreements, if any, so reached. OR This provision is not applicable because one or both parties is unrepresented.
2. Both parties are represented by Counsel, and Counsel shall meet prior to the compliance conference scheduled below in a good faith effort to resolve any outstanding issues without Court intervention. OR This provision is not applicable because one or both parties is unrepresented; and the conference will occur with the Court.
3. Both parties are represented by Counsel, and each party intends to call an expert witness on any issues of finances described in Paragraph D of this Preliminary Conference Stipulation/Order, and Counsel shall meet to identify those aspects of their respective testimony not in dispute. OR This provision is not applicable because one or both parties is unrepresented, or because the expert testimony relates to matters of child custody or parental access, domestic violence, domestic abuse, or child neglect or abuse; and the conference will occur with the Court.
4. The Court directs that the parties and their respective counsel are to appear at a compliance conference to be held on _____ at _____ am/pm. All discovery as set forth herein above is expected to be completed prior to the compliance conference. At the conference, counsel shall also be prepared to discuss settlement.
5. The Court has determined that:
 - (i) the requirements of NYCRR section 202.34 regarding pre-marking of exhibits shall not apply OR shall apply;
 - (ii) Exhibit Books shall not be required OR shall be required
 - (iii) Pre-Trial Memoranda shall not be required OR shall be required

6. A Note of Issue shall be filed on or before _____. Failure to file a Note of Issue as directed herein may result in dismissal pursuant to CPLR 3216.

THE TRIAL IN THIS MATTER SHALL BE HELD ON:

_____ in part/room _____ at _____.

All of the above is hereby stipulated to by the parties:

Plaintiff (Signature)

Defendant (Signature)

Plaintiff (Print Name)

Defendant (Print Name)

Plaintiff's Attorney (Signature)

Defendant's Attorney (Signature)

Plaintiff's Attorney (Print Name)

Defendant's Attorney (Print Name)

Dated: _____, 20_____

SO ORDERED:

Justice of the Supreme Court

There is no addendum to this Preliminary Conference Order.

There is an addendum of _____ pages which is attached to this Preliminary Conference Order.

Where the parties wish to execute this document in counterparts, there is a Counterparts Addendum to this Preliminary Conference Order.

Case Name: _____ Index No. _____

ADDENDUM TO PRELIMINARY CONFERENCE ORDER [8th JD]:

A. PARENT COMMUNICATION:

That by stipulation of the parties, the parties agree to communicate using the following application, to wit: _____. Both parties shall cooperate in setting up the application and shall communicate regarding the children only using this program, unless there is an emergency situation involving one of the children.

B. ADDITIONAL DISCOVERY:

1. Document Production:

No later than 30 45 60 days after the date of this Order, the parties shall exchange the following records for the following periods:

- Current paystubs or monthly benefit statements for Plaintiff Defendant
- W-2(s), 1099(s) and last paystub for tax year 2022 Plaintiff Defendant
- Pension Statements Plaintiff Defendant
- Retirement assets statements (401-k, deferred compensation, 403B, TESPHE, etc)
 Plaintiff Defendant
- Stock options, stock plans or other benefit plans
- Intellectual Property
- Digital Currency
- Proof of existence of health insurance coverage Plaintiff Defendant
- Premium Costs for health insurance coverage and party's contribution to the same
 Plaintiff Defendant both parties
- Documentation of separate property claims of Plaintiff Defendant
- Life Insurance Policy and proof of beneficiary designation
- Business records, bank account statements, tax returns and financial statements for ____
years for all corporate entities in which the Plaintiff Defendant has/have an
interest.
- All unpaid health expenses, including premiums Plaintiff Defendant
- Mortgage statement for date of marriage, date of commencement and/or current
- Duly executed authorizations to obtain any records not provided by either party to
opposing counsel Plaintiff Defendant both parties
- Other: _____

PENDENTE LITE RELIEF:

THAT the following *pendente lite* relief shall be granted by the court based upon an Order to Show Cause or Notice of Motion filed with the Court or by stipulation of the parties:

MAINTENANCE: The Plaintiff Defendant shall pay to the Defendant Plaintiff the sum of _____ weekly bi-weekly monthly as and for temporary maintenance effective _____. Said sum is or is not in compliance with the Temporary Maintenance Guidelines and is *without prejudice* until final resolution of disposition of this matter. Said sum shall be paid by Income Withholding Order or through the NYS Child Support Enforcement Unit (if child support is being paid simultaneously) or by direct payment to the other party.

CHILD SUPPORT: The Plaintiff Defendant shall pay to the Defendant Plaintiff effective _____ the sum of _____ weekly bi-weekly monthly as and for temporary child support. Said sum is/is not in compliance with the Child Support Standards Act and is *without prejudice* until final resolution of disposition of this matter. Said sum shall be paid by: income withholding Order through the NYS Child Support Enforcement Unit directly to the recipient party.

DAY CARE: The Plaintiff Defendant is incurring day care expenses for the children at the rate of \$_____ per week bi-weekly monthly. The parties shall allocate said day care costs on a temporary basis as follows: Plaintiff _____ % and Defendant _____ % by reimbursement to _____ by direct payment by each of the parties to the provider.

HEALTH INSURANCE PREMIUM COSTS: The Plaintiff Defendant is incurring health insurance premium costs for the children at the rate of \$_____ per week bi-weekly monthly. The parties shall allocate said premiums on a temporary basis as follows: Plaintiff _____ % and Defendant _____ % by reimbursement to _____ by direct payment by each of the parties to the party incurring the expense.

THAT the reason temporary maintenance and/or child support is not being paid is:

The financial contributions being made by each of the parties pursuant to the status quo Order
 Other: _____

FAMILY COURT ORDER: The parties shall continue the Order of the Family Court dated _____ which provides for the payment of _____ per week for maintenance, child support, unallocated family support.

OTHER PENDENTE RELIEF:

OTHER SCHEDULING MATTERS:

1. [] THAT that the Plaintiff’s Proposed Property Settlement Agreement and/or Child Custody/Parenting Agreement shall be received by Defendant on or before _____. The Defendant shall respond to same within two (2) weeks of the receipt of the proposal.

2. [] The Court directs that the parties and their respective counsel are to appear at a compliance conference to be held on _____ at _____ am/pm virtually on _____ at _____ AM/PM via Microsoft Teams by dialing 1-347-378-4143 from any telephone and entering conference ID _____. All discovery as set forth herein above is expected to be completed prior to the compliance conference. At the conference, counsel shall be prepared to discuss settlement. ***Parties [] must [] need not attend [] be available to counsel by telephone.***

3. [] THAT this matter shall be set down for [] motions to be held virtually on _____ at _____ AM/PM by dialing 1-347-378-4143 from any telephone and entering conference ID _____# when prompted or in person, if directed by the Court in Part _____. All motions and responding papers must meet CPLR requirements. All responding papers must be submitted two business days prior to the return date.

4. [] THAT this matter shall be set down for a Settlement Conference on to be held to be held [] virtually on _____ at _____ AM/PM by dialing 1-347-378-4143 from any telephone and entering conference ID _____# when prompted with chambers or [] in person with [] Part _____ or with [] Matrimonial Expedite Part, 5th Floor, 25 Delaware Avenue, Buffalo, New York 14202. ***Counsel must attend allowing the full time designated by the Court for the same [] with clients [] without clients.***

JUDGMENT ROLL CHECKLIST

Case Name _____ Index No. SF _____

Plaintiff's Attorney _____ Defendant's Attorney _____

- Certificate of Dissolution - date of marriage _____.
- Summons - date of filing _____.
- Affidavit of Service (that has been filed in the ECCO) date of service _____.
- Complaint (that has been filed in the ECCO).
- DRL § 236 (B) Affidavit Plaintiff Defendant
- Retainer Agreement Plaintiff Defendant
- Fully-executed agreement - date of execution _____, date of agrmt - _____.
- Written Ratification and complete transcript.
- Court exhibits (if any).
- Withdrawal of appearance, if not in the agreement or transcript.
- Affidavit in Lieu of Testimony (if on papers)
- Removal of Barriers Language (if on papers).
- Non-Military Affidavit (if on papers)
- Affidavit of Regularity.
- Findings of Fact & Conclusions of Law.
- Proposed Judgment
- Written proof that opposing counsel has reviewed and approved the papers.

If there are minor children, also submit the following:

Attorney for the Child(ren) _____.

- Parenting Agreement, if separate document - date of execution _____.
- Written proof that the Attorney for the Child has reviewed and approved the Parenting Agreement, the Judgment and the Findings of Fact & Conclusions of Law.
- UCS 111**
- STATE CASE REGISTRY FILING FORM, if Child Support is not paid through a Child Support Collection Unit.**



FROM: HON. PAULA FEROLETO, ADMINISTRATIVE JUDGE OF THE 8TH JUDICIAL DISTRICT

RE: NEW PROCEDURE FOR SUBMITTING [Q]DROS FOR SIGNATURE:

ANY CASE THAT IS LESS THAN ONE YEAR FROM ENTRY OF JUDGMENT:

(Q)DRO SHOULD BE SUBMITTED TO THE JUDGE WHO SIGNED THE JUDGMENT OF DIVORCE (IF NO LONGER ON THE BENCH OR IT ORIGINATES AS AN UNCONTESTED MATTER GO DIRECTLY TO THE CHIEF CLERK'S OFFICE) WITH THE FOLLOWING:

1. PROPOSED (Q)DRO
2. PROPERTY SETTLEMENT AGREEMENT
3. JUDGMENT OF DIVORCE
4. PROOF THAT (Q)DRO HAS BEEN APPROVED BY SPOUSE'S ATTORNEY OR SPOUSE

OR IF NO APPROVAL

PROOF THAT THE ATTORNEY IS NOT REPRESENTING THE PARTY ON THE ISSUE OF THE (Q)DRO AND THEN PROOF THAT THE SPOUSE HAS AGREED

OR IF SPOUSE CAN'T BE LOCATED

PROOF BY AFFIDAVIT OF DILIGENT EFFORT TO LOCATE THE SPOUSE & STATEMENT THAT TERMS REQUESTED IN (Q)DRO DO NOT EXPAND ON THE RIGHTS SET FORTH IN THE WRITTEN AGREEMENT.

OR IF SPOUSE OR ATTORNEY DO NOT AGREE

REQUEST SETTLEMENT CONFERENCE WITH THE COURT.

OR IF EXPAND ON RIGHTS

MODIFICATION TO AGREEMENT MUST BE SIGNED & NOTARIZED BY PARTIES.

ANY CASE THAT IS OLDER THAN ONE YEAR FROM ENTRY OF JUDGMENT:

(Q)DRO MUST BE SUBMITTED ON MOTION FILED IN THE ECCO AND THEN TAKEN TO THE CHIEF CLERK'S OFFICE FOR ASSIGNMENT TO AN IAS JUDGE WITH THE FOLLOWING DOCUMENTS:

1. PROPOSED (Q)DRO
2. PROPERTY SETTLEMENT AGREEMENT
3. JUDGMENT OF DIVORCE
4. PROOF THAT (Q)DRO HAS BEEN APPROVED BY SPOUSE'S ATTORNEY OR SPOUSE

OR IF NO APPROVAL

PROOF THAT THE ATTORNEY IS NOT REPRESENTING THE PARTY ON THE ISSUE OF THE (Q)DRO AND THEN PROOF THAT THE SPOUSE HAS AGREED

OR IF SPOUSE CAN'T BE LOCATED

AFFIDAVIT OF DILIGENT EFFORT TO LOCATE THE SPOUSE & STATEMENT THAT TERMS REQUESTED IN (Q)DRO DO NOT EXPAND ON THE RIGHTS SET FORTH IN THE WRITTEN AGREEMENT MUST BE ATTACHED TO THE MOTION.

OR IF SPOUSE OR ATTORNEY DO NOT AGREE

MOTION WILL BE SCHEDULED BY COURT

OR IF EXPAND ON RIGHTS

MODIFICATION TO AGREEMENT MUST BE SIGNED & NOTARIZED BY PARTIES.

NOTE: THERE IS NO FEE CHARGED FOR THIS MOTION.

A court errs in granting a QDRO more expansive than an underlying written separation agreement regardless of whether the parties or their attorneys approved the QDRO without objecting to the inconsistency, under such circumstances, the court has the authority to vacate or amend the QDRO as appropriate to reflect the provisions of the separation agreement. Santillo v. Santillo 155 A.D. 3d 1688 (Fourth Department 11/17/17)

ERIE SUPREME & COUNTY COURTS PROTECTIVE REGISTRY INFORMATION SHEET
 *****Asterisked areas are required***** Enter "UNK" in all fields where data is not obtainable

**Court ORI #	NY014015J	**Court:	County/Supreme Court
**Order No.		**County:	Erie
**Docket/Index No.		**Date of Issuance:	

LAW ENFORCEMENT AGENCY AT WHICH COPY OF ORDER IS FILED

**Name	**Police ORI:
**ACTION TO BE TAKEN	**SERVICE OF ORDER
<input type="checkbox"/> New Order	<input type="checkbox"/> Police to Serve Order
<input type="checkbox"/> Order Modified/Finalized	<input type="checkbox"/> Order Served in Court (Date: _____ Time: _____)
<input type="checkbox"/> Corrected Information *	<input type="checkbox"/> Notification by Mail (Mail Date: _____)
*(Circle ALL corrected information on ALL documents)	<input type="checkbox"/> Order Previously Served (Date: _____)

APPLYING PARTY (Party Requesting Order)

**Name (First):	(MI)	(Last):	
Alias or Nickname: (First)	(MI)	(Last):	
**Address: (Street)		** Addr. Confidential?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(City)	(State)	(Zip)	** Protected Party? <input type="checkbox"/> Yes <input type="checkbox"/> No
**Police Jurisdiction for this Address:			
Phone (Day):		Phone (Evening):	
**Date of Birth:	**Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	**Social Security #:	
**Race: <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Unknown		**Height:	**Weight
**Ethnicity <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic	**Hair Color:	** Eye Color:	

ENJOINED PARTY (Party Against Whom Order Runs)

**Name (First):	(MI)	(Last):	
Alias or Nickname: (First)	(MI)	(Last):	
**Address: (Street)		** Addr. Confidential?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(City)	(State)	(Zip)	
**Police Jurisdiction for this Address:			
Phone (Day):		Phone (Evening):	
**Date of Birth:	**Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	**Social Security #:	
**Race: <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Unknown		**Height:	**Weight
**Ethnicity <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic	**Hair Color:	** Eye Color:	
Employer's Name:		Hours:	
Employer's Address:			
License Plate #:	State:	Drivers ID #:	State:
**Is Police Caution Advised? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, why:			

ADDITIONAL PROTECTED PARTIES ADDENDUM ATTACHED?