

INDIVIDUAL PART RULES

Hon. Anar Rathod Patel

Supreme Court of the State of New York
County of Westchester
111 Dr. Martin Luther King Jr. Blvd, Courtroom 1002
White Plains, New York 10601

Justine Guardiola, Part Clerk

(914) 824-5396

jguardio@nycourts.gov

Elizabeth Mulvaney, Secretary (914) 824-5408

emulvane@nycourts.gov

Jordan Silver, Esq., Principal Court Attorney

(914) 824-5248

jlsilver@nycourts.gov

I. Appearances

- A. Counsel are expected to be familiar with the Uniform Civil Rules for the Supreme Court, 22 NYCRR § 202.1, *et seq.*, and the [Westchester Supreme Court Matrimonial Part Rules](#) (“Matrimonial Part Rules”).
- B. Within ten (10) days of written notification of assignment of a case to this Court, or written notification of a preliminary conference, whichever shall first occur, each attorney shall file a record of appearance with Chambers on the New York State Courts E-Filing system (“NYSCEF”). The record of appearance shall include the attorney’s name, firm affiliation, e-mail address, mailing address, telephone number, and the party represented.
- C. Counsel and parties must be present at all appearances in-person absent explicit approval from the Court.
- D. Pursuant to § 130-2.1 of the Rules of the Chief Administrator of the Courts, the Court may impose financial sanctions and award costs and reasonable attorney’s fees against any attorney who, without good cause, fails to appear at a time and place scheduled for an appearance in any action or proceeding.
- E. Pursuant to 22 NYCRR § 202.27, upon the default of any party in appearing at a scheduled call of a calendar or at any conference, the Court may grant judgment by default against the non-appearing party.

II. Scheduling and Calendar Matters

- A. Any inquiries regarding scheduling and calendar matters should be directed to the Part Clerk.
- B. Requests to Adjourn an Appearance/Motion: A request for an adjournment of an appearance or motion shall be made in writing at least thirty-six (36) hours prior to the appearance or motion deadline on notice to the other parties and filed on NYSCEF. Any party seeking an adjournment must attempt to obtain consent from all other parties. Applications for adjournments must state: (1) the appearance/motion date, (2) three (3) proposed adjourned dates/times on consent, (3) the reason for the request, (4) the number of prior adjournments, and (5) whether the opposing party(ies) consent(s) or object(s) to the request. Absent explicit approval from the Court, the adjournment is not deemed granted, including an adjournment on consent.
- C. Requests to Adjourn Hearings/Trials: A request for an adjournment of hearing/trial is not permitted except as provided in 22 NYCRR § 125.1.

III. Communications with the Court

- A. Letters: Communications with the Court shall be in writing and filed on NYSCEF, with copies simultaneously delivered to all counsel or self-represented parties. All correspondence sent to the Court must bear the full title and index number of the action, indicate that a copy was sent to all Counsel or self-represented parties, and state the relief sought or action requested to be taken by the Court.
- B. Telephone Calls and E-mails: Telephone calls and e-mails to Chambers are permitted only in situations requiring immediate attention that cannot otherwise be obtained by written correspondence. Any *ex parte* communication is strictly prohibited. Self-represented parties must direct all communications through the Part Clerk.
- C. Fax Transmissions: The Court does not accept correspondence or legal papers of any kind by fax transmission.
- D. Notification of Settlements and Discontinuances: If an action or motion is settled, discontinued, disposed, or withdrawn in any manner, Counsel must immediately inform the Court by letter, filed on NYSCEF. As soon as is practicable, the parties shall file on NYSCEF a fully executed stipulation of settlement or discontinuance.

IV. E-Filing

- A. All parties in matters subject to e-filing rules are expected to be familiar with the [Westchester County E-Filing Protocol](#). All documents in e-filing cases must be filed on NYSCEF. All submissions to the Court, including letters, proposed

orders, and proposed judgments must be filed on NYSCEF.

- B. General questions about E-Filing Rules should be addressed to the E-Filing Resource Center at efile@courts.state.ny.us or (646) 386-2022.
- C. The Court does not require working copies of documents; all documents should be filed electronically.

V. Motions

- A. General: All motions shall be made in accordance with Section C (Motions) of the Matrimonial Part Rules. Absent permission from the Court, sur-reply and post-submission papers are not permitted. All motion papers and accompanying documents must be uploaded to NYSCEF.
- B. Pre-Motion Conference: Pursuant to Section C.3. (Motions) of the Matrimonial Part Rules, any party seeking to make a motion must file a written letter request for a pre-motion conference on notice to all other parties and uploaded to NYSCEF. The letter request should state the basis of the anticipated motion and may not exceed two (2) pages. All parties so served may serve and file a letter response *via* NYSCEF within one (1) business day from service of the notification letter.
- C. Return Date: Personal appearances are not required on the return date unless directed by the Court.
- D. Oral Argument: All motions are by submission only unless otherwise advised by the Court. Parties may request oral argument by stating “Oral Argument Requested” on the first page of the papers submitted.
- E. Orders to Show Cause: An Order to Show Cause shall be brought only when there is genuine urgency, a stay is required, or it is mandated by statute in accordance with 22 NYCRR § 202.8-d. The length of papers submitted regarding Orders to Show Cause shall conform to 22 NYCRR § 202.8-b. Proposed Orders to Show Cause submitted for signature must be uploaded to NYSCEF.

VI. Matrimonial Conferences

- A. Counsel and parties must be present at all conferences in-person. Request to appear virtually or telephonically will only be granted in exceptional circumstances. A request for a virtual or telephonic appearance shall be made in writing at least thirty-six (36) hours prior to the appearance on notice to the other parties and filed on NYSCEF, and must state clearly the basis of such request.
- B. Parties must comply with Section B (Pre-Note of Issue Court Conferences) of the Matrimonial Part Rules with respect to the preliminary conference, compliance conferences, and settlement conferences.

- C. Preliminary Conference: Pursuant to Section B.I.2., at least ten (10) days prior to the scheduled preliminary conference, each party must file on notice to all parties *via* NYSCEF (a) the retainer agreement; (b) statement of net worth; and (c) the most recent paystub and income tax return. Parties must submit the proposed Preliminary Conference Order, at least two (2) days prior to the date of the scheduled preliminary conference *via* NYSCEF.
 - i. Any application regarding child support must be accompanied by a completed Child Support Worksheet.

VII. Matrimonial Hearings and Trials

- A. Interpreters, Special Services, and Technology: Counsel and any self-represented party must notify the Part Clerk immediately upon being advised of a hearing or trial if an interpreter, technological equipment (*e.g.*, television, monitor), or any special services are required.
- B. Virtual Evidence Courtroom: A [Virtual Evidence Courtroom](#) will be set up in NYSCEF for each trial/hearing.
- C. Pre-Trial/Pre-Hearing: Pursuant to Section G.7. (Trials) of the Matrimonial Part Rules, parties must submit the following items, with the exception of *motions in limine* and objections to exhibits as directed below, *via* NYSCEF no later than seven (7) days prior to the commencement of trial:
 - i. Marked Pleadings and Previous Judicial Decisions (if applicable)
 - ii. Updated Statements of Net Worth, Child Support Worksheet (if applicable), and Spousal Guidelines Worksheet (if applicable)
 - iii. Exhibits and Objections: Counsel for the parties must confer and make a good faith effort to stipulate as to exhibits, including physical exhibits, that will be offered into evidence without objection and the redaction of such exhibits as necessary. Each party must upload each exhibit separately using the Virtual Evidence Courtroom. Any objections to exhibits must be uploaded by each party using the enclosed template and filed no later than five (5) days prior to trial.
 - iv. Witness List: Counsel for the parties must confer regarding the witnesses to be called and the order that they will be called.
 - v. Joint Stipulation as to Facts and Issues: Counsel for the parties must confer and make a good faith effort to stipulate as to undisputed material facts (*e.g.*, the date of marriage, the names and birth dates of children, the location of any residential real estate and the approximate date of acquisition,

approximate cost and the approximate balance on any mortgage), issues/claims that have resolved and/or withdrawn, as well as issues/claims that remain to be tried.

vi. Joint Statement of Proposed Disposition: To the extent that the parties disagree on any item, the plaintiff's position should be set out first, followed by the defendant's position.

vii. Motions in Limine: All motions *in limine* shall be e-mailed to the Principal Court Attorney no later than seven (7) days prior to the assigned trial date.

D. Post-Trial: In accordance with the schedule set by the Court, the parties must submit and upload to NYSCEF: a combined transcript of the proceeding, closing memoranda, and any other document required to complete the record for purposes of any appeal.

* * *

ADDENDUM
 Template for Objections to Exhibits

Hon. Anar Rathod Patel

Exhibit	VEC Doc. No. / Description	Objection	Ruling
[Plaintiff – 1,2, 3 ...] [Defendant – A, B, C ...]	[VEC Doc. No. #-##: “Description”]	[State the basis of the objection with a sufficient explanation for the Court to make a ruling]	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled [Court will complete]