

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

**INDIVIDUAL PART RULES OF  
HON. AMY S. PUERTO, J.S.C.**

**Contact Information:**

Address:	Westchester County Courthouse 111 Dr. Martin Luther King, Jr. Blvd. White Plains, New York 10601
Courtroom:	Courtroom 1001
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**Judge Puerto's Staff:**

Principal Law Clerk: Email:	Elizabeth Gazay, Esq. <a href="mailto:egazay@nycourts.gov">egazay@nycourts.gov</a>
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**These Rules supplement and, where inconsistent with, supersede the Uniform Civil Rules for the Supreme and the County Court, 22 NYCRR § 202.1, et seq., and the amendments thereto, which became effective February 1, 2021.**

**I. Communications with the Court**

**A. Correspondence**

All correspondence to the Court must bear the full Title and Index Number of the action and indicate that a copy was sent to all other counsel or self-represented litigant(s) simultaneous with transmittal to the Court. All correspondence shall be concise and state the relief sought or action requested to be taken by the Court.

In all e-filed cases, correspondence **must** be transmitted to the Court via NYSCEF. In all cases that are not e-filed, correspondence to the Court must be by e-mail to the Part Clerk and copied to all parties.

Do not copy the Court on correspondence between counsel and/or self-represented parties.

### **B. Telephone Calls**

Except as set forth below (*see* Section III.F. Discovery Disputes), telephone calls to Chambers are permitted only in situations requiring immediate attention that cannot otherwise be obtained by correspondence.

### **C. Fax transmissions**

The Court does not accept legal papers of any kind by fax transmission.

## **II. E-Filing Rules and Protocol**

Counsel and self-represented litigants shall familiarize themselves with the statewide E-Filing Rules (§§ 202.5-b and 202.5bb of the Uniform Rules for the New York State Trial Courts, available at [www.nycourts.gov/efile](http://www.nycourts.gov/efile)) and the Westchester County E-Filing Protocol.

General questions about e-filing should be addressed to the E-Filing Resource Center at (646) 386-3033 or [efile@nycourts.gov](mailto:efile@nycourts.gov). Specific questions about local procedures should be addressed to the Chief Clerk's Office at (914) 824-5208.

All documents in mandatory e-filed cases, except documents subject to the opt-out provision of § 202.5-bb of the Uniform Rules for the New York State Trial Courts, or documents subject to e-filing in which consent is being withheld, are to be filed through the New York State Courts E-Filing System (NYSCEF). All submissions to the Court must be electronically filed, except correspondence or materials specifically requested by the Court.

## **III. Calendar Call**

### **A. General Rules**

The Court's calendar will be called at 9:30 a.m. daily unless the parties are advised otherwise by court staff.

Counsel and self-represented parties are expected to appear for all Court appearances on time. If counsel or a party is unable to appear on time due to unforeseen circumstances (delays due to inclement weather or road closures, for example), please contact opposing counsel and advise the Part Clerk or the Court's staff by telephone as soon as possible.

Counsel who are scheduled to appear before this Court and another Court must communicate that fact to Chambers prior to the date of appearance so that counsel's conflicting appearances can be reconciled. Do not ask opposing counsel to advise the Court of conflicting appearances when the case is called. The Court may proceed in that counsel's absence.

### **B. Who Must Appear**

Only counsel or self-represented litigants who are fully familiar with a case and authorized to enter into binding agreements on all aspects of the case are to appear for conferences. This means that counsel for the plaintiff(s) must be prepared to make a settlement demand, and counsel for the defendant(s) must be prepared to respond to the demand. Please note that **failure to comply with this Rule may be treated as a default for purposes of 22 NYCRR § 202.27 and/or may be treated as a failure to appear for purposes of 22 NYCRR § 130.2.1.**

All litigants must appear with their counsel for all conferences unless such appearance is excused by the Court.

### **C. Adjournment of Appearance**

A request to adjourn an appearance **must** be made in writing **via NYSCEF if it is an e-filed case. If it is a case that is not e-filed, an email must be sent to the Part Clerk** at least twenty-four (24) hours in advance of the scheduled conference.

All applications for adjournments must set forth: 1) the reason why an adjournment is necessary; 2) whether the opposing party(ies) consent(s) or object(s) to the application; and 3) the length of the adjournment sought or, if on consent, a date all parties are available. **All such communications must be copied to all counsel and self-represented parties.**

Where the adjournment sought is not on consent, the requesting party must briefly set forth why the adjournment is necessary, the length of the adjournment, and the reason offered by the non-consenting party for his/her lack of consent. Opposing counsel or self-represented party may succinctly provide their reasons for objecting to the requested adjournment if opposing counsel believes that his/her position has been stated incorrectly. No further communication concerning the request for adjournment will be permitted. The request and the response, if any, are NOT to be used to advocate a position on the substantive dispute and shall address only the reason that consent for the requested adjournment is being declined.

The Court will advise the requesting party by court notice via NYSCEF if it is an e-filed case, or by email (with copies to all parties copied on the originating email) whether the requested adjournment has been granted. Requests that are not copied to all other parties will not be acted on. The parties should not assume that the request for adjournment (even if consented to) has been granted unless specifically advised by the Court.

#### **IV. 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.

#### **V. 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.

**VI. 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 ten (10) 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 seven (7) 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; and

vii. **Motions *in Limine***

All motions *in limine* shall be e-mailed to the Principal Court Attorney no later than ten (10) 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.

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