

INDIVIDUAL PART RULES OF
HON. DAVID J. SQUIRRELL
JUSTICE OF THE NEW YORK STATE SUPREME COURT

Law Clerk: MaryBeth Allen-Knecht, Esq.

Supreme Court Part Clerk: Lorraine VanDeWeert (845) 762-5909
Confidential Secretary: Lorraine Acton (845) 762-5903
Chambers Fax: (845) 431-1896

E-FILING RULES OF THE COURT

Unless otherwise specifically requested, all submissions to the Court, including, but not limited to, correspondence, proposed orders, proposed judgments and other document pertaining to must be submitted through NYSCEF.

GENERAL RULES OF THE COURT

I. COMMUNICATION WITH THE COURT

A. Correspondence: All correspondence to the Court shall be via NYSCEF and copied to all parties and set forth the name and Index number of the case to which it pertains. Correspondence between attorneys and/or *pro se* litigants shall not be copied to the Court absent some specific purpose for the Court to be made aware of the same.

B. Telephone Calls: Telephone calls shall be limited to situations requiring immediate attention which cannot be addressed by written correspondence. **Requests for adjournments WILL NOT be entertained by telephone.**

C. Ex Parte Communications. Ex parte communications with the Court are strictly prohibited, except where an Order to Show Cause is submitted for signature, or upon consent of all parties during settlement negotiations.

II. COURT CONFERENCES AND CALENDAR CALLS

Unless the parties are specifically notified otherwise, all of Justice Squirrell's Supreme Court Conferences and Calendar calls are held at the Orange County Supreme Court located at 285 Main Street, Courtroom #3, Goshen, New York 10924.

In the event the Court allows a conference to be conducted virtually, please be advised that any attorney or party attending said virtual court conference or virtual court proceeding shall conduct themselves and dress as if that court proceeding or court conference was being conducted live in the courtroom.

All attorneys appearing, either as attorney of record or of counsel, must be fully familiar with the matter(s) on which they appear and must be authorized to enter into both substantive and procedural agreements on behalf of their clients.

Preliminary Conference Orders will be provided by the Court Clerk. These Orders shall be completed to the extent possible by respective counsel and thereafter uploaded to NYSCEF.

Adjournments:

Applications for adjournments must be made in writing and submitted to the Court via NYSCEF. All applications for adjournment must be submitted no later than forty-eight (48) hours in advance of the scheduled matter. Each application for an adjournment must state: (1) good cause why the adjournment is being sought; (2) whether the other parties consent or object to the application; and (3) shall also suggest an approximate time period for the adjournment.

NOTE: A request for an adjournment, even if on consent of all parties, is NOT effective unless and until approved by the Court.

IV. MOTION PRACTICE

Motion Calendar and Appearances: All motions/proceedings brought on by notice of motion or notice of petition shall be made returnable before the Court on any **TUESDAY OR WEDNESDAY**. Appearances are not required on motions unless directed by the Court, or unless oral argument is requested in writing and granted. All papers submitted in connection with motions shall bear page numbers.

Time for Filing and Serving Summary Judgment Motions: Summary judgment motions shall be filed **no later than sixty (60) days after the filing of the Note of Issue**. If an application to extend the time to make such a motion has been granted by the Court, the moving party must so state in the motion papers.

Disclosure Motions: It is the policy of this Court to make itself and its staff available to resolve disputes related to pretrial disclosure and contents of a bill of particulars. Therefore, if a dispute over disclosure or a bill of particulars arises that cannot be resolved by the parties' own diligent, good faith efforts, the aggrieved party shall notify the Court and a conference will be scheduled. A motion related to disclosure or a bill of particulars is not to be made by any party, in any type of proceeding, unless authorized by the Court after conferencing fails.

IF A PENDING MOTION IS RESOLVED OR OTHERWISE RENDERED ACADEMIC OR MOOT PRIOR TO A DETERMINATION BY THE COURT, THE PARTIES ARE TO IMMEDIATELY NOTIFY THE COURT OF THE SAME AND WITHDRAW, IN WRITING, THE MOTION, OR ANY BRANCH OF THE MOTION, WHICH HAS BEEN RESOLVED OR RENDERED MOOT OR ACADEMIC.

III. TRIALS

Pretrial Settlement Conference: At the pretrial conferences, all counsel must be present and prepared to engage in good faith settlement negotiations. All counsel must be vested with the full authority to negotiate and settle the matter with all parties and insurance carriers present or available by telephone. At least one week prior to any settlement conference, each party must exchange and email a settlement submission to the Court at lacton@nycourts.gov. This should briefly set forth the party's position on any contested issue and should also contain any material that may be considered useful to the Court. This should not be uploaded to NYSCEF.

Bifurcation: For motor vehicle and most other personal injury cases, the issues of **liability and damages will be bifurcated for trial**, with sufficient time between the end of the liability phase and the commencement of the damages phase to explore settlement options and to schedule necessary witnesses, etc. If there is a compelling reason for the issues to be tried together, counsel must raise that issue with the Court as soon as possible, and in no event later than the filing of the Note of Issue and the scheduling of a trial date.

Motions in Limine: Motions in Limine shall be filed at least two weeks prior to trial. Failure to do so may result in the preclusion of any such motions filed thereafter.

Trial Notebook: No less than one week before trial, each party must provide, by hard copy, a Trial Notebook to this Part and the other parties. This should not be uploaded to NYSCEF.

The Trial Notebook shall include a Witness List, which shall include the name of each witness the party anticipates calling on their direct case, as well as a brief offer of proof as to the anticipated testimony.

The Trial Notebook shall also include pre-marked copies of all proposed trial exhibits together with any necessary certifications required for admissibility. Upon exchange of the Trial Notebooks, the Parties must communicate to ascertain whether a stipulation can be reached as to the admissibility of any trial exhibit.

Jury Charges: In all jury trials, a complete list of requests to charge shall be submitted to the Court immediately preceding the commencement of trial, with copies to be provided to all other counsel and self-represented parties. If a requested charge is drawn from the current Pattern Jury Instructions (PJI), only the number of the same need be submitted. If deviations

from, or additions to, the PJI are requested, the full text of such requests must be submitted in writing, together with any supporting legal precedent. Such proposals shall be submitted to this Court at lacton@nycourts.gov

Verdict Sheet: The parties shall jointly prepare and submit a verdict sheet to the Court. If agreement cannot be reached as to the same, each party shall prepare and submit a proposed verdict sheet to the Court and other parties. A proposed verdict sheet must be in a final typewritten form sufficient to submit to the jury. The proposed verdict sheet shall also be submitted to lacton@nycourts.gov

Post-Trial Submissions: Motions brought by a party after jury trial pursuant to CPLR 4403 or CPLR 4404 must be supported by a copy of the trial transcript.

Unless otherwise directed by the Court, in accordance with the schedule set by the Court at the conclusion of any bench-trial or hearing, the parties shall jointly submit a trial transcript, and each party shall prepare and submit a post-trial memorandum.

Settled and Discontinued Cases: The parties shall immediately notify the Court of a settled or discontinued matter. Following the initial notification, counsel shall file a fully executed duplicate original stipulation of discontinuance with the County Clerk and the Part Clerk.