



STATE OF NEW YORK
UNIFIED COURT SYSTEM
NINTH JUDICIAL DISTRICT
SUPREME COURT, CIVIL TERM
111 MARTIN LUTHER KING JR. BLVD.
WHITE PLAINS, NEW YORK 10601

DORIS M. GONZALEZ
Supreme Court Justice

INDIVIDUAL PART RULES, CHILD VICTIMS ACT CASES
HON. DORIS M. GONZALEZ, J.S.C.

Principal Law Clerk: Alfred C. Tartaglia, Esq.
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THESE CVA PART RULES APPLY ONLY TO CASES BEFORE JUSTICE GONZALEZ.

Alternative Dispute Resolution

Any party interested in referring a case for Alternative Dispute Resolution (“ADR”) is directed to conspicuously indicate their interest in ADR on the Preliminary Conference and/or Compliance Conference Order.

Compliance with Orders

There shall be strict compliance with Preliminary and Compliance Conference Orders as required by the CPLR (see *Kihl v. Pfeffer*, 94 NY2d 118 [1999] [when a party fails to comply with a court Order and frustrates the disclosure scheme set forth in discovery rules, it is within court’s discretion to dismiss the complaint or strike an answer.]) All parties are cautioned that **no adjournments are permitted** of discovery dates provided in an Order. Unexcused or unjustified failures to comply with requirements and deadlines fixed by the Court may result in the imposition of costs, sanctions, penalties or other remedies upon the offending party pursuant to section 130.2.1 of the Rules of the Chief Administrator, 22 NYCRR § 202.27, or other applicable rules or statutes, including but not limited to CPLR 3126.

Extensions of deadlines set forth in a Preliminary or Compliance Conference Order must be requested of the Court in writing and shall only be granted upon a showing of good cause. Absent good cause, failure to comply with a discovery Order may result in the imposition of penalties upon the offending party and, where warranted, upon Counsel. Such penalties may include waiver of the discovery, preclusion, dismissal, striking of an answer, costs, sanctions and/or attorneys' fees.

E-file Conversion

Attorneys are required to convert any non-e-filed case into an e-file. All parties are directed to add the appropriate emails to the case file on NYSCEF.

Letters and Communications to the Court

Communications should include all relevant parties and be transmitted to the Court via email at: 9jd-CVADMG@nycourts.gov.

Motions

Adjournments

To extend the time to move, parties must request permission from the Court by submitting a letter through NYSCEF and by email to: 9jd-CVADMG@nycourts.gov. The letter must state the reason for the extension, the new filing date, and whether all the parties agree to the extension. If the extension is granted, the Court will provide a written response stating same.

Disclosure Disputes

Prior to making a discovery motion, Counsel should consult one another in a good faith effort to resolve any discovery dispute in compliance with Uniform Rule § 202.7(a)(2).

If the parties are unable to resolve a discovery dispute after good faith efforts, an application shall be made for a pre-motion conference to discuss the discovery dispute and any other discovery issues in the case. The application must be made via email to: 9jd-CVADMG@nycourts.gov and shall state the nature of the discovery dispute and the applicable law, if any, relative thereto. Where possible, a conference will be scheduled by the Court if the issue cannot be resolved. If the

discovery dispute is not resolved at the conference, a briefing schedule shall be issued prior to the motion to be made.

Filing a motion

For any motion other than summary judgment, parties must request leave to the Court to make the motion. Unless leave has been given during a Compliance or Status Conference, a pre-motion conference must be held prior to filing any motion.

All motions must be electronically filed. Parties must submit their motion via NYSCEF and send a courtesy email to: 9jd-CVADMG@nycourts.gov informing the Court of the motion. All motions submitted must comply words counts as outlined in the CPLR. No request shall be made to expand the word count.

Motions for Summary Judgment

Any motions for summary judgment must be made within sixty (60) days from the filing of the Note of issue and Certificate of Readiness. Stipulations to extend the time to move for summary judgment motions will not be honored by the Court. Submission of papers must be consistent with the CPLR. Parties must submit a Statement of Material Facts with the motion for summary judgment.

Note of Issue

A Note of Issue and Certificate of Readiness must be filed by the deadline imposed by the Court at the final Compliance Conference. A Note of Issue and Certificate of Readiness may not be filed unless a stipulation has been executed by all Counsel indicating that discovery is complete, and a copy of the stipulation has been “So Ordered” by the Court.

There shall be no post note of issue discovery, unless “extenuating circumstances” are established.

Rules Regarding Conferences

Appearances by all Counsel is **mandatory**. Upon a party’s failure to appear for a conference, costs, sanctions or other remedies may be imposed upon the offending party pursuant to section 130.2.1 of the Rules of the Chief Administrator, 22 NYCRR § 202.27, or any other applicable rule and

statute. Attendees are recommended to appear for both in-person and virtual conferences a few minutes ahead of time to ensure a timely start. Attorneys appearing at conferences are expected to be fully familiar with all aspects of their case including, but not limited to, and discovery that remains outstanding.

In-Person Conferences

In-person conferences will be held at Westchester County Courthouse, Room 1803, 111 Martin Luther King Jr. Blvd., White Plains, New York 10601. Unless otherwise specified, Trials, Infant Compromise Hearings, Oral Arguments, and Settlement Conferences will be held in-person. Virtual conferences will be made available for persons needing special accommodations.

Virtual Conferences

Virtual conferences will be held on Microsoft Teams and can be accessed using the link provided in the corresponding calendar invitation provided by the Part Clerk.

Questions regarding the link for virtual conferences or scheduling issues should be addressed to Selene Jackson, Senior Court Clerk at: 9jd-CVADMG@nycourts.gov.

Preliminary Conferences

Preliminary Conferences shall be held in person. To schedule a Preliminary Conference counsel must:

- (1) File an RJI (Request for Judicial Intervention);
- (2) Ensure the case is properly assigned to Justice Gonzalez as a CVA matter;
- (3) Confer with all Counsel regarding the completion of a proposed Preliminary Conference form and submit same by both uploading the proposed form to NYSCEF and sending a courtesy copy to the Court via 9jd-CVADMG@nycourts.gov. When completing a proposed form for the Court's review, Counsel are directed to use exact dates and refrain from open ended timeframes such as "on or about," "within 45 days," and so forth. Additionally,

vague phrases such as “all discovery not yet provided” may not preserve any rights and shall be used sparingly.

(4) Once submitted, either:

a. A preliminary conference will be scheduled to discuss the proposed form prior to signing; or

b. The proposed form will be signed and uploaded to NYSCEF with a future compliance conference date provided.

Compliance Conferences

Compliance Conferences will be held in person. Absent extenuating circumstances (and factoring case complexity), a Compliance Conference will be scheduled no later than four (4) months after the Preliminary Conference order is signed.

The Court directs that prior to any Compliance Conference the parties must:

(1) Review all prior Court Orders (to the extent prior Orders exist);

(2) Converse with all Counsel regarding any outstanding discovery; and

(3) Submit a request for a Compliance Conference to the Court at least five (5) days in advance of the date scheduled for a conference via NYSCEF and by email to: 9jd-CVADMG@nycourts.gov. Proposed Compliance Conference Orders may be sent to: 9jd-CVADMG@nycourts.gov and uploaded to NYSCEF. When completing a proposed form for the Court’s review, Counsel are directed to use exact dates and refrain from open ended timeframes such as “on or about,” “within 45 days,” and so forth. Additionally, vague phrases such as “all discovery not yet provided” may not preserve any rights and shall be used sparingly.

In certain cases, the Court may deem it necessary to hold further Compliance Conferences to ensure adherence with outstanding discovery. When a Compliance Conference date is determined, all emails associated with the case on NYSCEF will receive a calendar date.

Pre-Trial and Settlement Conferences

Pre-Trial Conferences and Settlement Conferences will be held in person.

The Court will Schedule a Pre-Trial Conference ON ALL CASES no later than two (2) weeks following the filing of the Note of Issue. The Court will also schedule a second Pre-Trial Conference about four (4) months following the first Pre-Trial Conference or within a month of a decision on any pending motions for summary judgment. The Pre-Trial Conferences will be scheduled at the time the Note of Issue is filed for an in-person appearance.

Attorneys appearing at the Pre-Trial/Settlement Conference must be fully familiar with all aspects of the case and must have authority from respective parties to negotiate appropriately and/or settle.

Should any case not be scheduled for a Pre-Trial Conference within four (4) months after the filing of the Note of Issue, the parties are to notify the Court via email at 9jd-CVADMG@nycourts.gov and request said conference.

Settlement Conferences/Mediation

The Court will entertain requests for Settlement Conferences and/or Mediation at any point during the litigation. A request for a Settlement Conference and/or Mediation shall be made in writing to the Court via NYSCEF and by email to: 9jd-CVADMG@nycourts.gov, with notice to counsel for all necessary parties, and directly to any unrepresented party.

Requesting a Conference

To request a conference, parties must send a proposed order to: 9jd-CVADMG@nycourts.gov and, in the body of the email, request a conference. The Court will then schedule a conference date where the parties on NYSCEF will receive a calendar date.

Adjournment of Conferences

There shall be no adjournment of conferences except in the event of special circumstances.

Settlements

When a case has settled, parties must submit a stipulation of discontinuance and a letter informing the Court of said settlement to NYSCEF and by email to: 9jd-CVADMG@nycourts.gov.