

Part Rules & Calendar Procedure

Orange County Supreme Court

**Honorable E. Loren Williams
Justice of the Supreme Court**

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**Orange County Courthouse
285 Main Street
Goshen, NY 10924
Court Website:
www.nycourts.gov**

E-Filing Rules of the Court

E-Filing Rules and Protocol: All parties must familiarize themselves with the statewide E-Filing Rules Uniform Rule § 202.5 and 202.5-bb - available at www.nycourts.gov/efile and the orange County E-Filing Protocol. General questions about e-filing should be addressed to the E-Filing Resource Center at (646) 386-3033 or efile@courts.state.ny.us.

Specific questions relating to local procedures should be addressed to the Chief Clerk's Office at (845) 476-3429.

Electronic Filing: Supreme Court actions in the Hon. E. Loren Williams Part may be filed through the New York State Courts E-Filing system (NYSCEF). All submissions to the Court, including proposed orders, proposed judgments, and letters, may be electronically filed.

Working Copies: A court may require the submission of "working copies" of electronically filed documents. See Uniform Rule § 202.5-b(d)(4).

This part ONLY requires working copies for proposed Orders to Show Cause and proposed Orders/Judgments. Working copies shall be delivered or mailed directly to Judge Williams' Chambers located at 285 Main Street, Goshen, New York 10924.

OTHERWISE, PLEASE DO NOT PROVIDE WORKING COPIES OF E-FILED PAPERS.

All working copies submitted to this Part must include a copy of the NYSCEF Confirmation Notice firmly fastened as the front cover page of the submission and comply with other requirements set forth in the Orange County Protocol. Working copies without the Confirmation Notice will not be accepted. Working copies are to be submitted to Chambers within 48 hours of the electronic filing of the document on the NYSCEF site.

Hard Copy Submissions: This Part will reject any hard copy submissions in e-filed cases unless those submissions bear the "NOTICE OF HARD COPY SUBMISSION - E-FILED CASE" form required by Uniform Rule § 202.5-b(d)(1). The form is available at www.nycourts.gov/efile.

GENERAL RULES OF THE COURT

I. COMMUNICATION WITH THE COURT

Correspondence: All correspondence to the Court shall be copied to all parties and set forth the name and index number of the case to which it pertains.

For all cases that are commenced through e-filing, correspondence must be electronically filed. Additionally, after e-file, correspondence shall be emailed to the Park Clerk. Otherwise, correspondence may be faxed if e-mail is unavailable. However, parties are not permitted, absent prior approval, to send fax transmission to the Court that exceed three (3) pages in length. 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.

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.

Faxes: The fax number for Judge Williams' matters, other than those which require electronic filing is (845) 791-3503.

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.

Court Conferences: Court conferences shall be determined by the Court on a case-by-case basis and the parties shall be advised by email. Settlement conferences in any matter may be conducted where permitted and appropriate. 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. Counsel must be on time for all scheduled appearances, and must bring sufficient materials to allow meaningful discussion of all unresolved issues. Attorneys appearing "of counsel" to an attorney of record, and parties appearing *pro se*, are held to the same standards. Parties may request in writing assistance from the Court, by requesting a settlement conference by contacting the Part Clerk and

Principal Law Clerk.

Adjournments: As a matter of general practice, requests for adjournments of motions, conferences, and fact-finding hearings and trials are discouraged. All adjournment requests must be in writing and either on consent of all parties, or on prior notice to such parties.

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

Applications for adjournments must be made in writing via email only and received by the Court (by e-filing for NYSCEF cases) NOT LESS THAN SEVENTY-TWO (72) HOURS in advance of the scheduled conference, etc. and shall state: (1) good cause why the adjournment is being sought, and (2) whether the other parties consent or object to the application. The party seeking the adjournment may also suggest three (3) potential dates within thirty (30) days for said adjournment. All communications with the Court must be contemporaneously copied to all other parties and *pro se* litigants in accordance with the correspondence rules above. All requests for adjournments of a trial, fact-finding or hearing submitted after the scheduling of the same, shall be subjected to the strictest scrutiny. Parties should address questions about scheduling appearances or adjourning appearances to the Part Clerk Lynne Keating by e-mail only. All adjournment requests must be in writing and on consent, as set forth below in the General Rules of the Court.

II. 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 Fridays when the Court is in session. 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. Exhibits annexed to all motions are to be separated by external tabs to permit easy identification of the exhibit.

Time for Filing and Serving Summary Judgment Motions: Summary judgment motions shall be filed with the Court and served upon all other parties no later than one-hundred twenty (120) 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. THE COURT DOES NOT PERMIT LITIGATION BY CORRESPONDENCE. CORRESPONDENCE SHOULD NOT BE SUBMITTED, AND WILL NOT BE CONSIDERED, IN DETERMINING MOTIONS, ETC.

Cases cited in support of or in opposition to the motion must include the cite to an official state reporter if available. All documents needed to reach a decision on the motion shall be attached to the motion papers. It is not sufficient that copies of such documents may be on file with the Orange County Clerk.

COUNSEL SHALL IMMEDIATELY NOTIFY THE COURT WHEN IT BECOMES UNNECESSARY TO DECIDE A MOTION. FAILURE TO DO SO MAY RESULT IN SANCTIONS.

Motion Conferences: The Court shall determine on a case-by-case basis as to whether a motion conference is necessary. All parties shall receive notice by email of the date and time for such conference.

Submission of Orders and Judgments: An order or judgment shall be submitted with an affidavit of service, and be noticed for settlement on a date which complies with 22 KNOCKER 202.48. Proposed Judgments/Orders shall be submitted on all unopposed motions. All Orders and Judgments shall be loaded to NYSCEF system.

There shall be no motion(s) regarding discovery without prior permission of the Court. If there is a discovery issue requiring judicial intervention, notify the Court in writing. Counsel must consult with one another in a good faith effort to resolve all discovery disputes. See Uniform rule 202.7. If counsel are unable to resolve a discovery dispute in this manner, the Court will schedule a conference to address the discovery issue.

There shall be no stay of discovery resulting from the filing of a motion made pursuant to CPLR 3211 or 3212 unless otherwise ordered by the Court.

III. TRIALS

Pretrial Settlement Conference: At the pretrial conference, 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.

All parties and insurance carriers are to either be present or available by telephone.

A party represented by an attorney without authority to negotiate and settle the matter may be considered in default, and the Court may issue appropriate orders pursuant to CPLR 3215 and 22 KNOCKER 202.27.

Trial Notebook - CIVIL TRIALS ONLY: No later than seven (7) business days prior to the scheduled trial date, counsel shall each provide to other (one copy) and submit to the Court (two copies) a trial notebook which shall consist of:

(1) Marked pleadings in accordance with CLR 4012.

(2) Statement of relevant facts stating separately those that are not in dispute and those that are.

(3) Pre-trial memorandum addressing any known or anticipated legal issues that must be determined by the Court.

(4) A list of all potential witnesses for each party. Any witness not included herein, shall not be allowed to testify, without the Court's approval.

(5) A list of all exhibits to be offered into evidence at trial by each party with a brief description of each exhibit (There is no need to annex copies of medical records to the trial notebook).

(6) Preliminary requests to charge. The charges will be drawn from the Pattern Jury Instructions (PJI). A complete list of requested charges is to be submitted simultaneously with service on all adversaries. Unless counsel seeks a deviation from the pattern charge, or additions to the pattern charge, only the PJI numbers need be submitted. Where deviations or additions are requested, the full text of such requests must be submitted in writing together with any supporting authority. An electronic version of PJI variations must be submitted either on CD-ROM or via e-mail in either Microsoft Word or Word

Perfect format. E-mails are to be directed to the Part Clerk and the Principal Law Clerk.

Interpreters; Other Special Accommodations: Counsel shall notify the Court and/or Part Clerk as soon as possible, but not later than the time of the Settlement Conference in the event a translator or interpreter is required at trial. If a party or a witness requires some accommodation, such as an assisted hearing device, counsel shall notify the Court as soon as possible.

For motor vehicle and most other personal injury cases, the issues of liability and damages are 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 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.

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. In addition, such proposals shall be submitted in a format convertible to Word Perfect and be submitted by email to the Court's Clerk and Principal Law Clerk.

Charge Conference: Said conference shall be calendared and conducted by the Court in a timely fashion prior to the case being sent to the Jury.

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 in a format convertible to Word Perfect to rmotola@nycourts.gov.

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

Post Trial Memorandum: If the trial is a non-jury trial, post trial memorandums shall be required and submitted in a timely fashion as determined by the Court.

Settled and Discontinued Cases: Counsel 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.