

**SUPREME COURT PART RULES FOR
HON. JAMES F. REITZ A.J.S.C.
Putnam County Courthouse
20 County Center
Carmel, New York 10512
Courtroom 301
Principal Court Attorney: Cari S. Young
Secretary: Clare M. Mackey
Telephone: 845.208.7875
Fax: 845.431-1931**

MOTION PRACTICE

All substantive applications are to be brought by way of a Notice of Motion or Order To Show Cause, as applicable. Unless otherwise authorized by the Court, substantive applications shall not be made by oral application or correspondence. Any applications made in those formats shall be deemed to be denied without further action or consideration by the Court.

Prior to making any motion or order to show cause, other than a request for counsel to be relieved, the movant shall write the Court, with a copy to all parties, including the Attorney for the Child(ren) and *pro se* litigants, if any, specifying the relief sought and the basis for that relief. The Court will then schedule either a conference or, in actions where all parties are represented by counsel, a conference call with all counsel. This procedure does not preclude the moving party from making a motion, but rather, provides the Court with an opportunity to resolve the dispute without the need for a formal written application. Failing resolution of the issue in this manner, the party seeking the relief may proceed with a motion. Any and all motions, including orders to show cause, shall be served and filed in conformity with applicable law.

The Court will entertain motions on submission, whether brought by Notice of Motion or by Order To Show Cause, at 9:30 a.m., on any Monday the Court is in session, unless otherwise directed by the Court. The return date for an Order To Show Cause shall be determined by the Court at the time papers are submitted for consideration and

executed. Appearances on the return date of motions/orders to show cause **ARE** required, unless otherwise advised by the Court.

Oral argument may be requested by noting "Oral Argument Requested" immediately over the index number on the Notice of Motion/Order To Show Cause. A request for oral argument shall not be deemed to have been granted unless the Court, in its discretion, has determined that oral argument is necessary. If the Court grants the request for oral argument, then the movant's attorney will be so advised and will be required to notify all parties.

Absent the express permission of the Court, **all** motion papers and Orders To Show Cause **must** be typewritten, double-spaced, securely bound, legible, with all exhibits labeled with easily identifiable tab markings. Deposition transcripts included as exhibits must be **full** pages only. The Court may refuse to accept any papers which fail to conform to the foregoing.

Courtesy copies may be submitted.

Sur-Replies are not permitted without the Court's permission, and any such permission is limited to the Sur-Reply addressing only new matters raised in the Reply papers or recent caselaw or statutory developments. Sur-Replies shall not be used to repeat arguments.

All motions and Orders To Show Cause must be filed with the Office of the County Clerk with the appropriate filing fees. All motions and orders to show cause will be limited to twenty (20) pages, unless prior Court approval is given.

Papers, including letters with arguments/positions which are the subject of the motions or orders to show cause, sent after the submission of the motion/order to show cause, will not be considered by the Court.

All motions and orders to show cause seeking *pendente lite* spousal support and/or child support shall include a completely filled out temporary maintenance guidelines worksheet or child support worksheet, as applicable, utilizing each party's gross income for the most recent tax year, less deductions for FICA/Medicare taxes.

Any motion or order to show cause seeking an award of counsel fees must be supported by a detailed affirmation of services, in addition to other requirements under the applicable law/rules.

With respect to applications for temporary injunctive relief, counsel, including the Attorney for the Child(ren), and *pro se* litigants shall follow the directives set forth in Uniform Rule 202.7(f). The failure to supply the requisite affirmation will result in the requested relief or stay being stricken from the application, or rejection of the papers.

The Moving Party shall include a proposed Order with any and all Motions filed.

Self-addressed, stamped envelopes must be submitted with all motions/orders to show cause/Orders/Decisions/Judgments or other documents submitted for the Court's signature and a copy to be conformed, if requested.

The parties are responsible for obtaining copies of all written Decisions, Judgments, Orders, So-Ordered Stipulations or other documents submitted for the Court's signature. Courtesy copies will be furnished only when Chambers is provided with a self-addressed, stamped envelope. Parties who do not furnish self-addressed, stamped envelopes will be bound by all dates, obligations and appearances as the Court directs therein.

ADJOURNMENTS

Requests for adjournments must be made by fax to Chambers as soon as possible

prior to any scheduled court date. Counsel must attempt to gain the consent of all parties, including any *pro se* litigants and the Attorney For the Child(ren), if any. If applicable, an affidavit of engagement must be filed with the Court. Requests for adjournments must address: (1) good cause why an adjournment is sought; (2) whether any or all of the other parties consent or object to the request; and (3) the length of the adjournment. **No adjournments will be permitted unless approved by Chambers.** If an adjournment is granted by the Court, the requesting party must send written notification to all other parties, including all *pro se* litigants and the Attorney For the Child(ren), if any, of the adjourned date and time, and copy the Court on that correspondence.

DISCOVERY MATTERS

Counsel must consult with one another in a good faith effort to resolve all disclosure disputes. (See Uniform Rule 202.7). If counsel are unable to resolve a disclosure dispute in this manner, the procedures set forth above regarding motion practice must be followed before a motion may be filed.

COURT CONFERENCES/APPEARANCES

The attorneys must attempt to complete the Preliminary Conference Order before the preliminary conference date. All Counsel, including *per diem* covering counsel, and *pro se* litigants must appear on time, be fully familiar with the facts, issues of liability and defenses and status of the action(s) in which they appear and have authority to enter into any agreement on behalf of their client(s). They also must be prepared to discuss with the Court any outstanding motions. Counsel appearing at preliminary conferences must have full authority to dispose of any outstanding discovery matters or matters involving pending motions. Counsel shall provide the Court with copies of marked pleadings and bills of particulars.

In matrimonial actions, counsel and their clients and, if applicable, the Attorney for the Child(ren), are required to personally appear at all scheduled court dates, such as, but not limited to, the preliminary conference, status conferences, compliance conference, pre-trial conference and trial dates, unless otherwise directed by the Court. Sworn Statements of Net Worth shall be filed and served upon the other party no later than two (2) weeks after the date of the Preliminary Conference, if such have not been filed and served prior to the Preliminary Conference.

Any request to waive any party's appearance or attorney's appearance must be submitted to, and approved by, the Court **prior** to the court date such waiver is requested. Any such request shall be in writing with notice to the opposing party and, if applicable, the Attorney For the Child(ren).

Preliminary Conferences shall be conducted in accordance with applicable law, rules and procedures pertaining to the particular action before the Court. All counsel, including any Attorney For the Child(ren), and *pro se* litigants must comply with the Court's discovery schedule and deadlines; non-compliance shall be excused only if explained by extenuating circumstances.

Appearances at the Preliminary Conference are mandatory. Unless a party's appearance has been waived or excused by the Court, failure to appear at a Preliminary Conference may result in sanctions.

The purpose of the Compliance Conference is for all counsel and *pro se* litigants to report to the Court that pre-trial discovery has been completed so as to enable the Court to direct a date for the filing of a Note of Issue and Certificate of Readiness, if such date has not previously been directed. The Court will also schedule dates for the Pre-Trial Conference and Trial.

Not later than thirty (30) days after the filing of the Note of Issue/Certificate of

Readiness, all parties must enter into a Stipulation setting forth agreed upon matters of fact and the admissibility of documents, or other evidence, where the accuracy and reliability of such are not in dispute, such as, but not limited to, bank statements, closing statements, credit card statements, tax returns, benefit plans and real estate documents. Notwithstanding the admissibility of such evidence, each party reserves all rights to raise issues and make arguments. The failure by the parties to stipulate to undisputed matters of fact or the admissibility of documents, thereby generating unnecessary trial time, shall be a factor in evaluating any applications made for counsel fees.

Also with respect to Compliance/Settlement Conferences, all counsel, including *per diem* covering counsel, and all *pro se* litigants must appear with full authority to discuss settlement and to enter into any settlement. Personal appearances at Compliance/Settlement Conferences by all counsel and parties are mandatory unless otherwise ordered by the Court. Failure to so appear or failure to appear with full authority/ability to discuss settlement at these conferences may result in sanctions.

With respect to Pre-trial Conferences, all counsel and parties are required to personally appear. Counsel and *pro se* litigants attending Pre-Trial Conferences must be fully familiar with the facts and status of their court action(s) and authorized to discuss: (1) the factual and legal issues presented by the litigation; (2) settlement demands or offers; and (3) trial procedure and witness scheduling. In addition, counsel must be authorized to enter into settlements on terms agreeable to the parties and the Court.

Failure to personally appear at a Trial Readiness Conference or failure to have full authority to settle may result in sanctions, including the striking of the Note of Issue and/or the pleadings. A formal motion for relief from any sanction for any such default will be required.

TRIALS/HEARINGS

With respect to *Motions In Limine*, such motions must be filed with the Office of the County Clerk and served upon the other parties no later than ten (10) days prior to the first date scheduled for trial, except as to issues that could not have been reasonably anticipated within such time frame.

Prior to the commencement of a trial/hearing, counsel shall provide the Court with the following, as relevant:

Marked pleadings, in accordance with applicable law and an exhibit list. Counsel are to pre-mark all exhibits and to provide the Court Reporter with an exhibit list. Material to be used for cross-examination purposes need not be included on the exhibit list;

Pre-trial memoranda of law relating to any known disputed legal issues that must be determined by the Court;

A list of witnesses for each party, in accordance with applicable law;

Requests to charge as directed at a conference immediately preceding trial. The charge will be drawn from the Pattern Jury Instructions (PJI). A complete list of requested charges is to be submitted. Unless counsel seeks a deviation from the pattern charge or additions to the pattern charge, only the PJI numbers need to be submitted. Where deviations or additions are requested, the full text of such requests must be submitted, with the proposed deviation or addition underlined, together with any supporting legal precedents. All submissions must be served on all other counsel and *pro se* litigants. Final charges will be formalized at a charge conference during the course of the jury trial;

A verdict sheet jointly prepared by counsel. The verdict sheet is to be typed and in final form for presentation to the jury. If agreement cannot be reached, then each side shall prepare a proposed verdict sheet. The final verdict sheet will be formalized during the course of the trial, usually at the conclusion of the plaintiff's of plaintiffs' case;

In matrimonial actions, updated sworn statements of net worth (with the latest available supporting documents such as, but not limited to, income tax returns, W-2 Forms, brokerage statements, retirement plan Statements), Statements of Proposed Disposition as required under applicable Uniform Rules, and any forensic reports, appraisals and evaluations.

On the date the trial is scheduled, counsel are expected to be prepared to discuss settlement of all unresolved issues and to have the authority to enter into a binding agreement/stipulation, if one is reached by the parties and is agreeable to the Court.

Within twenty (20) days after the conclusion of a bench trial or hearing, each counsel shall file and serve, a proposed Decision/Order/Judgment and Findings of Fact and Conclusions of Law.

If an action is settled, discontinued or otherwise reaches disposition, counsel shall immediately inform the Court by submission of a copy of the stipulation or other document evidencing the disposition. Counsel shall send a copy of any such correspondence to opposing counsel, the Attorney For the Child(ren), if applicable, and all *pro se* litigants. Where the matter is disposed of but the final stipulation has not been executed by all the necessary parties prior to a scheduled Court appearance, the Court should be notified by letter with proof of copies to all counsel, including the Attorney For the Child(ren), and *pro se* litigants so that the Court may determine if appearances are required. In addition, counsel shall advise the Court of any open motions. This letter

may be sent by fax to the Court.

GENERAL

All Counsel, including *per diem* counsel, and *pro se* litigants must be fully familiar with their cases and have full authority to enter into any agreement, either substantive or procedural, on behalf of their clients. All parties must be on time for all scheduled appearances and must bring the full file, with them to each Court appearance.

In all communications with Chambers by letter, the title of the action, the full names of the parties, the date the matter is next scheduled before the Court and index number shall be set forth, with copies simultaneously delivered to all counsel, including the Attorney For the Child(ren), if any, and all *pro se* litigants. *Ex parte* communications will be disregarded.

The Court will **not** accept *ex parte* telephone communications on substantive issues.

The Court shall **not** be copied on correspondence between counsel/*pro se* litigant(s). Such copies shall be disregarded and not placed in the Court's file.

The Court does not permit litigation by way of correspondence to the Court or by way of being copied on correspondence by and between the parties. Any such correspondence submitted to the Court shall be deemed to be denied without further action or consideration by the Court.

Unless otherwise authorized by these Rules, faxes will not be accepted unless it is an emergency and the receipt has been authorized by the Court.

In the event of a conflict between the appearance date as provided by the Court and that which appears on E-Courts, the parties are to appear on the date provided by the

Court. The parties may contact Chambers for clarification.

The Court will not communicate through email and encourages any correspondence to be sent by regular mail.

SANCTIONS

The Court will not consider applications for sanctions, unless the moving party first seeks withdrawal or discontinuation of the offending act or action or demands required or necessary action which is refused. Proof of such request must be made part of any such application for sanctions.

FAILURE TO APPEAR AT ANY SCHEDULED COURT DATE IN THE APPLICABLE ACTION MAY RESULT IN SANCTIONS, SUCH AS DEFAULT, DISMISSAL OR BOTH OF THE ACTION PURSUANT TO NYCRR § 202.27.

It is incumbent upon all counsel and parties appearing before this Court to insure that they have this Court's current Part Rules and are in compliance with same.

These Part Rules are in addition to the Uniform Rules for New York State Trial Courts and the Local Rules of Court. Failure to comply with any rules or orders of this Court may result in preclusion and/or sanctions without further notice.

E-FILING RULES AND PROTOCOL

All parties should familiarize themselves with the statewide E-Filing Rules (Uniform Rule § 202.5-bb - available at www.nycourts.gov/efile) and the Putnam County E-Filing Protocol (available at www.nycourts.gov/courts/9jd/putnam/putnam_e-file/putnam_efile_protocol.pdf).

General questions about e-filing should be addressed to the E-Filing Resource Center at (646) 386-3033 or efile@nycourts.gov.

Electronic Filing

Any action filed electronically in Judge Reitz' Supreme Court Part is to be filed through the New York State Courts E-Filing system (NYSCEF). All submissions to the Court in those actions, including proposed orders, proposed judgments and letters, must be electronically filed.

Working Copies

Pursuant to Uniform Rule § 202.5-b)d)(4), this Court requires working copies of **all** electronic submissions in any action that has been electronically filed in Judge Reitz' Supreme Court Part. Working copies shall be delivered to Chambers no later than the first business day following the electronic filing of the document on the NYSCEF site.

All working copies submitted to this part **must** include a copy of the NYSCEF Confirmation Notice firmly affixed to the front cover page of the submission and comply with other requirements set forth in the Putnam County Supreme and County Courts E-Filing Protocol. Working copies of electronically-filed submissions presented to this Part without the Confirmation Notice will not be accepted.

This Part will reject any hard copy submissions in e-filed cases that do not bear the Notice of Hard Copy Submission - E-Filed Case, as required by Uniform Rule § 202.5-b(d)(1). The form is available at www.nycourts.gov/efile.

Counsel and unrepresented parties should address questions about scheduling appearances or adjourning appearances to Chambers, at (845) 208-7875.