

## INDIVIDUAL PART RULES

**Hon. Keri A. Fiore, J.S.C.**

Supreme Court of the State of New York

County of Westchester

111 Dr. Martin Luther King, Jr. Blvd.

White Plains, NY 10601

*Effective January 3, 2024 – These rules are subject to change.*

Terrence Daly, Part Clerk

Tytiona Coleman, Secretary

Tara Monteleone, Principal Law Clerk

Chambers Telephone: (914) 824-5441

Chambers e-mail address: [9JD-JudgeFiore@nycourts.gov](mailto:9JD-JudgeFiore@nycourts.gov)

### **I. Appearances before the Court:**

- a. All counsel and self-represented litigants are expected to be familiar with the [Westchester Supreme Court Matrimonial Part Operational Rules](#), (MPOR) and the Uniform Civil Rules for the Supreme Court (22 NYCRR 202.1, *et seq.*), which are to be considered in conjunction with these part rules.
- b. Within ten (10) days of written notification of assignment of a case to this Part, or written notification of a Preliminary Conference, whichever shall first occur, each attorney shall file a notice of appearance with Chambers on the New York State Courts E-Filing system (“NYSCEF”). The Notice of Appearance shall include the attorney’s name, firm affiliation, e-mail address, mailing address, telephone number, and the party represented.
- c. Counsel and self-represented litigants must be fully familiar with these Part Rules and must be prepared at every appearance to discuss all factual and legal issues and must be authorized to engage in settlement negotiations.
- d. Pursuant to 22 NYCRR § 130-2.1, the Court may impose financial sanctions and award costs and reasonable attorney’s fees against any attorney who, without good cause, fails to appear at a time and place scheduled for an appearance in any action or proceeding.
- e. Pursuant to 22 NYCRR § 202.27, upon the failure of any party to appear at a scheduled call of a calendar or at any conference, the Court may grant judgment by default against the non-appearing party or the matter may be dismissed for failure to appear.

## II. Scheduling and Calendar Matters:

- a. Any inquiries regarding scheduling and calendar matters should be directed to the Part Clerk, Terrence Daly, via email at [tedaly@nycourts.gov](mailto:tedaly@nycourts.gov).
- b. Requests to Adjourn an Appearance/Motion: A request for an adjournment of an appearance or a motion shall be made in writing at least thirty-six (36) hours prior to the appearance or motion deadline, on notice to the other parties and shall be filed on NYSCEF. If the request is not made at least thirty-six (36) hours prior to the appearance or motion deadline, the parties must appear on the appearance date or motion return date. Any party seeking an adjournment must attempt to obtain consent from all other parties in the action. Applications for adjournments must state: (1) the appearance/motion date, (2) three proposed adjourned dates/times on consent, (3) the reason for the request, (4) the number of prior adjournments, and (5) whether the opposing party(ies) consent(s) or object(s) to the request. **Absent explicit approval from the Court in writing, the adjournment is not deemed granted, even if the adjournment request is on consent.**
- c. Requests to Adjourn Hearings/Trials: A request for an adjournment of a hearing/trial is not permitted except as provided in 22 NYCRR § 125.1.

## III. Communications with the Court:

- a. Letters: Communications with the Court shall be in writing and e-filed, with copies simultaneously delivered to all counsel or self-represented parties. All correspondence sent to the Court must bear the full title and index number of the action, indicate that all counsel or self-represented parties were copied, and state the relief sought or action requested to be taken by the Court. The Court shall not be copied on correspondence between counsel and/or self-represented litigants, unless the Court so directs.
- b. Telephone Calls and E-mails: Telephone calls and e-mails to Chambers are permitted only in situations requiring immediate attention that cannot otherwise be obtained by written correspondence. Any *ex parte* communication is strictly prohibited. Self-represented parties must direct all communications through the Part Clerk.
- c. Fax Transmissions: The Court does not accept correspondence or legal papers of any kind by fax transmission.

- d. Notification of Settlements and Discontinuances: If an action or motion is settled, discontinued, withdrawn, or disposed in any manner, counsel must immediately notify the Court by uploading a letter to NYSCEF. As soon as is practicable, the parties shall e-file a fully executed stipulation of settlement or discontinuance.

#### IV. E-Filing:

- a. All parties in matters subject to E-Filing rules are expected to be familiar with the [Westchester County Joint E-Filing Protocols](#). All documents in e-file cases must be filed on NYSCEF. All submissions to the Court, including letters, proposed orders, and proposed judgments must be filed on NYSCEF.
- b. General questions about E-Filing Rules should be addressed to the E-Filing Resource Center at [efile@courts.state.ny.us](mailto:efile@courts.state.ny.us) or (646) 386-2022.
- c. The Court does not require working copies of documents; all documents are to be electronically filed.

#### V. Motions:

- a. General: All motions shall be made in accordance with Section C (Motions) of the MPOR. 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 MPOR, 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 upload the letter 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 emergency, a stay is required, or the application is being filed post-judgment. Proposed Orders to Show Cause submitted for signature must be uploaded to NYSCEF.

**VI. Matrimonial Conferences:**

- a. Counsel and parties must appear in-person at all conferences.
- b. Parties must comply with Section B (Pre-Note of Issue Court Conferences) of the MPOR with respect to the preliminary conference, compliance conferences, and settlement conferences.
- c. Preliminary Conference: Pursuant to Section B.1.2. of the MPOR, 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 and any application regarding spousal support must be accompanied by a completed Spousal Support Worksheet.

**VII. Matrimonial 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 court appearance, 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 (VEC) will be set up in NYSCEF for each trial/hearing. Instructions for uploading evidence may be found here: <https://iappscontent.courts.state.ny.us/NYSCEF/live/help/EvidenceSubmission.pdf>
  - i. All evidence must be uploaded to the VEC ten (10) days prior to the commencement of trial.
  - ii. Each party is limited to fifteen (15) exhibits, unless otherwise approved by the Court, and each exhibit must be uploaded separately using the VEC.
  - iii. All objections to evidence must be uploaded seven (7) days prior to the commencement of trial.
  - iv. All objections will be ruled upon prior to the commencement of trial.
  - v. VEC evidence that has not been objected to will be admitted into evidence if offered for evidence at trial.

- c. Motions *in limine*: All motions *in limine* shall be e-mailed to the Principal Law Clerk using the Chambers e-mail address ([9jd-JudgeFiore@nycourts.gov](mailto:9jd-JudgeFiore@nycourts.gov)) and uploaded to NYSCEF no later than seven (7) days prior to the scheduled trial date. Failure to bring the issue before the Court in a timely manner may result in summary denial of such application.
  
- d. Pre-Trial/Pre-Hearing: Pursuant to Section G.7. (Trials) of the MPOR, parties must submit the following items as directed below, via NYSCEF no later than seven (7) 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: see “b. Virtual Evidence Courtroom” *supra*.
  - 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 been 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. The Court will not accept separate statements of proposed disposition without prior written approval.
  
- e. Post-Trial: In accordance with the schedule set by the Court, the parties must submit and upload to NYSCEF: a transcript of the proceeding, closing memoranda, and any other document required to complete the record for purposes of any appeal.

\* \* \* \*