

Amended: September 14, 2016

INDIVIDUAL PART RULES
Justice Orazio R. Bellantoni
Supreme Court Justice, 9th JD
Westchester County Courthouse
Courtroom 104
111 Dr. Martin Luther King Jr. Blvd.
White Plains, New York 10601

STAFF

Gardner Miller, Principal Law Clerk
Donato Callara, Assistant Law Clerk
Jude Badaracco, Court Clerk

Unless otherwise ordered, all civil actions before Justice Bellantoni shall be conducted in accordance with the following practices.

I. E-Filing Rules and Protocol

All parties in matters subject to the E-Filing Rules (Uniform Rules for Trial Cts [22 NYCRR] §§ 202.5-b and 202.5-bb)¹ should familiarize themselves with the Westchester County E-Filing Protocol.²

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 Civil Calendar Office at 914-824-5300.

All documents in E-Filing Cases must be filed through the New York State Courts E-Filing System (NYSCEF), unless subject to an exception or an exemption. All submissions to the Court, including proposed orders, proposed judgments, and letters, must be e-filed.

II. Communications with Chambers

A. Letters. Communications with Chambers shall be by letter, submitted on NYSCEF, unless subject to an exception or an exemption. If your submission requires immediate attention, please fax the letter to Chambers at 914-824-5885 as well as filing the letter on NYSCEF.

B. Telephone Calls. For scheduling and calendar matters, please call the Court Clerk, Jude Badaracco, at 914-824-5368 between 9 a.m. and 4:30 p.m.

¹ Available at: <https://iappscontent.courts.state.ny.us/NYSCEF/staging/legislation.htm>.

² Available at: <http://www.courts.state.ny.us/courts/9jd/efile/WestchesterCountyJointProtocols.pdf>.

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Communications with Chambers, 914-824-5394, should be limited to matters not addressed in these rules or in emergency situations requiring immediate attention.

C. Requests for Adjournments. All requests for adjournments must be presented in the form of a letter, submitted on NYSCEF, unless subject to an exception or an exemption in which case the letter should be faxed to Chambers at 914-824-5885. In either case, the letter should state (1) the original return date, (2) the proposed return date, (3) the number of prior adjournments, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. Such requests must be made on or before the return date of the motion, unless good cause shown.

III. Motions

A. Return Date. Motions should be made returnable on Wednesday. If the movant makes the motion returnable on another day, the Court will administratively adjourn the motion to the following Wednesday. There is no appearance on the return date, unless specifically directed by the Court. Oral argument may be requested by noting "Oral Argument Requested" immediately over the index number on the Notice of Motion or in a separately filed letter. If the Court, in its discretion, determines that oral argument is required, the movant's attorney will be so advised and will be required to notify all parties.

B. Motion Papers. Unless otherwise permitted by the Court: (i) affirmations, affidavits, and memoranda of law in support of and in opposition to motions are limited to 25 pages, and (ii) affirmations, affidavits, and memoranda of law in reply are limited to 10 pages. Memoranda in excess of 10 pages shall contain a table of contents and a table of authorities. Legal argument should be confined to the memoranda of law. Unless prior permission has been granted, the Court will not consider papers in surreply or papers submitted after the return date.

C. Orders to Show Cause. Unless otherwise inapplicable, any application for temporary injunctive relief shall comply with Uniform Rules for Trial Cts (22 NYCRR) § 202.7 (f) by including either: (i) an affirmation demonstrating that a good faith effort has been made to notify the party against whom the temporary restraining order is sought of the time, date and place that the application will be made in a manner sufficient to permit the party an opportunity to appear in response to the application, or (ii) an affirmation that there will be significant prejudice to the party seeking the restraining order by giving of notice.

IV. Trials

A. Marked Pleadings. Prior to the commencement of a trial, counsel shall provide the Court with marked pleadings.

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B. Requests to Charge. Requests to Charge shall be submitted to this Court 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 seek a deviation from the pattern charge or additions to the pattern charge, only the PJI numbers and topic need be submitted. Where deviations or additions are requested, the full text of such requests must be submitted, together with any supporting legal authority.

C. Verdict Sheet. Counsel shall jointly prepare a Verdict Sheet. The Verdict Sheet is to be typed and in the final form to be presented to the jury. If the parties cannot agree on the final form, each side shall present a proposed Verdict Sheet.

V. General Matters

A. Appearing Counsel. Counsel who appear must be fully familiar with the case and have authority to enter into any agreement, either substantive or procedural, on behalf of their clients. Counsel should make every effort to be on time for all scheduled appearances.

B. Faxes. Faxes to chambers are permitted only if copies are simultaneously faxed or delivered to all counsel and filed on NYSCEF, unless subject to an exception or an exemption. The fax number is 914-824-5885.

C. Resolution of the Action. If an action is settled, discontinued, or otherwise disposed, counsel shall immediately inform the Court by submission of a copy of the stipulation or other document evidencing the disposition.

D. Working Copies and Hard Copy Submissions. It is not necessary to provide working copies when e-filing. 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 required by the E-Filing Rules (Uniform Rules of Trial Courts [22 NYCRR] § 202.5-b [d] [1]).³

³ Available at: <https://iappscontent.courts.state.ny.us/NYSCEF/live/forms/notice.hard.copy.submission.pdf>.