

HONORABLE ROBERT S. ONDROVIC, J.S.C.

New York State Supreme Court
Westchester County Courthouse
111 Dr. Martin Luther King Jr. Blvd.
White Plains, New York 10601
Courtroom

Part Telephone: (914) 824-5822
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Danielle S. Farber, Esq., Principal Law Clerk
Selene Jackson, Part Clerk
Sara E. Tkazyik, Secretary

Part Rules

(Effective 4/13/2021)

These Rules are subject to change.

CERTIFICATION OF PAPERS:

Every pleading, written motion and other paper served or filed in an action must be signed by an attorney pursuant to §130-1.1a of the Rules of the Chief Administrator of the Courts.

MATRIMONIAL TRIALS/HEARINGS:

- (a) A Virtual Evidence Courtroom will be set up in NYSCEF for each Trial/Hearing.
- (b) All Exhibits are to be uploaded no later than 10 days prior to the Trial/Hearing.
- (c) Any objections to any Exhibits are to be uploaded no later than 7 days prior to the Trial/Hearing.
- (d) Evidentiary rulings will be made prior to the start of the Trial/Hearing based upon filed objections.
- (e) Instructions for uploading evidence may be found here: [EvidenceSubmission.pdf \(state.ny.us\)](#)

APPEARANCES:

- (a) Within ten (10) days of written notification of this Part's assignment to a case, or written notification of a Preliminary Conference, whichever shall first occur, each attorney shall file a record of appearance with chambers. The record of appearance shall include the attorney's name, firm affiliation, email address, mailing address, telephone and facsimile number as well as the party represented. The record of appearance shall also contain a written acknowledgment that counsel is familiar with these Part Rules.

- (b) Pursuant to §130-2.1 of the Rules of the Chief Administrator of the Courts, 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.
- (c) Pursuant to §202.27 of the Uniform Civil Rules for the Supreme Court, upon the default of any party in appearing at a scheduled call of a calendar or at any conference, the Court may grant judgment by default against the non-appearing party.
- (d) At all scheduled appearances and conferences before the Court, only an attorney thoroughly familiar with the action and authorized to act on behalf of a party shall appear.

PRELIMINARY CONFERENCES - MATRIMONIAL ACTIONS:

- (a) No later than ten (10) days prior to preliminary conference in any matrimonial action, each party shall file and serve copies of the following documents:
 - 1. retainer agreement
 - 2. net worth statement
 - 3. most recent paystub and income tax return
- (b) Parties must be present at the preliminary conference.
- (c) Any application regarding child support must be accompanied by a completed Child Support Worksheet.

MOTIONS:

- (a) ***PLEASE REFER TO THE GENERAL RULES OF THE MATRIMONIAL PART GOVERNING MOTION PRACTICE IN THIS PART: matrimonial_partrules.pdf (nycourts.gov)***
- (b) Motions are returnable on Fridays. There will be no appearances unless specifically stated by the court.
- (c) Original initiating motion papers should be uploaded to NYSCEF or, if a paper case, submitted directly to the County Clerk accompanied by an affidavit/affirmation of service and the required fees. **DO NOT SUBMIT COURTESY COPIES. MOTION PAPERS MUST BE BOUND TOGETHER. THE COURT WILL NOT ACCEPT LOOSE MOTION PAPERS, AFFIDAVITS, AFFIRMATIONS OR EXHIBITS.**
- (d) Motion papers must be accompanied by proof of payment to the County Clerk of all required fees.
- (e) All affirmations, affidavits and memoranda of law must contain numbered pages.
- (f) All citations must be to an official state reporter, if available.
- (g) All documents required to decide the application must be attached. It is not sufficient that documents may be on file with the Clerk of the Court.
- (h) The Court does not accept sur-reply papers or correspondence on motions, nor any papers filed after the final submission date of the motion.

- (i) On paper cases (i.e. actions not efiled on NYSCEF), motion papers, orders and judgments must be accompanied by a stamped, self-addressed envelope. Counsel submitting motions with a proposed order/judgment must submit an unattached copy of that proposed order/judgment. Counsel must provide an additional copy of any order and judgment submitted to conform to the original.
- (j) All motions will be decided by submission and personal appearances on the return date are not required unless the Court specifically directs oral argument.
- (k) Any motions seeking to exclude potential evidence shall be made in writing and shall be returnable at least 30 days in advance of trial.
- (l) NO ADJOURNMENTS on a motion will be granted with a return date within thirty (30) days prior to the date of trial.
- (m) Counsel shall immediately notify the court when it becomes unnecessary to decide a motion.

E-FILING RULES AND PROTOCOLS:

A. Electronic Filing. All parties should familiarize themselves with the statewide E-Filing Rules (*see* Uniform Rules §§ 202.5-b and 202.5-bb, available at www.nycourts.gov/efile). General questions about e-filing should be addressed to the E-Filing Resource Center at (646) 386-3033 or efile@courts.state.ny.us.

All actions required to be filed electronically shall be filed through the New York State Courts E-Filing system (NYSCEF), including proposed orders, proposed judgments, stipulations and letters.

MOTION IN LIMINE:

Any applications addressing the preclusion of evidence, testimony or other trial related matters shall be brought to the attention of the court immediately upon counsel becoming aware of such matter to be addressed, it being the intent to avoid applications made on the eve of, or during trial of a matter. Failure to bring the matter before the court in a timely fashion may result in summary denial of such application.

VIDEOTAPING:

Requests for a continuance or rescheduling due to an expert's unavailability for testimony generally cannot be granted due to the large number of matters pending for trial. Counsel may use videotaping of experts when necessary.

EXPERT TESTIMONY PRECLUSION:

1. Any motion by a party to preclude or limit expert testimony under the expert disclosure part of this order or pursuant to CPLR 3101(d) must be made as soon as practicable.
2. Where a party's summary judgment motion is or will be based in whole or in part upon the granting of a motion directed at precluding or limiting expert testimony made pursuant to this part of this order, the motions' return date shall be the same.

ADJOURNMENTS:

- (a) Adjournments of scheduled trials and hearings are not permitted except as provided in 22 NYCRR §125.1 and in accordance with the procedure set forth therein.

- (b) Adjournments of motions and conferences may be requested on consent of opposing counsel. After obtaining such consent, the requesting party must email and upload to NYSCEF the adjournment request to sjackson@nycourts.gov and stkazyik@nycourts.gov to obtain a new date. A REQUEST TO ADJOURN A CONFERENCE MUST BE EMAILED TO THIS COURT AND UPLOADED TO NYSCEF AT LEAST 36 HOURS IN ADVANCE OF THE SCHEDULED APPEARANCE, THEREAFTER THE PARTIES MUST APPEAR ON THE RETURN DATE TO REQUEST THE ADJOURNMENT. All adjournments must be confirmed in writing to the Court, by the requesting party, and a copy of the letter sent to all parties. No more than two adjournments shall be permitted on any matter unless good cause is shown upon written application made to and approved by the Court. WHEN REQUESTING AN ADJOURNMENT OF A CONFERENCE OR MOTION, THE LETTER REQUEST SHALL INCLUDE THE CURRENT DATE OF ANY MOTION RETURNABLE OR ANY CONFERENCE SCHEDULED AND CONTACT INFORMATION FOR ALL PARTIES. THE REQUESTING PARTY SHALL NOTIFY ALL PARTIES OF THE ADJOURNED DATE.

SETTLED AND DISCONTINUED CASES:

Counsel shall immediately notify the Court of a case disposition.

Counsel shall promptly notify the court on the status of any case marked stayed by a pending bankruptcy proceeding or otherwise. Counsel shall take further proceedings within 60 days after any stay has been lifted.