

SUPREME COURT OF THE STATE OF NEW YORK  
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**INDIVIDUAL PART RULES OF  
HONORABLE SANDRA B. SCIORTINO**  
Effective 3/4/2024

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**I. Communications with the Court**

**A. Correspondence:**

1. Correspondence to the Court shall be, without exception, by letter and shall be copied to all counsel, including Attorneys for Children or Guardians Ad Litem where appropriate, and/or any self-represented parties who have appeared in the action. All correspondence must bear the case name as written on the Summons and Complaint and the Index Number of the action. Correspondence must indicate that a copy of the correspondence was sent to all other counsel and/or self-represented litigant(s). Correspondence between counsel and attorneys of record or self-presented parties shall not be copied to the Court, unless the Court directs otherwise.
2. Correspondence must be E-Filed in electronically filed cases. Correspondence in paper cases must be either mailed or e-mailed (in PDF form) to both the Part Clerk and Assistant Law Clerk.
3. Requests for court action shall be made by letter, which shall be filed to NYSCEF. The Court will not respond to emails requesting action.
4. Issues requiring court intervention should be addressed by motion or by letter filed to NYSCEF, requesting a conference with the Court.

## **B. Telephone Calls:**

Except as set forth below, telephone calls to the Court staff should occur only in situations requiring immediate attention that cannot otherwise be addressed by correspondence.

## **C. Fax transmissions:**

Fax cover sheets must identify the case caption and the index number, and must indicate the number of pages attached. No fax shall exceed 5 pages in length, including cover sheet, without consent of the Court.

## **II. Calendar Call & Conferences**

### **A. General Rules:**

1. The Court's regular calendar shall be called at 9:15 a.m. Counsel and self-represented parties shall be fully familiar with the case when appearing. Counsel scheduled to appear in another Part shall notify the Court and opposing party the day before the scheduled conference. As long as all parties are timely, the Court will attempt to accommodate counsel by calling the case first.
2. Virtual conferences shall be scheduled only as directed by the Court. All virtual conferences are held via Microsoft Teams. Microsoft Teams links are individual to each matter and are sent to the e-mail address on file with the Court. Only counsel (or self-represented parties) may attend virtual conferences. Counsel or self-represented parties shall be fully familiar with the case when appearing.
3. Matrimonial litigants shall appear with their counsel for all conferences unless excused by the Court.
4. Counsel shall notify the Court and/or Part Clerk as soon as possible, but not later than seven days prior to a conference, if a translator or interpreter is required.

### **B. Preliminary Conference:**

1. a. For cases filed electronically, the Part Clerk will upload a Court Notice to NYSCEF setting the date of the Preliminary Conference.
- b. For cases filed by paper, the Part Clerk will notify the party filing the RJI of the Preliminary Conference date. The party who files the RJI shall give written notice to all other parties of the conference date, and shall provide a copy of such notice to the Clerk prior to the conference date.
- c. Counsel and parties are referred to 22 NYCRR 202.12 (c) and/or 202.23 for specific requirements concerning preparation for the Preliminary Conference and matters to be considered.

## 2. Matrimonial Matters:

a. The following documents shall be provided to the Court or uploaded to NYSCEF at least 48 hours prior to the preliminary conference:

- a. Plaintiff
  - **In paper-filed cases only**, pleadings (Summons and Complaint; Answer; Counterclaim; Reply to Counterclaim)
  - Family Court, County Court and/or Justice Court Orders
  - Net Worth Statement
  - Tax returns filed for the preceding three tax years.
  - Three current pay stubs
  - Copy of signed retainer agreement and Statement of Client's Rights.
  
- b. Defendant
  - Tax returns filed for the preceding three tax years.
  - Three current pay stubs
  - Copy of signed retainer agreement and Statement of Client's Rights.

### b. **When Filing the Net Worth Statement, All Attachments Shall Be Bookmarked.**

## c. Forensic Reports:

i. Mental Health evaluation reports are released to attorneys upon execution of the Court's standard release form. Unless the Court directs otherwise, such reports may be reviewed with litigants, in the presence of attorneys, but in no circumstances may copies be given to litigants. Pro se litigants may review copies of the report in the Courtroom only.

ii. In the event an attorney is discharged or otherwise terminates representation of a client during the pendency of an action, all copies of evaluation reports shall be returned to the Court by the original attorney, and shall NOT be transferred to substitute counsel or a pro se litigant.

## 3. Foreclosure Actions:

a. Contested: When a contested matter is released from the Foreclosure Settlement Conference Part, the Court shall advise of a filing date for the application for an order of reference or an appearance if the application is not timely filed. **All attachments to motion exhibits shall be bookmarked.** The Court will direct dates for discovery, if necessary.

b. Uncontested (default): When an uncontested matter is released from the Foreclosure Settlement Conference Part, plaintiff shall file its application for an Order of Reference within 30

days. **All attachments to motion exhibits shall be bookmarked.** If either the Note of Issue or the application for Order of Reference is not timely filed, an appearance shall be scheduled, and the action shall be subject to dismissal without prejudice.

c. Expedited: Newly-filed expedited foreclosure motions shall be accompanied by a separately-filed letter to Chambers specifically advising of the expedited status. Failure to notify the Court may result in an extended delay of the return date of any motion. In paper cases, the letter may be faxed or emailed to the Part Clerk and Assistant Law Clerk.

### **C. Discovery Disputes:**

1. Discovery disputes should be addressed between parties prior to the Compliance Conference as required by Court Rule 202.20.

2. If counsel cannot resolve the issue between themselves, after a good faith effort, the Part Clerk should be contacted by letter for scheduling of a court conference. The parties are not to copy the Court on correspondence between counsel concerning discovery issues unless specifically requested to do so by the Court. A conference shall be requested and held prior to the filing of a discovery motion.

### **D. Further Conferences:**

Further conferences shall be held as directed by the Court.

### **E. Settlement Conference:**

A settlement conference will be held no less than one month prior to the scheduled trial date. Settlement conferences shall be scheduled at a time convenient to the attorneys, parties, and the Court. Counsel attending the Settlement Conference must be fully familiar with the action and authorized to enter settlement discussions. See 22 NYCRR 202.1.

2. No less than seven days prior to the settlement conference, plaintiff shall submit to the Court copies of all bills of particulars. Each party shall submit a letter setting forth each party's position on the relevant issues. Medical records and reports may be forwarded directly to the Court to protect confidentiality. See 22 NYCRR 202.1

### **F. Adjournment of Conferences:**

1. In electronically filed cases, requests for conference adjournments must be made by letter and uploaded to NYSCEF (and mailed or emailed to pro se parties).

2. In paper cases, requests for conference adjournments must be made by letter and e-mailed to the Part Clerk and Assistant Law Clerk and all counsel and pro se parties, or mailed to the Court, copied to all counsel and/or pro se parties.

3. Except in an emergency, all requests for conference adjournments must be received by the Part no later than 24 hours prior to the scheduled conference. All requests must set forth: 1) the reason why an adjournment is necessary; 2) whether the opposing party(ies) consent(s) or object(s) to the application; and 3) at least three *mutually-agreeable* proposed adjourned dates, not less than two weeks after the scheduled date. Dates should be on consent or on notice to all counsel and/or parties. See 22 NYCRR 202.10.

Absent an emergency, the Court will not grant two (2) consecutive adjournments.

In an electronically filed case, the Part Clerk or Assistant Law Clerk shall upload a Court Notice to NYSCEF advising whether the request was granted or denied.

In a paper case, the Part Clerk or Assistant Law Clerk shall advise the party making the adjournment request of the Court's action. That party shall immediately give written notice to all counsel and/or parties, and, if the adjournment is granted, of the new date, copying the Court on such notice.

### **III. Motions/Orders to Show Cause/Temporary Restraining Orders**

#### **A. General Rules:**

1. Counsel is expected to be familiar with the Rules for Trial Courts 22 NYCRR 202.8-a et seq.

2. a. Written applications by Notice of Motion may be made returnable on any day. Return and service dates and method of service of orders to show cause shall be designated by the Court. A conformed copy of the signed order will be uploaded to NYSCEF or emailed to the moving attorney.

Orders to show cause seeking interim relief which do not comport with 22 NYCRR 202.8-d shall be returned without interim relief granted.

**NO PAPER OR WORKING COPIES OF E-FILED MOTION PAPERS NEED BE SUBMITTED.**

b. Absent Court permission, motions for summary judgment are to be submitted within 60 days of filing of the note of issue.

Please note that, in accordance with the discretionary authority provided by CPLR 3214(b), discovery is NOT stayed during the pendency of any summary judgment motion, unless the Court orders otherwise.

3. a. All motion papers and Orders to Show Cause must be typewritten, double-spaced and on one side of the page only.

b. i . All motions for Summary Judgment shall conform to the requirements of 22 NYCRR 202.8-g.

ii. A Statement of Material Facts (22 NYCRR 202.8-g) is **not** required; however, if filed by the movant, opposing papers **must** include a line-by-line response. Failure to respond to the Statement of Material Facts will be deemed an admission of the movant's submission.

c. Each motion exhibit shall be uploaded as a separate PDF file with a short description in the document information field. Plaintiff's exhibits shall be labeled **numerically**. Defendant's exhibits shall be labeled **alphabetically**.

**Exhibits consisting of multiple documents shall be bookmarked.**

Exhibits with attachments which have not been bookmarked will not be considered and the application or opposing papers will be subject to denial.

d. Citations to legal authority must use the official citations only. Unpublished opinions cited in motion papers should be embedded with a hyperlink or printed in an appendix to the motion submission.

e. All submissions shall be in compliance with the rules set forth in 22 NYCRR 202.8-b.

4. Sur-replies are not permitted without express leave of the Court. If such papers are submitted without leave, they will not be considered. 22 NYCRR 202.8-c and NYCRR 202.8-d.

5. Replies to cross-motions or Orders to Show Cause shall not be accepted without advance leave of the Court in accordance with 22 NYCRR 202.8-d. If such papers are submitted without leave, they will not be considered.

6. A request for a Temporary Restraining Order shall be brought by Order to Show Cause, shall indicate the request for a TRO on the face page in bold letters and shall include proof of advance notice to the adverse party in accordance with 22 NYCRR 202.8-e. If relief is requested without notice, an affidavit explanation of why such notice is inappropriate or impossible must be

provided. Except in emergent circumstances, which should be explained, advance notice is deemed to mean at least 24 hours' notice.

## 7. Matrimonial Actions:

a. Each pendente lite motion must include:

- i. Statutory calculation for guideline amount of temporary maintenance pursuant to Domestic Relations Law 236 part B(5-a)(c).
- ii. Current net worth statement.

b. Each motion or order to show cause seeking modification of support must include a current net worth statement. The motion or order to show cause will be rejected if not included.

Pendente lite applications shall NOT be made by Order to Show Cause without good cause shown.

c. Forensic Mental Health evaluation reports are released to attorneys upon execution of the Court's standard release form. Unless the Court directs otherwise, such reports may be reviewed with litigants, in the presence of their attorneys, but in no circumstances may copies be given to litigants. Pro se litigants may review copies of the report in the Courtroom only.

In the event an attorney is discharged or otherwise terminates representation of a client during the pendency of an action, all copies of evaluation reports shall be returned to the Court by the outgoing attorney, and shall NOT be transferred to substitute counsel or pro se litigants.

8. a. Except for motions for contempt, there will be no oral argument on any motion or Order to Show Cause unless directed by the Court. Unless directed by the Court, no appearances are required on the return dates of motions or Orders to Show Cause.

b. Parties seeking oral argument of a motion or Order to Show Cause shall indicate, in bold print above the Index Number on the first page of the papers, Oral Argument Requested. If granted, the date and time of oral argument shall be directed by Court Notice in NYSCEF. If the matter is a paper matter, the party who requested oral argument will be notified of the date and time for argument and shall inform all other attorneys. The Court shall be copied on the notification.

9. On paper-filed motions, all counsel or parties shall submit a self addressed stamped envelope with their moving or opposition papers.

## **B. Adjournment of Motions**

1. So long as the matter is not scheduled for trial, motions may be adjourned once without leave of the Court, on consent of the parties, from the original return date to any mutually agreeable date within four weeks of the original.
2. A subsequent adjournment must be requested from the Court. The request must specify the reason for the request; the original date of the motion; the current adjourned date, and the new return date. All counsel/parties must be contacted prior to the request and the Court must be advised whether consent was given. If adjournment is granted, the Part Clerk or Assistant Law Clerk will advise the party who submitted the request of the new return date.
3. Unless the Part Clerk has conveyed that the matter has been adjourned, the parties should **not** assume that the request has been granted.
4. No adjournments shall be granted if the new return date falls within 90 days of the trial date.

## **IV. Decisions and Orders**

1. Orders, judgments, counter-orders and/or counter-judgments submitted for signature on notice must include an Affidavit of Service and Notice of Settlement for a designated date in accordance with 22 NYCRR 202.48. Orders, etc based on a stipulation placed on the record shall attach and incorporate by reference a copy of the transcript.

Payment for transcripts must be timely made to the applicable Court reporter.

2. Qualified Domestic Relations Orders submitted for signature shall include a copy of the Judgment of Divorce and relevant portions of the Stipulation of Settlement, or transcript, if any.
3. a. Orders containing a child support provision, including judgments of divorce and opting-out agreements, must include, on the face page, the modification notice language required by Domestic Relations Law 236-b[7].  
b. Any support order directing payment through the support collection must include the SCU notice required by Domestic Relations Law 240-c[5][b].
4. Every Judgment of Divorce shall include the full, unredacted social security numbers of the parties.



## V. E-Filing

1. All parties should familiarize themselves with the statewide E-Filing Rules (22 NYCRR 202.5b and 202.5bb). General questions about e-filing should be addressed to the E-Filing Resource Center at 646-386-3033 or [efile@nycourts.gov](mailto:efile@nycourts.gov).
2. a. Except for an exempt party as defined in 22 NYCRR 202.5bb, all submissions to the Court, including Notices of Motions and Orders to Show Cause and exhibits; opposition and reply papers to Motions and Orders to Show Cause, including exhibits; and proposed orders and judgments shall be filed and served by electronic means.  
  
b. Working copies are no longer required for e-filed cases unless specifically requested by the Court. Parties seeking to file and serve papers in hard copy pursuant to statute or court order must include a copy of the Notice of Hard Copy Submission required by 22 NYCRR 202.5b(d)(1)(iii). The form is available at [www.nycourts.gov/efile](http://www.nycourts.gov/efile).  
  
c. Exhibits must be attached as separate NYSCEF documents, with a description of the contents of each. **All attachments to NYSCEF exhibits shall be bookmarked.** Papers which do not comport with this rule will be rejected.

## VI. Pre-Trial and Trial Matters

### A. Pre-Trial Filings:

1. Note of Issue shall be filed via NYSCEF or, if paper file, with the County Clerk.
2. Not later than one week before the trial date, plaintiff's counsel shall submit copies of marked pleadings and the verified bills of particulars. All counsel shall also submit a list of proposed jury charges and verdict sheet.
3. Exhibits should be marked prior to commencement of trial and counsel should confer and stipulate to those exhibits that can be admitted without objection.
4. All motions in limine must be submitted to the Court and served upon adversary counsel not later than ten days before the trial date, unless good cause is shown.
5. In matrimonial matters, no later than one week prior to trial, the Court is to be provided with: (a) statements of proposed disposition as required by 22 NYCRR 202.16(h); (b) updated Net Worth Statements (with the latest available supporting documents, such as income tax returns, W-2's, brokerage and retirement plan statements); and (c) any forensic reports, appraisals or evaluations conducted in the matter, unless previously provided.

## **B. Subpoenas:**

1. Proof of compliance with CPLR Sections 2306 and 2307 for subpoenas directed to municipal entities must be provided when submitting the subpoena for signature. No subpoena will be so-ordered without compliance. The Court does not require a motion on notice, but instead requires at least 24 hours' letter notice to the municipal entity and your adversary.
2. All subpoenas seeking the production of records subject to the HIPAA Rules shall attach a duly executed authorization permitting the release of such records.

## **C. Interpreters; Other Special Accommodations:**

1. Counsel shall notify the Court and/or Part Clerk as soon as possible, but not later than sixty (60) days prior to trial, if a translator or interpreter is required at trial.
2. If a party or a witness requires some accommodation, such as an assisted hearing device, counsel shall notify the Court as soon as possible, but not later than thirty (30) days prior to trial.

## **VII. Settled and Discontinued Cases**

Counsel must notify the Court by letter via NYSCEF filing where appropriate, of the settlement or discontinuance of any action or proceeding immediately upon such settlement or discontinuance. An original signed Stipulation of Discontinuance shall be submitted to Court in paper cases. The Stipulation shall be uploaded to NYSCEF in all e-filed cases.