

(Eff. 01/2024)

HON. THOMAS QUIÑONES

Westchester County Courthouse
111 Dr. Martin Luther King Jr. Blvd, Courtroom 1403
White Plains, New York 10601

INDIVIDUAL PART RULES

Staff:

Part Clerk:	Anissa Robinson	(914) 824-5167 / arobinso@nycourts.gov
Secretary:	Rita Passidomo	(914) 824-5431
Principal Court Attorney:	Angela DiBiasi, Esq.	(914) 824-5431
Assigned C.A.R.:	David Markus, Esq.	(914) 824-5561

Important Contact Information:

- (i) **For scheduling and general inquiries regarding court conferences, scheduling/adjudgments, virtual conference links, trial/hearings, please contact the Judge’s Part Clerk: Anissa Robinson:
Phone: # (914) 824-5167 / Email: arobinso@nycourts.gov**

- (ii) **For motion-related inquiries including motion adjournment requests, please contact Motion Support Department:
Phone: # (914) 824-5343 / Email: MotionSupportWestchester@nycourts.gov**
Please refer to the Westchester Supreme Court Civil Case Management Rules, Article IV. “Motions and Motion Support Office” available on the Court’s website at [WestchesterCivilRules.pdf \(nycourts.gov\)](#)

I. GENERAL RULES

A. Appearances: Counsel who appear before the Court must be familiar with the case and be fully authorized to enter into agreements on behalf of their clients. Counsel shall appear ready to discuss all matters, including settlement, at any scheduled appearance. Counsel and self-represented parties must be on time for all scheduled appearances.

B. Settlements and Discontinuances: If an action or motion is settled, discontinued, disposed or withdrawn in any manner, counsel must immediately inform the Court by letter or email to the Part Clerk arobinso@nycourts.gov and file the appropriate stipulation on the New York State Courts E-Filing system (hereinafter “NYSCEF”).

C. Communications: All permissible correspondence to the Court must be filed to NYSCEF on notice to all parties. Please refrain from submitting courtesy copies of same via email or mail. Any *ex-parte* communication is strictly prohibited. In addition, counsel

must inform client(s) that under no circumstances shall any member of the Court's staff engage in any conversation or exchange any communication with a represented party. Self-represented parties must not contact the Judge's Secretary or Principal Court Attorney and must direct all communications through the Part Clerk.

D. Conduct of Parties and Counsel: All parties and counsel must conduct themselves appropriately in all proceedings and in their communications with each other and the Court. Personal attacks upon parties or counsel are strictly prohibited.

II. CONFERENCES

A. Preliminary Conferences: Preliminary Conferences are handled by the Preliminary Conference Part PreliminaryConferenceWestchester@nycourts.gov

B. Compliance Conferences: Compliance conferences shall be conducted by the Principal Court Attorney or the assigned court attorney (C.A.R.) who shall monitor the progress of discovery to completion and ensure that discovery obligations and deadlines are enforced (and, where appropriate, adjusted) on a consistent basis.

Requests for modifications to discovery schedules shall be raised and addressed at the compliance conference. Applications for extensions of a discovery deadline shall be made as soon as practicable and prior to the expiration of such deadline (22 NYCRR 202.20-e). Inquiries submitted via NYSCEF or by email to the Judge's Part Clerk are restricted to scheduling matters and routine submissions only. If assistance is required regarding a discovery issue, the parties shall make a good-faith effort to resolve any discovery dispute and, if unresolved, a party shall promptly request a compliance conference by e-mailing the Judge's Part Clerk on notice to all other parties, and/or filing a letter to NYSCEF addressed to the attention of the Judge's Part Clerk.

Adjournments of compliance conferences shall be granted upon a showing of good cause (22 NYCRR 202.10). While a party may upload to NYSCEF a request for an adjournment by selecting NYSCEF document type "Correspondence (Request for Adjournment)," the party must also e-mail the adjournment request to the Judge's Part Clerk on notice to all other parties. When practicable, the request for an adjournment shall be made at least two (2) business days before the scheduled conference and shall include two (2) proposed alternative dates for rescheduling the conference, which dates shall be no later than one hundred twenty (120) days prior to the last day of discovery completion set forth in the preliminary conference order. Unless the parties receive confirmation from the Judge's Part Clerk that a conference has been rescheduled, the parties shall appear for the conference as originally scheduled.

An adjournment of the compliance conference will not excuse a failure to provide discovery or failure to adhere to a preliminary conference order or compliance conference order. Discovery shall proceed during the period of any adjournment (22 NYCRR 202.10).

- C. Certifying a Case as Trial Ready: Where all parties agree that discovery is complete and request the issuance of a Trial Readiness Order without the necessity of an appearance at a virtual compliance conference, the parties may file a signed Trial Readiness Stipulation via NYSCEF at least two (2) business days prior to any scheduled conference, to be so-ordered by this Court. The Trial Readiness Stipulation form used by this Court is available on the Court's website at:
<http://www.nycourts.gov/legacypdfs/courts/9jd/civilCaseMgmt/TrialReadinessOrder.pdf>
- D. Note of Issue: Once discovery is complete or has been deemed waived, a Trial Readiness Order will be issued pursuant to which plaintiff will be directed to serve and file via NYSCEF a Note of Issue and Certificate of Readiness within twenty (20) days. If plaintiff does not timely file the Note of Issue, the Court will sua sponte issue a written demand pursuant to CPLR 3216(b)(3).
- E. Settlement Conferences: A settlement conference with the Judge shall be scheduled within approximately ninety (90) days following the filing of the Note of Issue, unless a motion for summary judgment has been filed. The parties may jointly request that the post Note of Issue settlement conference be advanced by emailing the Part Clerk.

III. MOTION PRACTICE RULES

A. E-Filing Rules and Protocol: All parties should familiarize themselves with the statewide E-Filing rules - Uniform Rule §§ 202.5-b and 202.5-bb [Rules & Legislation \(state.ny.us\)](#) and the Westchester Supreme Court Civil Case Management Rules. General questions about e-filing may be directed to the E-Filing Resource Center at (646) 386-3033 or efile@nycourts.gov. Specific questions about local procedures may be directed to the Civil Calendar Office at (914) 824-5300.

All cases that are subject to mandatory electronic filing must be filed electronically via NYSCEF. In an e-filed case, any submission to the Court, including a proposed order, proposed judgment or letter, must be filed electronically via NYSCEF. Counsel and self-represented parties are expected to keep their contact information updated in NYSCEF.

This Judge's Part does not require a separate Statement of Material Facts annexed to a summary judgment motion, pursuant to Amended Rule 22 NYCRR 202.8-g.

This Judge's Part does not require working copies of motion submissions filed to NYSCEF (unless otherwise directed/requested by the Court).

Counsel should refer to E-Courts to determine if an appearance is required. Any questions about scheduling appearances on the motion, if any, or adjourning appearances must be directed to the Part Clerk.

B. Motion Calendars and Appearances: All motions or proceedings brought on by Notice of Motion or Notice of Petition must be made returnable before the Court on any Friday that the Court is in session at 9:30 a.m. Personal appearances are not required on the return date. Papers not filed on NYSCEF by noon on the motion return date may not, in the Court's discretion, be considered.

All motions are by paper submission (unless otherwise directed by the Court). A request for oral argument may be made on the first page of the Notice of Motion, Order to Show Cause or answering papers. The Court will determine whether oral argument is appropriate. If such request is granted, the Court will notify counsel of the oral argument date, time, and manner in which the oral argument will be conducted (either in person or virtual appearance by Microsoft Teams link to be provided by the Judge's Part Clerk).

C. Motion Adjournments: The procedure for requesting a motion adjournment is set forth in the Westchester Supreme Court Civil Case Management Rules, Article IV entitled "Motions and Motion Support Office" Said rules are available on the Court's website at [WestchesterCivilRules.pdf \(nycourts.gov\)](https://www.nycourts.gov/WestchesterCivilRules.pdf).

Article IV(D) of the Westchester Supreme Court Civil Case Management Rules regarding motion return dates and adjournments provides:

"The return date for any motion, whether pre-Note of Issue or post-Note of Issue, including motions for summary judgment and other substantive motions, and discovery related motions, once made, may not be adjourned more than three (3) times and such return date may not be adjourned for more than a total of sixty (60) days. **Any request for an adjournment may be made in writing to the Motion Support Clerk by e-mail to MotionSupportWestchester@nycourts.gov at least two (2) business days prior to the return date, on notice to all parties. A proposed stipulation of the parties or order shall be filed via NYSCEF when any request for an adjournment is made.** As appropriate, the Motion Support Office shall administratively adjourn motions to the motion day specified in the assigned IAS Justice's Part Rules. In no event shall an adjournment be granted after the time to move or submit opposition or reply papers has expired. It is incumbent upon counsel to ensure that any request for an adjournment of the return date of a motion has been received by the Motion Support Office and approved within the requisite time period. No requests for adjournments shall be addressed to the IAS Parts. Requests for adjournments sent in error to IAS parts will not be processed." [Emphasis added].

Unless the parties have received Court's approval of an adjournment, no motion is considered to have been adjourned, including an adjournment on consent.

D. Orders to Show Cause and Requests for Temporary Relief: An Order to Show Cause submitted for signature must be uploaded to NYSCEF or presented to the office of the calendar clerk, after the payment of any required fee at the County Clerk's Office.

If an Order to Show Cause seeks temporary injunctive relief, counsel for the moving party or a self-represented moving party must demonstrate compliance with the notice requirements of Rule 202.7(f) of the Uniform Rules for the Trial Courts. A conference on the request for a Temporary Restraining Order, if required, will be conducted by the Court at a date and time set by the Court. Generally, an Order to Show Cause filed via NYSCEF is reviewed by the Court the business day after filing. If a submission requires more immediate attention, please contact the Part Clerk or Secretary after the Order to Show Cause is filed.

If the Court signs an Order to Show Cause, a copy of it will be uploaded to NYSCEF. If it is not an e-file case or the moving party has not opted into NYSCEF, the Court will email the signed Order to Show Cause to the moving party. A briefing schedule will be provided on the signed Order to Show Cause. No cross motion will be accepted absent prior permission of the Court or as specified in the Order to Show Cause. If appearances are required on the return date of the motion, the Court shall so indicate in the signed Order to Show Cause. Otherwise, no appearance is required, and no oral argument will be heard on the return date of the motion.

E. Communications Regarding Motions: All communications regarding motions, including questions concerning the status of motions, must be directed to the Part Clerk. Any request(s) to adjourn pending motion(s) shall be directed to the Motion Support Department at (914) 824-5343 / MotionSupportWestchester@nycourts.gov

F. Sur-Reply and Post-Submission Papers: Absent express permission from the Court, sur-reply papers and motion practice by correspondence are not permitted.

G. Length of Papers: Absent express permission obtained in advance from the Court, which will be granted only upon a showing of good cause, briefs or memoranda of law must be limited to 25 pages each, and affirmations and affidavits must be limited to 10 pages each. Papers submitted to the Court in violation of this rule may not be considered by the Court in deciding the motion, without prior notice to the submitting party.

IV. TRIAL PRACTICE RULES

A. Trial Preparation: Prior to the commencement of a hearing or trial, counsel and any self-represented party must ascertain the availability of all witnesses and subpoenaed documents.

B. Interpreters and Special Services: Upon reporting to the Court for a hearing or trial,

counsel and any self-represented party must immediately advise the Part Clerk if the services of a foreign language interpreter are required for any party or witness or if any special services are required for any party or witness who is hearing-impaired or who has any other disability. Similarly, the Part Clerk must be immediately informed if there is a need for a television, monitor or any other courtroom aid.

C. Pleadings and Submissions Due Immediately Upon Appearance: Immediately upon being assigned to this Court for a hearing or trial, counsel for each party, including the Law Guardian, if any, and any self-represented party must report to the Part Clerk in Courtroom 1403. Counsel or the self-represented party must provide the Court the following documentation:

1. A statement of the estimated length of the trial.
2. The party who filed the note of issue must submit to the Court copies of all pleadings marked as required by CPLR 4012 and a copy of the bill of particulars, if any.
3. A list of all witnesses who may be called at trial, including any known, potential rebuttal witnesses.
4. A list of all exhibits the party expects to use at trial, indicating whether such exhibits are stipulated for admission into evidence or are marked only for identification.
5. A written stipulation governing all facts that are not in dispute.
6. Proposed verdict sheet(s) and proposed jury charge(s) (with corresponding Pattern Jury Instruction [hereinafter, "PJI"] number and full text from the PJI for each charge).
7. A copy of any statutory provisions in effect at the time the cause of action arose, upon which any party to the action relies.
8. All expert witness reports relevant to the issues.
9. All reports, transcripts of examinations before trial and written statements which may be used either to refresh a witness' recollection or for cross-examination.

D. Marking of Exhibits: After filing the above-listed submissions with the Court, counsel and any self-represented party must meet with the assigned Court Reporter to pre-mark all exhibits for identification. Any exhibits whose admission is agreed to by the parties must be pre-marked for admission.

E. Conference: Immediately prior to the commencement of a hearing or trial, the Court will conduct a brief conference with all counsel to discuss preliminary matters. At this conference, counsel and any self-represented party must alert the Court to any anticipated motions *in limine* or evidentiary objections which will be made during the hearing and/or trial and must provide the Court with a copy of all prior decisions and orders which may be relevant to any applications *in limine* and/or objections. If appropriate, the Court may direct counsel to file a brief legal memorandum via NYSCEF for the Court's consideration on any motion *in limine* prior to rendering a determination.

F. Copies of Transcripts: If any part of a transcript of an examination before trial will be read as evidence-in-chief, the proponent of the transcript must provide a complete copy of it to the Court and all other counsel and/or self-represented parties, well in advance of the time that it shall be read, including citations to the page and line numbers for all portions to be read, so that all objections may be addressed by the Court prior to the proposed reading.

G. Copies of Exhibits: Upon the admission of an exhibit at a hearing or trial, the proponent of the exhibit must provide a complete copy to the Court.

H. Jury Charges: Counsel and any self-represented party must submit a complete list of requests to charge, including corresponding Pattern Jury Instruction (hereinafter “PJI”) numbers and the full text from the PJI for each charge, to the Court and must provide copies to all other parties. If a deviation from or an addition to the PJI is requested, counsel and any self-represented party must submit the full text of such request in writing and relevant supporting legal precedents to the Court.

I. Verdict Sheet: A verdict sheet must be jointly prepared. If an agreement cannot be reached, each party must submit a proposed verdict sheet to the Court on notice to all other parties.

J. Post-Trial Submissions: In accordance with the schedule set by the Court at the conclusion of a trial, the parties must jointly submit a transcript of the proceeding and each party must prepare and submit (i) post-trial memorandum not exceeding 25 pages, and (ii) proposed judgment.

Factual arguments in the post-trial memorandum shall be supported by citations to the trial transcript. Legal arguments shall be supported by citations to applicable legal authority.

K. Trial Conclusion: At the conclusion of trial, counsel and any self-represented party are expected to e-file any exhibits admitted into evidence and any other document required to complete the record for purposes of any appeal. In addition, all materials used during the trial must be removed from the courtroom within 48 hours of the conclusion of trial. All materials not timely removed will be discarded.

V. VIRTUAL PROCEEDINGS RULES

A. General: All in-person court rules apply equally to virtual court proceedings.

B. Recordings: No party or attorney may record any virtual court proceeding including, without limitation, video, audio, photographs and/or screenshots.

- C. Third-Party Presence: No individual may be physically present in the same room as a party or witness, except for counsel.
- D. Third-Party Communication: No party or witness may communicate with anyone in any manner while under oath during a virtual court proceeding.
- E. Attorney-Client Communication: Prior to engaging in any private communication with their client during a virtual court proceeding, counsel must first announce an intention to do so.
- F. Visibility: A witness and counsel must be visible on screen, while under oath during a virtual court proceeding, whether together in the same room or in separate physical locations.
- G. Electronic Devices: All electronic devices that are not being used to communicate with the Court must be placed on mute.
- H. Messaging: Counsel, parties and witnesses must be aware that all Microsoft Teams messaging is public and persistent in that it is never erased.