

JUSTICE LINDA S. JAMIESON

**Supreme Court of the State of New York
Westchester County Courthouse
111 Dr. Martin Luther King, Jr. Boulevard
White Plains, New York 10601
Courtroom 103 - 1st Floor
Tel: (914) 824-5415
Fax: (914) 824-5885**

Rev. 12/22/2023

Staff

Judith Shampanier, Principal Court Attorney (914) 824-5416
Joseph S. Hadala, Assistant Court Attorney / Secretary (914) 824-5415
Demary Lopez, Part Clerk (914) 824-5345 / dlopez@nycourts.gov

These rules apply to all NON-COMMERCIAL CASES appearing before Linda S. Jamieson, Justice of the Supreme Court, Westchester County. This Part has separate rules for all Commercial Division cases.

Counsel must be fully familiar with the Uniform Civil Rules for the Supreme Court 22 NYCRR Part 202.

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 – available at www.nycourts.gov/efile) and the [Westchester County E-Filing Protocol](#) available at <https://www.nycourts.gov/courts/9jd/e-file.shtml>

General questions about e-filing should be addressed to the E-Filing Resource Center at (646) 386-3033 or efile@nycourts.gov. Specific questions relating to local procedures should be addressed to **the Civil Calendar Office at (914) 824-5300**.

Note that NYSCEF does not automatically remove former counsel from a matter; former counsel must contact NYSCEF to remove themselves, otherwise they will continue to receive notifications.

I. GENERAL RULES

A. Governing Authority. This Part is conducted in accordance with the Uniform Civil Rules for

the Supreme Court and the County Court (see 22 NYCRR Part 202), and the Westchester Supreme Court Civil Case Management Rules (available at: <https://www.nycourts.gov/LegacyPDFS/courts/9jd/civilCaseMgmt/rules/WestchesterCivilRules.pdf>)

All parties should familiarize themselves with these Rules.

B. Appearances by Counsel with Knowledge and Authority. All counsel who appear before the Court must be familiar with the case and be fully authorized to enter into agreements as to both substantive and procedural matters on behalf of their clients. Attorneys appearing “of counsel” to the attorneys of record and self-represented parties shall be held to the same requirements. Failure to comply with this Rule may be regarded as a default and dealt with appropriately. All counsel and self-represented parties must be on time for all scheduled appearances.

C. Conduct of Parties and Counsel. It is expected that all parties and counsel shall conduct themselves appropriately in all proceedings and in their communications with each other and to the Court. Personal attacks upon parties, counsel or the Court will not be tolerated and may result in the imposition of sanctions, as the Court determines to be warranted under the circumstances.

D. Virtual and In-Person Appearances. All conferences are in person, unless otherwise instructed. A party may request to appear virtually, if it can show good cause for the request. Counsel should note that coming from another county in the State does not constitute “good cause.”

II. COMMUNICATIONS WITH THE COURT

A. Correspondence. Correspondence to the Court shall, without exception, be copied to all adversary counsel and *pro se* litigants and **must** state the date of the next conference. Correspondence between counsel and/or *pro se* litigants shall not be copied to the Court unless there is some specific judicial purpose to be served by transmitting copies to the Court. **For an e-filed action, the Decision or Order will be uploaded to the NYSCEF system.**

B. Scheduling. All questions about scheduling appearances or adjournments should be addressed by email to the Part Clerk, Demary Lopez, at dlopez@nycourts.gov. Do not contact Chambers regarding such issues.

Requests for a motion adjournment should be made by letter only. In non-Commercial Division matters, the Motion Support Office addresses motion adjournment requests. Request for a conference adjournment should be filed in NYSCEF. Any other relief should be requested by filing a letter in NYSCEF.

Requests for adjournment of matters should be made by not later than two business days prior to

the conference. Requests made after that will likely not be granted. All requests for adjournments must be made with the consent of all opposing counsel.

If consent cannot be obtained, then the requesting counsel must explain to the Part Clerk by email the efforts made to obtain consent, and the reason for the adjournment.

C. Telephone calls. Telephone calls shall be limited to situations requiring immediate attention which cannot be addressed by written correspondence. Requests for adjournments will not be addressed by telephone.

III. FILING AND WORKING COPIES

A. Electronic Filing. Motions in civil actions and related filings, including proposed Orders and Judgments, assigned to Justice Jamieson must be filed through NYSCEF, unless an exception applies.

B. Working Copies. Except as otherwise specified in these Part Rules, **do not send** working copies of motion papers unless the Court requests them. However, the Court requires working copies of all pre-trial documents, including witness lists, exhibit lists, motions *in limine* and pretrial memoranda.

Pursuant to Uniform Rule § 202.5-b(d)(7), the Court may require or permit a party to file in hard copy an exhibit or other document which it is impractical or inconvenient to file electronically.

IV. CONFERENCES

A. Preliminary Conferences. Pursuant to Westchester Supreme Court Civil Case Management Rules (available at <https://ww2.nycourts.gov/courts/9jd/civilCaseMgmt.shtml>), initial scheduling in response to a Request for Preliminary Conference will be coordinated by the Preliminary Conference Part.

Preliminary Conference Part contact: Timothy Jackson, Preliminary Conference Part Clerk
8th Floor; E-mail: PreliminaryConferenceWestchester@nycourts.gov; Phone: (914) 824-5344

In the case where a Preliminary Conference order cannot be issued, because of disputes between the parties, or for other reasons, the PC will be referred to this Part. Once a Preliminary Conference Order has been issued, the case will remain on this Court's assigned inventory for discovery proceedings.

B. Settlement Conferences. After a Note of Issue is filed, a Settlement Conference will be heard by this Court. Counsel or a non-represented party will be notified by this Court as to the date, time and place of the Settlement Conference. In addition, after a summary judgment motion is decided, a Settlement Conference will be directed, if appropriate. Counsel may also upload a letter to NYSCEF, if during the course of the case, counsel believes that this Court can be of

assistance in settling a case.

Settlement Conferences require the appearance of trial counsel or the attorney of record with full authority.

V. MOTIONS AND ORDERS TO SHOW CAUSE

A. General Rules. The Court will entertain motions on **submission** only brought by Notice of Motion on any Friday the Court is in session. The return date for an Order to Show Cause shall of course be determined by the Court at the time the OSC is submitted for consideration and executed. Although counsel may request oral argument, no oral arguments will be heard on any motions unless directed by the Court. In the unusual instance when the Court wishes to hear oral argument on a motion, as permitted by Uniform Rule § 202.8(d), all counsel and *pro se* litigants shall be provided with reasonable prior notice of the date and time scheduled for such purpose at which parties are expected to appear in Court.

B. Unless a litigant is seeking a Temporary Restraining Order, or a statute expressly requires that the relief being sought be brought by Order to Show Cause, relief requests shall be brought by Notice of Motion.

C. Temporary Restraining Orders. Moving counsel must submit adequate proof of compliance with 22 NYCRR § 202.7(f). Failure to do so will result in a denial of the requested TRO. Parties seeking TROs must call the Part Clerk to schedule an appearance date and time.

D. Ex Parte Motions. The Court does not accept ex parte motions, unless they are motions for service by publication or other such unusual motions. All other motions, including motions for Orders of Reference and Judgments of Foreclosure and Sale, must be on notice. If you have any questions about whether your motion should be on notice, please contact the Part Clerk.

E. Motion Adjournments. This Court cannot accept requests for adjournments. The parties must file requests for adjournments in the Motion Support Office.

Pursuant to the Westchester Supreme Court Civil Case Management Rules, the Motion Support Office requires that 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 times and such return date may not be adjourned for more than a total of sixty days. Any request for an adjournment may be made in writing least two business days prior to the return date, on notice to all parties.

Motion Support Office contact: Steven Kelner, Motion Support Clerk, 8th floor; Email: MotionSupportWestchester@nycourts.gov; Phone: (914) 824-5343

F. CPLR § 3214. As per the DCM Protocol, no discovery shall be stayed by the filing of any

motion, unless the Court orders otherwise.

G. Form of Papers. All motion papers submitted to the Court, including Orders to Show Cause, must be legible, and should be typewritten and double-spaced, with all exhibits labeled (and, in the case of hard copies, affixed with tab markings). Motion papers and all correspondence must indicate the index number assigned to the action, as well as the next appearance date in the matter.

VI. DECISIONS AND ORDERS

The parties are responsible to obtain copies of all written Orders, Motions and Decisions from NYSCEF.

VII. TRIALS AND HEARINGS

A. Prior to commencement of a trial, counsel shall provide the Court with:

- 1) Marked pleadings and Bill of Particulars in accordance with CPLR Rule 4012;
- 2) Pre-trial memoranda of law as to any known disputed legal issues that must be determined by the Court;
- 3) All previous judicial decisions, including appellate decisions, in the case;
- 4) A list of witnesses for each party;
- 5) An exhibit list. Material to be used on cross-examination need not be listed. The attorneys are to pre-mark their exhibits. Only those received into evidence will be marked by the reporter. The reporter is to be provided with an exhibit list;
- 6) Requests to charge. The charge will be drawn from the Pattern Jury Instructions (PJI). A **complete and exhaustive** list of requested charges (including introductory and closing charges) **MUST** be submitted. Failure to include any charge may result in the Court refusing to instruct the jury on that charge. Unless counsel seek a deviation from the Pattern charge or additions to the Pattern charge, only the PJI numbers and title of the charge need be submitted. The parties must meet to discuss the charges, and note on their request to charge any disagreements, along with the reasons therefor. Where deviations or additions are requested, the full text of such requests must be submitted, together with any supporting legal precedents;
- 7) Verdict sheet. Counsel shall jointly prepare a verdict sheet. The verdict sheet is to be typed and in final form for presentation to the jury. If agreement cannot be reached, then each side shall present a proposed verdict sheet.

B. Motion in Limine. Any motions for the Court's consideration *in limine* must be delivered to the Part Clerk and served upon adversary counsel not later than one week prior to the scheduled date of the trial, except as to issues that cannot be reasonably anticipated prior to trial.

VI. SETTLED AND DISCONTINUED CASES:

Counsel shall immediately notify the Court of a case disposition. Following the initial notification, counsel **MUST** submit a copy of the stipulation of discontinuance to Chambers so that the matter may be formally marked off the calendar.

If an action is settled, discontinued, or otherwise disposed of in any manner by the parties, counsel and self-represented parties shall immediately inform the Court by letter, along with a copy of the Stipulation of Discontinuance, and, in an e-filed case, by filing the Stipulation via NYSCEF. In a non-e-filed case, the Stipulation of Discontinuance must be filed with the County Clerk, with a copy provided to Chambers via e-mail to the Part Clerk Demary Lopez, at dlopez@nycourts.gov.