

INDIVIDUAL PART RULES OF

**Hon. Maria S. Vazquez-Doles, J.S.C.
Orange County Supreme Court**

**Court Location-1841 Court House -101 Main Street, Goshen
Mailing & Filing Address - 285 Main Street, Goshen, NY 10924
Chambers Fax: (845) 476-3684**

Law Clerk: **Jane P. Harrington, Esq.**
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Part Rules & E-Filing
(Effective November 16, 2016)

PLEASE NOTE: Actions before the Hon. Maria S.Vazquez-Doles, J.S.C. are **NOT** subject to **MANDATORY** electronic filing rules at this time. However, **UPON CONSENT of all parties**, some cases may be filed electronically. See **Rule 18 below** for e-filing details.

APPEARANCES

- Rule 1.** (A) All parties and counsel must be present at each appearance on matrimonial matters, unless otherwise directed by the Court.
(B) Counsel for all parties must be present.
(C)Attorneys appearing per diem or ‘of counsel’ must be prepared to discuss details of the case and availability of trial counsel.

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.

Rule 2. Attorneys and litigants must check in with Court Officer and sign in on the daily calendar upon arrival. If your appearance is required elsewhere that day, please note the location and time of that appearance.

Rule 3. Matters will be scheduled by the Court as follows:

9:30am - Preliminary/status/compliance conferences

10:00am - Settlement or Pre-trial conferences

11:00am - Settlement or Pre-trial conferences

First call of calendar is at 9:30am

Second call of calendar is 10:30am. Motions for default will be considered at the second calendar call at 10:30am.

ADJOURNMENTS

Rule 4. ALL ADJOURNMENTS MUST BE APPROVED BY THE COURT. IF NOT APPROVED, THEN ALL APPEARANCES ARE REQUIRED.

A) Applications to adjourn, **on consent**, must be received, by Chambers, via facsimile at least **48 hours** prior to scheduled appearance. **USE OF THE ATTACHED ADJOURNMENT FORM IS REQUIRED.** All requests must be accompanied by three (3) proposed dates for adjournment on consent of all parties, including the attorney for the children, in a single submission to the Court. **Proof must accompany any Emergency application when less than 48 hours is available. Trial dates may not be adjourned without PRE-APPROVAL of chambers.**

B) If the application is based on counsel's actual engagement on another matter, an Affirmation of Actual Engagement, in conformity with 22 NYCRR Part 125, must be filed with the Court. A Request for Adjournment Form must also accompany your Affirmation of Actual Engagement.

C) If the adjournment is granted, **the applicant must fax notification to all parties and chambers on the same day the application is granted.**

D) Adjournment requests which are left on the Chamber's voice mail **will be disregarded**, and counsel is expected to appear unless the adjournment is specifically granted by the Court.

PRELIMINARY CONFERENCES

Rule 5.

A) In all matrimonial actions, pursuant to 22 NYCRR §202.16(f)(1), there must be an exchange of papers ten(10) days **prior** to the Preliminary Conference date. These papers shall include those listed in sub-paragraphs (i) - (vi) of §202.16(f)(1). In addition to those exchanged between parties, counsel shall also file **directly with the Court**, a copy of the pleadings, the net worth statement, the most recent W2's or pay stubs.

B) In both matrimonial and IAS cases, a copy of all pleadings, **SEPARATE FROM ANY MOTIONS**, must be filed before or at the Preliminary conference. Failure to comply with this rule may result in the assessment of costs..

C) Adjournments of the Preliminary Conference will not be granted, absent a compelling reason. Counsel is directed to review the provisions of 22 NYCRR §202.12 and §202.16(f) concerning preliminary conferences.

MOTIONS

Rule 6.

The Court does NOT hold motions in abeyance. Motions must be formally withdrawn by letter

A) Litigation by letter is **STRICTLY PROHIBITED** and will not be considered or addressed by the Court. Where matters cannot be resolved between the parties, motions are to be served and filed in accordance with the CPLR. In limited circumstances, at the discretion of the Court, a conference call with all the attorneys may be arranged with the Law Clerk.

B) All motions must be paid for and filed with the Orange County Clerk's Office prior to filing with the Supreme Court Clerk. Do NOT send motion fees to chambers as they will be returned to you.

C) Motions are to be served and filed in conformity with the CPLR §2214. Copies of Affidavits of service must also be filed with the Court.

D) Motions shall be limited to 20 pages, excluding exhibits. All exhibits must be clearly tabbed and pages numbered. Motions **MUST BE BOUND BY A TWO CLASP 'ACCO TYPE' FASTENER FOR SCANNING**. Motions not consistent with this rule will be rejected and returned to counsel.

E) No sur-reply will be accepted or considered by the Court.

F) Appearances are not required on the return date of motions, UNLESS otherwise directed by the Court.

G) Courtesy copies are not required and will be destroyed upon receipt. Signed Orders to Show Cause will be faxed to the movant for service upon opposing counsel.

H) The Court will determine, after submission, whether oral argument is warranted. Upon such determination, counsel for all parties will be contacted and advised of the new adjourned date for purposes of oral argument.

I) All motions seeking *pendente lite* relief, including counsel fees, shall comply with 22 NYCRR §202.16(k), and include a copy of all pleadings. Any motion seeking an award of counsel fees must be supported by an affirmation of service, a retainer agreement, and detailed bill. (See 22 NYCRR §202.16(k)(3)).

J) All motions to *renew or reargue* must include, as exhibits, a complete copy of all papers filed in support of the motion sought to be reargued; including a copy of the Decision and Order of the Court. Failure to do so will result in a summary denial of the application.

K) All applications for *injunctive relief, including a stay or temporary restraining order* must be made in accordance with 22 NYCRR 202.7(f). The moving party shall advise the Court as soon as practicable of counsel's intent to make such application.

(1) Requests to continue or vacate a stay or TRO beyond the return date of the motion shall be made on the call of the motion calendar. Failure to apply for such extension shall result in the automatic vacatur of the stay or TRO, unless the Order to Show Cause provides otherwise.

(2) An "*Emergency*" Order to Show Cause requires a special affidavit based upon personal knowledge and an affirmation explaining in detail the nature of the emergency. In addition to the foregoing, the movant should be prepared to appear in Court and to make a record before the Court, if the Court requires the same.

L) Counsel shall immediately notify the Court if it becomes unnecessary to decide a motion.

M) If all or part of the submitted motion is settled, counsel shall forward the original Stipulation of Settlement to the Court with a letter that sets forth the date the motion was submitted, the issues which have settled, and those issues that remain unresolved. **When settled on the record, in whole or in part, counsel must obtain transcripts for so ordering by the Court, unless otherwise directed.**

COMMUNICATION WITH CHAMBERS

Rule 7.

A) All communications with chambers shall include; the title of the action, full names of the parties, the date matter is next on the Court's calendar and the index number. Copies shall simultaneously be delivered to all counsel and noted on the letter. **Ex parte written communications will be disregarded and discarded.**

B) Copies of correspondence between counsel shall not be sent to the Court. Such copies shall be disregarded and discarded.

C) No out of Court settlement will be recognized or accepted unless counsel submits a letter, on notice to opposing counsel and, if napplicable, the Attorney for the Child(ren), along with the executed settlement agreement/stipulation.

D) The Court will not accept ex parte telephone communications on substantive issues.

E) Pro-se litigants will be held to the same legal standards as attorneys. The Court cannot provide legal advice.

F) Facsimiles to chambers shall be **no more than 10 pages** in length. Submissions larger than 10 pages must be mailed or hand delivered. **DO NOT FAX** copies of pleadings, motions, answering papers, statements of net worth, or statements of proposed dispositions. This is prohibited and they will be discarded. **Please mail hard copy or deliver them to the Supreme Court Clerk.**

COSTS and SANCTIONS

Rule 8.

Costs may be assessed for certain conduct including but not limited to; an attorney or party's failure to appear, a failure to comply with discovery, or a failure to file Updated Statements of Net Worth /Statements of Proposed Disposition/Trial Notebooks, etc.

The Court will not consider a sanction application unless the moving party first demands the withdrawal or discontinuation of the offending act or action, and it is refused. Proof of such demand must be made a part of the sanctions application.

TRIAL RULES: APPLICABLE TO ALL TRIALS AND HEARINGS

Rule 9.

A Note of Issue and Certificate of Readiness are to be filed as directed by the Court prior to trial.

Rule 10.

A) All parties, and counsel with knowledge of the case, must attend the pre-trial conference. There will be NO adjournments without the Court's consent.

B) In Matrimonial actions, parties Must Submit the following 48 hours prior to the scheduled Pre-trial conference:

- 1) Statements of Proposed Disposition/Distribution
- 2) Updated statements of Net Worth,
- 3) Any valuations of a business interest or increased earning capacity; a cash flow chart shall be submitted by each side, listing counsel's proposal for payment

thereof, as well as any other payments claimed due (such as payor's obligations for maintenance, child support, income taxes, etc.).

Failure to do so may result in the imposition of costs.

TRIAL

Rule 11.

A) At least 5 business days **prior to trial**, parties shall submit the following:

1) **Exhibits:** Counsel for the parties shall consult prior to meeting with the Court and shall in good faith attempt to agree upon the exhibits that will be offered into evidence without objection. Both parties shall submit indexed, pre-marked exhibits, and updated statements of net worth, tabbed and bound for use at trial. Failure to provide your exhibits will result in preclusion at trial.

2) *In limine* applications, on notice to all parties.

3) **Trial Notebook:** All trial cases, including inquests upon default, require trial notebooks. These notebooks shall include all listed exhibits separately and consecutively tabbed [Numbers for Plaintiff; Letters for Defendant], with the original documents for the witnesses and a copy for the Court. At the conclusion of the trial, all exhibits not received into evidence will be removed from the notebooks and returned to counsel.

4) A list of proposed witnesses, the order in which they will testify and the estimated length of their testimony; and

5) A list of all expert witnesses, with copies of their reports; and

6) Marked pleadings; and

7) A list of stipulated facts; and

8) If deposition transcripts are to be utilized, a copy of the witness' deposition transcript should be available to the Court. Counsel for the parties shall consult prior to trial and shall, in good faith, attempt to agree upon the portions of deposition testimony to be offered into evidence without objection. The parties shall delete from the testimony to be read the questions and answers that are irrelevant to the point for which the deposition testimony is offered. Each party shall prepare a list of deposition testimony to be offered to which no objection has been made and a separate list of deposition testimony as to which objections have been made. At least ten days prior to trial, or such other time as the court may set, each party shall submit its' list(s) to the Court and other counsel, together with a copy of the portions of the deposition testimony as to which objection has been made. The

Court will rule upon the objections at the earliest possible time, after consultation with counsel.

9) An accounting of any claimed *pendente lite* arrears, supported by backup documentation; and

10) Copies of life insurance policies and medical and dental policies of insurance in effect as of the date of the commencement of the action and as of the present date; and

11) A list of issues to be determined by the Court, including any pretrial motion issues deferred to the trial by the Court; and

12) Both sides shall have available at least three (3) copies of any and all of the following:

(a) relevant orders issued by another court, such as final orders of custody or temporary or permanent orders of protection issued by the Family Court; and

(b) any order of this Court that referred issues raised in motion practice to the trial of the action; and

(c) any relevant so-ordered stipulation of this Court, as well as transcripts of stipulations read into the record in open court during the pendency of the action; and

(d) any properly executed and acknowledged stipulation or agreement relating to material issues in this action.

Rule 12.

Counsel are urged to stipulate that any issue relating to an award of counsel and expert fees be resolved by the Court, without testimony, upon the submission of affirmations, invoices, and other appropriate documentation from counsel.

Rule 13.

Counsel are required to stipulate in writing to any and all relevant material facts that are not and should not be in dispute.

Rule 14.

On the date the trial is scheduled, counsel are expected to be prepared to discuss settlement of all unresolved issues and to have complied with each of the trial rules set forth herein.

Rule 15.

Objections should be stated without argument, except to simply state the ground therefore, e.g., hearsay, relevance, etc. If further argument is appropriate, it will be invited by the Court.

SUMMATION RULES

Rule 16.

A) **At the conclusion of the bench trial**, both sides, as well as the attorney for the child(ren), if any, must submit a written Trial Summation with respect to all issues to be decided by the Court. Said Summations shall contain the following clearly delineated sections:

- 1) a chronological procedural history of the action, including copies of all relevant orders, written stipulations and transcripts of stipulations placed on the record;
- 2) a recitation of the issues to be determined;
- 3) an in depth summary of the testimony of each witness;
- 4) a summary of the findings of any expert report received in evidence;
- 5) a summary of the exhibits in evidence;
- 6) a detailed recitation of counsel's contentions as to the testimony and exhibits in evidence;
- 7) a summary of the financials, and
- 8) applicable law.

B) Trial Summations will be marked as a Court Exhibit and shall be part of the record.

(1) The date for submission of the Trial Summations will be set by the Court after consultation with all counsel. The right to submit a Trial Summation shall be deemed waived, if not timely submitted to the Court.

(2) A copy of each side's and if applicable, the AFC's, Trial Summation shall be served on all other parties, simultaneous with such filing with the Court.

(3) Responses to the Trial Summations are prohibited and will not be considered.

(4) The Court is to be provided the original and one copy of each Trial Summation.

(5) Trial Summations shall have a Table of Contents. Failure to provide such Table of Contents will result in the Court not considering such summations.

C) Proposed Judgment and Findings of Fact and Conclusions of Law are to be submitted within sixty (60) days of the Trial Decision.

MISCELLANEOUS

Rule 17.

A) Attorneys who have appeared in the matter are to make all appearances until they are relieved by the Court or a Consent to Change Attorney(s) has been filed with the Clerk of the Court and a copy of the file has been turned over to the new attorney.

(1) A party wishing to proceed pro-se must submit a *withdrawal of attorney on consent*, signed by the outgoing attorney and the pro-se litigant and filed with the Court. In all matrimonial cases, a copy of the client file **must** be released to pro-se litigants by the outgoing attorney.

B) Once the parties have executed a matrimonial Stipulation of Settlement, the first and last page, including both parties' signature, shall be faxed to the Court indicating that the matter has settled. The original, fully executed, stipulation shall be filed with the judgment papers, within 60 days.

C) ORDERS/JUDGMENT SUBMISSION

Proposed orders, judgments and counter orders must be filed in accordance 22 NYCRR 202.48, within 60 days of either the signing of the Decision or the rendering of the decision from the bench. **ORDERS NOT SUBMITTED WILL RESULT IN AN ABANDONMENT, the case marked off calendar pursuant to CPLR §3404, and dismissed after 1 year. Matters will only be restored, upon a proper showing if a Motion to Restore is timely filed.**

(1) All orders or judgments, including counter-orders and judgments, submitted for signature on notice will be returned unsigned unless an affidavit of service and Notice of Settlement for a date designated in accordance with 22 NYCRR 202.48 have been included.

(2) Do not fax proposed orders or judgments, unless otherwise directed by the Court.

(3) Proposed counter-orders shall be submitted on a copy of the proposed order, clearly marked in red, to delineate each proposed change. DO NOT SEND A COMPLETELY NEW ORDER or letters referencing what to change.

(4) A copy of any relevant transcript should accompany the Order.

(5) Consent Orders **MUST** include ORIGINAL signatures of the parties or they will be rejected.

D) Subpoenas directed to libraries, hospitals, municipalities and their departments and bureaus, must be "So Ordered" by the Court pursuant to CPLR §2307. Notice of the forthcoming subpoena must be served upon the municipality or agency at least one day prior to the submission for signature by the Court. **Proof of service must be filed with the proposed subpoena.**

E) Subpoenas seeking information protected by HIPAA shall include an executed HIPAA authorization prior to presenting the subpoena to the Court for signature.

F) Parties seeking a Consolidation of a Family Court proceeding must either make the request by motion or by consent order, signed by all parties and attorneys, and filed with the Court.

G) Failure to appear at any scheduled call of the calendar or at any conference may result in a default and/or a dismissal of the action (NYCRR §202.27). In addition, costs may be assessed as well.

H) The Court functions through the aid and assistance of the courtroom and Chambers staff. They are expected to treat attorneys, litigants and others in a dignified and civil manner, they are also expected to be treated in a civil and dignified manner.

I) It is incumbent upon all counsel and parties appearing before this Court to insure they have this Court's current Part Rules and are in compliance with same.

J) These rules are in addition to the Uniform Rules for New York State Trial Courts and the Local Rules of Court. Failure to comply with any rules or orders of this Court may result in preclusion and/or costs without further notice.

SPECIAL E-FILINGS RULES OF THE COURT:

Actions before the Hon. Maria S.Vazquez-Doles, J.S.C. are **NOT** subject to **MANDATORY** electronic filing rules at this time. However, **UPON CONSENT of all parties**, certain cases may be filed electronically pursuant to the Uniform Rules at 22 NYCRR 202.5-b. Consent can **NOT** be given on case involving CPLR Art. 70 Habeas Corpus, CPLR Art.78 proceedings, Election Law, Mental Hygiene Matters, Matrimonial or SCAR proceedings.

RULE 18: E-FILING

A) All parties intending to file electronically must familiarize themselves with the statewide E-Filing Rules Uniform Rule §§ 202.5 and 202.5-bb - available at www.nycourts.gov/efile and the Orange County E-Filing Protocol. 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 Chief Clerk's Office (845) 476-3429.

B) If filing electronically, on consent pursuant to the Uniform Rules, all submissions, including proposed orders, proposed judgments, and letters to the Court, must be through the New York State Courts E-Filing system (NYSCEF).

EXCEPTION: All Subpoenas Duces Tecum and Ad Testificatum, to be so-ordered for

trial, should still be presented to the Court in Original paper form for signature.

C) When e-filing documents with exhibits, each exhibit **MUST** be uploaded as a separate document and titled so as to identify its exhibit number and contents.

D) Oral Orders must be reduced to writing by obtaining a copy of the transcript and submitting the hard copy to chambers to be so ordered. The so ordered transcript may then be uploaded to the E-filing system.

E) There shall be **NO ELECTRONIC FILING OF DISCOVERY** except as allowed under 22 NYCRR§202.5-b(j).

F)**WORKING COPIES:** Allowable pursuant to 22 NYCRR §202.5-b(d)(4).

Working copies shall not be submitted unless requested by the Court; **EXCEPT** for all Orders to Show Cause, and Motions in Limine. Please be sure the working copies are bound with ACCO type fasteners and have all exhibits externally tabbed. Working copies shall be delivered directly to Judge Vazquez-Doles' Chambers located at the 1841 Court House at 101 Main St., Goshen, New York to the part clerk, or mailed to the Supreme Court Clerk at 285 Main Street, Goshen, NY 10924. All working copies must match electronic filings exactly.

All working copies submitted to this Part must include a copy of the NYSCEF Confirmation Notice firmly fastened as the front cover page of the submission and comply with other requirements set forth in the Orange County Protocol. Working copies without the Confirmation Notice will not be accepted.

Working copies are to be delivered no later than 24 hours on the first business day following the electronic filing of the document on the NYSCEF site.

G) Hard Copy Submissions

This Part will reject any hard copy submissions in cases which have been e-filed, unless those submissions bear the Notice of Hard Copy Submission - E-Filed Case required by Uniform Rule § 202.5-b(d)(1). form is available at www.nycourts.gov/efile.

Scheduling

Counsel/parties should address questions about scheduling appearances or adjourning appearances to the **Part Clerk, Trisha Rittenhouse** by facsimile to 845-476-3684. Please use the form below for all adjournment requests.

HON. MARIA S. VAZQUEZ-DOLES, J.S.C.
FAX # 845-476-3684
REQUEST FOR ADJOURNMENT FORM

**THIS FORM MUST BE FILLED OUT COMPLETELY
INCOMPLETE FORMS WILL BE DISREGARDED**

Case Name: _____ Index # _____

Date on Calendar: _____ Last Court Appearance: _____

Req'd Adj. Dates(At Least 3): 1) _____ 2) _____ 3) _____

**ALL REQUESTS MUST BE ON CONSENT AND ALL REQUESTED
ADJOURN DATES MUST BE CONFIRMED WITH YOUR ADVERSARY AND
ATTORNEY FOR THE CHILD, IF APPLICABLE, PRIOR TO MAKING THE
REQUEST.**

Nature of Conference: _____

If Motion, Nature of Relief Sought: _____

Reason for Adjournment (Affirmation of Actual Engagement must be attached if applicable):

Contact Info:

Attorney contacting Court and party he/she represents: _____

Person Making Call: _____ Phone # _____

Fax # _____

Adversary's name: _____ Phone # _____

Fax # _____

**ALL REQUESTS MUST BE RECEIVED 48 HOURS PRIOR TO SCHEDULED COURT
DATE, EXCEPT FOR EMERGENCIES.**

REQUESTS BY ANY OTHER METHODS WILL BE DISREGARDED.