

LOCAL RULES OF  
HONORABLE CHRISTOPHER S. CIACCIO  
MONROE COUNTY SURROGATE COURT JUDGE  
ACTING SUPREME COURT JUSTICE

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SUPREME COURT RULES

Rule # 1 - Effective Date:

These rules are effective as of March 31, 2024, and counsel and litigants are charged with knowledge of them.

Rule # 2 - E-filing:

Hard copies of any and all filings are **NOT** required although e-mailed PDF's of filed supporting affidavits, affirmations, and memoranda of law are welcomed.

Similarly, dispositional Orders need not be supplied in hard copy. The Court retains the discretion to request hard copies in individual cases.

Rule # 2-a - E-filing Deadline:

Pursuant to 22 NYCRR § 202.5-b, E-filing must be completed by 4:00 p.m. of the date in question, including when the Court imposes a filing deadline.

### Rule # 3 - Returning Papers:

Self-addressed, stamped, return envelopes must be provided for any items wished to be returned.

### Rule # 4 - Motion Papers:

- Legal arguments contained within an Attorney's Affirmation are discouraged (*see* 22 NYCRR 202.8[c]) but will not be rejected.
- Condensed transcripts are NOT permitted as exhibits, and full-sized copies are required.
- Additionally, all exhibits must be clearly tabbed, and no double-sided exhibits are allowed.
- Non-compliant submissions will be rejected.
- Further, when submitting a proposed Order or Judgment with a motion, make it separate from the bound motion. An Order or Judgment will not be signed unless and until the separate submission is made.

### Rule # 5 - Reply Papers:

Unless otherwise directed by the Court, reply papers are due to chambers (or must be E-filed) 24 hours before the return date time.

### Rule # 6 - Sur-Reply Papers:

Sur-Replies are NOT permitted without prior leave of the Court (*see* CPLR 2214 [b] & [c]; *see also* 22 NYCRR § 202.8-c. Sur-Reply and Post-Submission Papers).

### Rule # 7 - Settlements and Discontinuances:

If a matter is settled, discontinued, or otherwise disposed of, counsel shall promptly E-file the Stipulation, or, if not an E-filed case, inform the Court, after filing the Stipulation with the County Clerk, by submitting to the Court a time-stamped copy of the Stipulation by e-mail (preferred), or by letter. The case cannot be closed without receipt of the Stipulation (22 NYCRR § 202.28). If the Stipulation is not received within 60 days, the action will be stricken from the calendar.

If the settlement was placed on the record in open Court, and the Stipulation is not received within 60 days or the Court is not informed that there is a problem with the settlement that is holding up the Stipulation, the action will be dismissed without prejudice.

### Rule # 8 – Motion Arguments:

Pursuant to 22 NYCRR § 202.8-f (Oral Argument), the Court will determine on a case by case basis whether oral

argument will be allowed. If oral argument is desired, a letter shall accompany the motion papers requesting oral argument.

All oral argument shall be in person unless the Court grants an application, made in writing and on notice to the appearing parties, for a virtual appearance via the use of Microsoft Teams.

#### Rule # 9 – Hearings:

All appearances by counsel, the parties, and witnesses shall be in person unless the Court grants an application, made in writing and on notice to the appearing parties, for a virtual appearance via the use of Microsoft Teams.

#### Rule # 10 – Motions for Summary Judgment; Statements of Material Facts:

A statement of material facts shall be annexed to all notices of motion for summary judgment pursuant to CPLR 3212 in accordance with 22 NYCRR§ 202.8-g (a) and (d), and the papers opposing a motion for summary judgment shall include a response pursuant to 22 NYCRR§ 202.8-g (b) and (d).

Each numbered paragraph in the statement of material facts required to be served by the moving party may be deemed to be admitted for purposes of the motion unless specifically controverted pursuant to 22 NYCRR§ 202.8-g (c).

ALL COUNSEL ARE ADVISED TO BECOME  
FAMILIAR WITH (AND ABIDE BY) THE UNIFORM  
RULES FOR THE NEW YORK STATE TRIAL COURTS.