

**HON. KELLY O'NEILL LEVY
SUPREME COURT, NEW YORK COUNTY
PART 31, MATRIMONIAL PART RULES**

Courtroom: 60 Centre Street, Room 218
Courtroom Phone: (646) 386-3355
Chambers: (646) 386-3885
Facsimile: (212) 618-5135

Principal Law Clerk: Premila Reddy, Esq.
Assistant Law Clerk: Ernest Pysker, Esq.
Part Clerk: Janice Young

Preliminary Conferences: Mondays and Tuesdays at 9:30 a.m., or as otherwise directed.

Compliance/Status Conferences: Mondays and Tuesdays at 9:30 a.m., or as otherwise directed.

Oral Argument on Motions: Mondays and Tuesdays at 9:30 a.m., or as otherwise directed.

Trials: Wednesdays, Thursdays, and Fridays at 9:30 a.m., or as otherwise directed.

FAILURE TO APPEAR BY 11:30 AM AT ANY CONFERENCE SCHEDULED FOR 9:30 A.M. WILL BE CONSIDERED A DEFAULT.

FAILURE TO APPEAR FOR ORAL ARGUMENT WITHIN 30 MINUTES OF THE DIRECTED TIME MAY RESULT IN A DEFAULT.

GENERAL PART RULES

Counsel must appear, together with their clients, at all appearances, unless the court directs otherwise.

Counsel shall bring to any preliminary conference a completed matrimonial Preliminary Conference Order/Stipulation form and net worth statements. Copies of all prior conference orders and stipulations shall be brought to subsequent conferences for reference.

There is no calendar call. Counsel shall confer and make best efforts to resolve any issues prior to engaging with court staff for a conference. Conference stipulations/proposed orders should be drafted to the extent possible and handed to the Part Clerk when all parties are ready to proceed.

Adjournments require court approval and must be sought prior to the scheduled appearance using the Adjournment Request Form which shall be sent by email or fax to the Part Clerk.

Counsel and/or the parties may not submit *ex parte* correspondence to the court regarding any pending matter. In addition, correspondence between counsel or between parties shall not be copied to chambers.

If an issue regarding a pending matter arises and counsel wish for the court to convene a conference call, counsel shall complete a Conference Call Request Form (signed by all counsel) and sent by email or fax to the Part Clerk. Requests for an in-person conference shall be made by letter application to the court (copied to all counsel).

MOTIONS

To eliminate the expense and delay caused by excessive motion practice, counsel shall request a conference call or a conference with the court (as outlined above) prior to filing motion papers to allow the opportunity to resolve the matter.

All motions shall be made by Order to Show Cause unless otherwise directed by the court.

Oral argument is required on all Orders to Show Cause unless otherwise directed by the court.

Memoranda of law shall not exceed 30 pages each (exclusive of table of contents and table of authorities) and affidavits/affirmations shall not exceed 25 pages each, double-spaced. All papers, including Orders to Show Cause, opposition, reply, memoranda of law, and exhibits, must reflect the respective motion sequence number on the first page in the upper right-hand corner. No sur-replies will be accepted absent prior court approval.

If a motion has been withdrawn or settled, whether or not *sub judice*, the Part Clerk must be immediately notified.

Discovery motions are strongly discouraged. Counsel are reminded that in accordance with Rule 10 of the Rules of the Justices, prior to making any such motion, counsel shall consult one another in a good faith effort to resolve any discovery disputes.

Temporary Restraining Orders

Any party bringing an Order to Show Cause seeking a temporary restraining order or other interim relief (other than an *ex parte* application for an Order of Protection) must first contact the Part Clerk at (646) 386-3355 to obtain a date and time to present the

Order to Show Cause to the court. The party must then forward a copy of the unsigned Order to Show Cause to all parties or their counsel, together with a letter notifying them of the date, time, and location that the parties will be heard on the request for interim relief.

Part 31 requires working copies of papers on e-filed cases. Working copies shall be submitted to Room 218.

FORENSIC REPORTS

Counsel of record or another attorney from the counsel of record's firm must pick up the forensic report in person in Room 218 and submit the required affirmation.

CHANGE OF ATTORNEY

An attorney seeking to withdraw from a case MUST FILE A MOTION by Order to Show Cause where the granting of such application would result in the litigant being self-represented. The court will not accept a stipulation where the litigant consents to proceeding pro se. Where the litigant is merely switching attorneys, a stipulation consenting to change attorneys is required and a motion need not be brought.

TRIALS AND HEARINGS

Counsel on all cases scheduled for trial in Part 31 must appear for a pre-trial conference on a date selected by the court. At the conference, counsel shall provide opposing counsel and the court with the following:

1. A statement of proposed disposition, a child support worksheet (if applicable), an updated net worth statement, and most recently filed tax returns.
2. A witness list; any expert reports not previously provided; any pre-trial memoranda; and marked pleadings.
3. Proof of filing of the note of issue.
4. A list of documents which counsel may stipulate into evidence. The documents shall be pre-marked as exhibits.

Counsel shall, where necessary, make motions *in limine* and be prepared to discuss any evidentiary issues at the conference.

Exhibits left in the Part after a hearing or trial will be held for 30 days and, if not retrieved by the parties, will thereafter be discarded.

E-FILING

E-filing in matrimonial matters is now permitted on consent of both parties. The court encourages counsel to commence new matters by e-filing. However, e-filing will not be accepted in matters where one or both parties are self-represented. If a litigant becomes self-represented in a e-filed matter, the matter will be removed from the e-filing system.