

INDIVIDUAL SUPREME PART RULES OF
JUSTICE ROBERT A. ONOFRY, A.J.S.C.

Law Clerk: Amanda B. Brady (845) 291-2303
Part Clerk: Eileen Baer (845) 291-2301
Secretary: Lorraine Acton (845) 291-2300
Supreme Chamber's Fax: (845) 291-2543

I. GENERAL RULES

Communications with the Court:

Correspondence: All correspondence to the Court shall be copied to all adversaries and must reflect the Index Number of the matter to which it reflects. Correspondence between attorneys 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.

Faxes: The fax number to be used for all matters (including Chambers) is (845) 291-2543. Neither Chambers nor the clerk will accept faxed copies of papers that must otherwise be filed in original form with the Office of the Clerk (such as objections, petitions, proofs of service, motions, opposition to motions, replies, proposed orders and documents to be "So Ordered"). All faxes must be faxed simultaneously to all other parties and the original document must be sent to the Court via regular mail. Counsel are not permitted, without prior approval, to send facsimile transmissions to Chambers that exceed five (5) pages in length.

Court Conferences and Calendar Call:

Effective **AUGUST 1, 2011**, this Court (Judge Onofry) shall call its Supreme Court calendar each day at the Orange County Surrogate's Courthouse located at 30 Park Place, Goshen, New York at **9:00 a.m.** or as soon thereafter as possible.

Detailed settlement conferences in any matter may be conducted in Chambers when permitted by law, appropriate, advisable and permitted by the Court. **Counsel must be fully familiar with the matter(s) on which they appear and must be authorized to enter into both substantive and procedural agreements on behalf of their clients.** Counsel must be on time for all scheduled appearances and must bring sufficient material to allow meaningful discussion of unresolved issues to each Court appearance. Attorneys appearing "of counsel" to an attorney of record, and parties appearing *pro se*, are held to the same requirements.

Adjournments: As a matter of general practice requests for adjournments of conferences, fact findings, hearing and trials are discouraged. Applications for such adjournments must be made in writing actually received by the Court (by letter or facsimile) **not less than forty-eight (48) hours in advance of the scheduled conference** and must address: (1) good cause why an adjournment is sought, (2) whether the adverse party (parties) consent or object to the application, and (3) may, at

the option of the sender, suggest an approximate time period or an exact date for which the adjournment is sought. All such communications must be copied to all counsel and *pro se* litigants in accordance with the correspondence rules above. All requests for adjournments of a trial, fact finding or hearing submitted after the scheduling of the trial, fact finding or hearing or the pre-trial conference, will not be entertained except upon good cause shown.

II. MOTION PRACTICE

Motion Calendar and Appearances: All motions/proceedings brought on by notice of motion or notice of petition shall be made returnable before the Court on any Thursday the Court is in session at **9:00 a.m.** **Appearances are not required on motions unless oral argument is requested in writing.** Along with filing with the Clerk, a copy of all motions, opposition, cross-moving and reply papers are to be sent to the Judge's chambers at 30 Park Place, Goshen, New York 10924.

Time for Filing and Serving Summary Judgment Motions: Summary judgment motions shall be filed with the Court **and** served upon all adverse parties no later than **one hundred twenty (120)** days after the filing of the Note of Issue. If an application to extend the time to make such a motion is granted by the Court, the moving party must so state in its motion papers or risk being held to the one hundred twenty (120) day requirement.

No Stay of Discovery: There shall be **no stay of pretrial discovery** resulting from the filing of a motion made pursuant to CPLR 3211 or 3212 unless otherwise ordered by the Court.

Discovery Motions: It is the policy of this Court to make itself and its staff available to resolve any disputes related to pretrial discovery. Therefore, **no discovery motion shall be made by any party unless authorized by the Court after the discovery dispute has been first conferenced by the Judge's Law Clerk and the Judge and such dispute has not been resolved.** Instead, if a pre-trial discovery dispute arises, counsel for the aggrieved party or the aggrieved self-represented party shall immediately notify the Court and a conference will be scheduled.

COUNSEL SHALL IMMEDIATELY NOTIFY THE COURT WHEN IT BECOMES UNNECESSARY TO DECIDE A MOTION. FAILURE TO DO SO MAY RESULT IN SANCTIONS.

Submission of Orders and Judgments: An order or judgment shall be submitted with an affidavit of service and noticed for settlement on a date which complies with 22 NYCRR 202.48.

A conformed copy of an order or judgment will be sent back to the submitting party **ONLY WHEN IT IS ACCOMPANIED BY A STAMPED, SELF-ADDRESSED ENVELOPE.**

III. TRIALS

Pretrial Settlement Conference: At the pretrial conference all counsel must be present and prepared to make a good faith demand and a good faith offer. Counsel are expected to be vested with the requisite authority to negotiate and settle the matter. All parties and insurance carriers are to either be present or available by telephone. A party represented by an attorney without authority to negotiate and settle the matter may be considered in default and the Court may issue appropriate orders pursuant to CPLR 3215 and 22 NYCRR 202.27.

Jury Charges: In all jury trials, a complete list of requests to charge shall be submitted to the Court immediately preceding the commencement of trial, with copies to be provided to all other counsel and self-represented parties. If a requested charge is drawn from current Pattern Jury Instructions (PJI), the PJI number need only be submitted. Where deviations from, or additions to, the PJI are requested, the full text of such requests must be submitted in writing, together with any supporting legal precedent. In addition, such proposals shall be submitted in a format convertible to Word Perfect and submitted to the Court's Law Clerk at abbrady@courts.state.ny.us.

Verdict Sheet: The parties shall jointly prepare and submit a verdict sheet to the Court. If agreement cannot be reached, each party shall present a proposed verdict sheet which shall be served upon all other parties. The proposed verdict sheet shall be in a final typewritten form which may be given to the jury. In addition, the proposed verdict sheet(s) shall be submitted in a format convertible to Word Perfect and emailed to the Court's Law Clerk at abbrady@courts.state.ny.us.

Post-Trial Submissions: Motions brought by a party after jury trial pursuant to CPLR 4403 or CPLR 4404 must be supported by a copy of the trial transcript.

Unless otherwise directed by the Court, in accordance with the schedule set by the Court at the conclusion of a bench-trial or hearing, the parties shall jointly submit a trial transcript, and each party shall prepare and submit a post-trial memorandum. The post-trial memorandum shall also be submitted electronically to abbrady@courts.state.ny.us.

In all matrimonial actions, each party shall also submit proposed Findings of Fact and Conclusions of Law and a proposed Judgment of Divorce. Factual arguments set forth in the memorandum shall be supported by citations to the trial transcript, and legal arguments shall be supported by citations to relevant statutes and/or case law. In their post-trial submissions following a trial of equitable distribution issues, the parties shall identify each item of property as either separate or marital, and shall state the value of each item of property. They should also identify all of the parties' outstanding debts as either separate or marital and shall state the amount of each debt. All assertions as to the separate or marital status of each item of property and each outstanding debt, and the value of each item of property and the amount of each debt, shall be supported by citations to the final transcript.

Settled and Discontinued Cases: Counsel shall immediately notify the Court of a settled or discontinued matter. Following the initial notification counsel shall file a fully executed duplicate original stipulation of discontinuance with the County Clerk and the Part Clerk.

Matrimonial Actions: Counsel shall be familiar with and shall comply with the provisions of 22 NYCRR 202.16. Prior to the preliminary conference the parties shall file and exchange those documents set forth in 22 NYCRR 202.16(f)(1) including net worth statements, paycheck stubs, W-2 statements, tax returns and statements of account.

Each party must file a statement of proposed disposition (22 NYCRR 202.16(h)) no later than ten (10) days prior to trial.

Counsel and parties are required to appear on the return date of motions seeking *pendente lite* relief.