

MATRIMONIAL PRELIMINARY CONFERENCE CHECKLIST

Hon. **JEFFREY A. GOODSTEIN** A.J.S.C.

INDEX No. _____

_____ v _____
PLAINTIFF DEFENDANT

Preliminary Conference Date: ____/____/____

Parties Present (RT1-SCR6):

Plaintiff YES _____ **Defendant** YES _____
NO _____ NO _____

Retainer Filed (RT1-SCR3):

Plaintiff YES _____ **Defendant** YES _____
NO _____ NO _____

Net Worth Statement Filed (RT1-SCR6):

Plaintiff YES _____ **Defendant** YES _____
NO _____ NO _____

Discovery Completed (RT1-SCR6):

Plaintiff YES _____ **Defendant** YES _____
NO _____ NO _____

Date Summons Served: ____/____/____

Attorneys: (Name, Address and Phone Number)

Plaintiff **Defendant**

(Attach completed form to PC order and send to Judgement Office in MatCenter)

Plaintiff

- against-

INDEX No. _____

Defendant

**PRELIMINARY CONFERENCE STIPULATION/ORDER
CONTESTED MATRIMONIAL ACTION**

Pursuant to Rule 22N.Y.C.R.R. Section 202.16(f), a Preliminary Conference was conducted before the Court on _____, 20 __, and it is **STIPULATED AND ORDERED** as follows:

PARTIES' INFORMATION

1. Date of marriage: ___/___/___; State: _____; Country: _____;
Civil or Religious Ceremony: _____;
Parties have been separated since: _____

2. Children:

Name(s), age(s) and birth date(s) of children: _____

Child(ren) reside with: _____

3. Wife:

Age: _____; Date of Birth: ___/___/___

Current Address: _____

Home Phone Number: _____

Cell Phone Number: _____

Social Security Number: _____

Highest Level of Education: _____; Date(s) Degree(s) Attained: _____

Occupation: _____

Annual gross W-2 income: \$ _____

Annual FICA/Medicare Taxes Paid: \$ _____

Employer: _____

if unemployed, so state and set forth date and nature of last employment : _____

4. Husband:

Age: _____; Date of Birth: ____/____/____
Current Address: _____
Home Phone Number: _____
Cell Phone Number: _____
Social Security Number: _____
Highest Level of Education: _____; Date(s) Degree(s) Attained: _____
Occupation: _____
Annual gross W-2 income: \$ _____
Annual FICA/Medicare Taxes Paid: \$ _____
Employer: _____
if unemployed, so state and set forth date and nature of last employment : _____

5. Marital residence:

Located at: _____;
Who resides in the marital residence: _____;
Date of purchase: _____; Purchase price: \$ _____;
Principal balance first mortgage: \$ _____; equity loan: \$ _____;
Estimated market value: \$ _____;
Cost of monthly mortgage, equity loan, homeowners' insurance and real property taxes: \$ _____;
Title is held by: _____.

6. Set forth the date of occupancy, cost of rent and utilities for each premises **RENTED by a party as a primary residence:**

WIFE: _____;
HUSBAND: _____;

7. Vehicle(s):

Wife:

Year/make/model of the vehicle driven by Wife: _____;
Monthly lease or loan amount: \$ _____; expiration date of lease: ____/____/____;
loan will be paid in full on: ____/____/____; monthly cost of insurance: \$ _____.

Husband:

Year/make/model of the vehicle driven by Husband: _____;
Monthly lease or loan amount: \$ _____; expiration date of lease: ____/____/____;
loan will be paid in full on: ____/____/____; monthly cost of insurance: \$ _____.

Child(ren):

Year/make/model of the vehicle driven by Child(ren): _____;
Monthly lease or loan amount: \$ _____; expiration date of lease: ____/____/____;
loan will be paid in full on: ____/____/____; monthly cost of insurance: \$ _____.

TRANSLATION REQUEST

1. Wife is requesting a translator in the _____ language.
2. Husband is requesting a translator in the _____ language.

COUNSEL FEES

1. Wife:

Amount of Retainer paid: \$ _____;
Amount of Counsel fees actually paid to date: \$ _____;
Source of counsel fees: \$ _____.

2. Husband:

Amount of Retainer paid: \$ _____;
Amount of Counsel fees actually paid to date: \$ _____;
Source of counsel fees: \$ _____.

COUNSELS' INFORMATION

1. Wife:

Attorney's Name: _____

Firm: _____

Address: _____

Phone #: () _____; Fax #: () _____

Email: _____

2. Husband:

Attorney's Name: _____

Firm: _____

Address: _____

Phone #: () _____; Fax #: () _____

Email: _____

1. Service of Notice For Discovery and Inspection:
 Wife: ___/___/___ Husband: ___/___/___
2. Responses to notice For discovery and Inspection:
 Wife: ___/___/___ Husband: ___/___/___
3. Service of Interrogatories:
 Wife: ___/___/___ Husband: ___/___/___
4. Response of Interrogatories:
 Wife: ___/___/___ Husband: ___/___/___
5. Depositions:
 Wife: ___/___/___ Husband: ___/___/___
6. Non Party Depositions: _____

THE PARTIES SHALL EXCHANGE COPIES OF THE FOLLOWING DOCUMENTS ON THE FOLLOWING DATES, BUT IN NO EVENT LATER THAN 45-DAYS FROM THE DATE OF THIS ORDER (22 N.Y.C.R.R. 202.16[f] [1])

1. Their personal, partnership and closely held corporation's Federal and State income tax returns for the past three (3) years: **W:** ___/___/___ **H:** ___/___/___
2. Copies of all paycheck stubs for the current year and last paycheck stub for the immediately preceding calendar year: **W:** ___/___/___ **H:** ___/___/___
3. All W-2 wage & tax statements, 1099 forms and k-1 forms for any year in the past three (3) years for which no return was filed: **W:** ___/___/___ **H:** ___/___/___
4. All statements of accounts received during the past three (3) years from each financial institution in which cash or securities are held: **W:** ___/___/___ **H:** ___/___/___
5. The statements immediately preceding and following the date of commencement of the matrimonial action pertaining to any policy of life insurance having cash surrender or dividend value and any deferred compensation plan of any type or nature such as IRAs pensions, profit-sharing, Keogh, 401k and other retirement plans:
W: ___/___/___ **H:** ___/___/___

THE PARTIES ARE EXPECTED TO EXERCISE DUE DILIGENCE TO PRODUCE THE AFORE LISTED DOCUMENTS. DUE DILIGENCE INCLUDES UTILIZATION OF THE INTERNET, IF NECESSARY, TO OBTAIN AND PRODUCE SAME.

Further Notices and demands may be served within 30days after the final deposition.

6. Other Discovery: _____

**COUNSEL SHALL ADVISE THE COURT IN WRITING OF ANY
FAILURE TO COMPLY WITH 22 N.C.R.R. 202.16(f)(1) AND THE
DISCOVERY DEADLINES SET FORTH HEREIN**

8. Electronic Discovery:

PRESERVATION OF ELECTRONIC DATA

FOR RELEVANT PERIODS RELATING TO THIS LITIGATION, EACH PARTY SHALL MAINTAIN AND PRESERVE ALL ELECTRONIC FILES, OTHER DATA GENERATED BY AND/OR STORED ON THE PARTIES' COMPUTER SYSTEM(S) AND STORAGE MEDIA (i.e., HARD DISKS, FLOPPY DISKS, BACKUP TAPES), OR OTHER ELECTRONIC DATA. SUCH ITEMS INCLUDE, BUT ARE NOT LIMITED TO: EMAIL, AND OTHER ELECTRONIC COMMUNICATIONS, WORD PROCESSING DOCUMENTS, SPREADSHEETS, DATA BASES, CALENDARS, TELEPHONE LOGS, CONTACT MANAGER INFORMATION, INTERNET USAGE FILES, OFFLINE STORAGE OR INFORMATION STORED ON REMOVABLE MEDIA, INFORMATION CONTAINED ON LAPTOPS OR OTHER DEVICES AND NETWORK ACCESS INFORMATION.

EACH PARTY STIPULATES TO MAINTAIN ALL FINANCIAL RECORDS PRESENTLY IN HIS OR HER POSSESSION OR UNDER HIS OR HER CONTROL, INCLUDING COMPUTER AND OTHER ELECTRONIC FINANCIAL INFORMATION THROUGH THE ENTRY OF A JUDGEMENT OF DIVORCE OR OTHER DISPOSITION OF THIS ACTION.

THIS PROVISION SHALL BE INITIALED BY EACH PARTY:

Wife's initials: _____ ; **Husband's initials:** _____ ;

1. Identify relevant Electronic Data: _____ ;
2. Identify the Person(s) in Possession of the Aforesaid Electronic Data: _____
_____ ;
3. Identify the Computer System(s) utilized, the program(s) and manner in which the Electronic Data is maintained: _____
_____ ;
4. Set forth a Plan to retain and preserve the Electronic Data: _____
_____ ;
5. Set forth the scope and extent of the Data to be produced and the form in which it will be Produced: _____
_____ ;
6. Set forth the scope of the Electronic Data review and the review procedures to be undertaken: _____
_____ ;

7. Set forth the method by privileged Electronic data will be identified and redacted: _____
_____;
8. Set forth the anticipated cost of Data retention, recovery, production and review and the proposed Initial allocation of said cost: _____
_____;

AUTOMATIC STATUTORY RESTRAINTS
(D.R.L. 236 [B][2])

The following automatic statutory orders shall remain in effect during the pendency of this action, unless terminated, modified, or amended by order of the Court upon motion of either party or upon written agreement between the parties duly executed and acknowledged:

(A) Neither party shall sell, transfer, encumber, conceal, assign, remove or in any way dispose of, without the consent of the other party in writing, or by Order of the Court, any property (including, but not limited to, real estate, personal property, cash accounts, stocks, mutual funds, bank accounts, cars and boats) individually or jointly held by the parties, except in the usual course of business, for customary and usual household expenses or for reasonable attorney's fees in connection with this action.

(B) Neither party shall transfer, encumber, assign, remove, withdraw or in any way dispose of any tax deferred funds, stocks or other assets held in any individual retirement accounts, 401k accounts, profit sharing plans, Keogh accounts, or any other pension or retirement account, and the parties shall further refrain from applying for or requesting the payment of retirement benefits or annuity payments of any kind, without the consent of the other party in writing, or upon further Order of the Court.

© Neither party shall incur unreasonable debts hereafter, including but not limited to further borrowing against any credit line secured by the family residence, further encumbering any assets, or unreasonably using credit cards or cash advances against credit cards; except in the usual course of business or for customary or usual household expenses, or for reasonable attorney's fees in connection with this action.

(D) Neither party shall cause the other party or the children of the marriage to be removed from any existing medical, hospital and dental insurance coverage, and each party shall maintain the existing medical, hospital and dental insurance coverage in full force and effect.

(E) Neither party shall change the beneficiaries of any existing life insurance policies, and each party shall maintain the existing life insurance, automobile insurance, homeowners and renters insurance policies in full force and effect.

INSURANCE POLICIES

1. Life Insurance:

Identify each life insurance policy on the Husband's life in effect as of the date of the Commencement of the action and set forth the face value and the name of the beneficiary of each policy: _____
_____;

Set forth which party paid the premiums on said policies during the marriage and which party will accordingly pay said premiums during the pendency of the action as required by statute: _____;

Identify each life insurance policy on the Wife's life in effect as of the date of the Commencement of the action and set forth the face value and the name of the beneficiary of each policy: _____
_____;

Set forth which party paid the premiums on said policies during the marriage and which party will accordingly pay said premiums during the pendency of the action as required by statute: _____;

2. Medical Insurance:

Set forth which party or parties maintained medical insurance as the date of the commencement of the action and the names of covered persons: _____
_____;

Set forth which party or parties paid the premiums on said policy or policies during the Marriage and which party or parties will accordingly pay said premiums during the pendency of the action as required by statute: _____
_____;

3. Dental Insurance:

Set forth which party or parties maintained dental insurance as the date of the commencement of the action and the names of covered persons: _____
_____;

Set forth which party or parties paid the premiums on said policy or policies during the Marriage and which party or parties will accordingly pay said premiums during the pendency of the action as required by statute: _____
_____;

4. Homeowner's Insurance:

Set forth which party or parties paid the premiums for homeowners insurance and/or renters insurance during the marriage and which party or parties will accordingly pay said premiums during the pendency of the action as required by statute: _____

Each party shall acknowledge he or she must comply with the automatic statutory restraints D.R.L. 236(B)(2) and pay the premiums to maintain medical, dental, life, Homeowners and renters insurance as set forth above.

Wife's initials: _____

Husband's initials: _____

PENDENTE LITE RELIEF

Provide the specific details regarding the interim resolution of any of the following issues or state N/A. Resolution will constitute a “so-ordered” stipulation.

1. Children:

The issue of residence is: **resolved** _____ **to be determined** _____

Provide details: _____

The issue of parenting time is: **resolved** _____ **to be determined** _____

Provide details: _____

The issues relating to decision-making are: **resolved** _____ **to be determined** _____

Provide details: _____

This temporary Order of Custody and or Visitation has issued upon the Court’s review of records as required by the provisions of D.R.L. 240 and F.C.A. 651 as amended by Chapter 595 of the Laws of 2008.

2. Exclusive Use of Marital residence: _____

3. Child Support: _____

4. Child care expenses: _____

5. Educational Expenses: _____

6. Maintenance: _____

7. Carrying charges: _____

8. Uncovered Health Expenses: _____

Parties agree to use “in-network” providers unless otherwise agreed upon in writing: YES / NO

9. Auto Expenses: _____

10. Counsel Fees: _____

11. Expert Fees: _____

12. Other (specify): _____

PENDENTE LITE APPLICATIONS

1. In the absence of any part rule to the contrary, in the event problems arise with regard to *pendente lite* issues, counsel are urged to contact chambers by telephone conference to address and attempt to resolve such issues in lieu of prosecuting any motions in the first instance.

**** Counsel shall consult individual part rules to determine what other directives are Required for bringing on written applications ****

2. A party seeking *pendente lite* maintenance shall present to the Court, as part of the moving papers, a worksheet reflecting the mathematical calculations under the temporary maintenance statute. The party may argue why the formula under the statute may be unjust or inappropriate in the particular case, but such argument does not obviate the requirement for presenting the worksheet.

INVOLVEMENT IN OTHER COURTS ON RELATED ISSUES

Copies of the following Orders, presently in effect on related issues such as custody, support or any family offense or domestic violence, will be provided to this Court by counsel within **14 days** of the date of this Order: (Set forth the issuing Court, the effective date of the Order, the termination date, if any, and the subject matter addressed by each Order): Also specify any pending petitions, including the name of the moving party, the relief sought, the index number and the next scheduled court appearance and/or return date.

CUSTODY AND PARENTAL ACCESS RESOURCES

The parties stipulate and the Court orders that the parties will utilize the following custody and parental access resources:

P.E.A.C.E. PROGRAM:

The parties shall enroll in the next scheduled **Parent Education and Custody Effectiveness Program**. Counsel shall call 516-877-1800 ext. 124 for information regarding upcoming sessions.

The parties are directed to provide the Court with proof that they completed the program within five (5) days of completion. Each party shall complete the program within sixty (60) Days of this Order.

KIDS P.E.A.C.E. :

The parties shall enroll the following children in the **KIDS PEACE Program**: _____

Counsel shall telephone 516-489-7733 for information regarding upcoming sessions.

EAC MEDIATION:

The parties shall participate in custody, visitation and parenting mediation at the **Education and Assistance Corporation**. Parties are directed to telephone at 516-489-7733 to schedule an appointment.

____ **COURT MEDIATION:** The parties shall meet with Lisa Askinazi, MS the Court's Case Analyst, for assistance in mediating custody and parental access. The parties are directed to Call 516-493-3256 to schedule an appointment.

____ **EAC VISITATION:** The parties shall telephone **EAC** at 516-489-7733 to schedule supervised parental access between the _____ and the following child(ren): _____

____ **ATTORNEY FOR THE CHILD(REN):** By separate Order, the Court will appoint an Attorney (AFC) for the parties' minor child(ren). The cost of the AFC's services shall be paid, in the first instance, subject to allocation at trial, _____ % by the Wife and _____ % by the Husband.

____ **FORENSIC:** By separate Order, the Court will appoint a forensic expert to conduct a custody/parental access evaluation of the parties and their child(ren). The cost shall be paid, in the first instance, subject to allocation at trial, _____ % by the Wife and _____ % by the Husband.

NEUTRAL EXPERTS AND FINANCIAL ISSUES

____ **REAL PROPERTY:** By separate Order, the Court will appoint an expert to appraise the following real property: _____

The cost of the appraisal(s) shall be paid, in the first instance, subject to allocation at trial, _____ % by the Wife and _____ % by the Husband.

____ **PENSION:** By separate Order, the Court will appoint an expert to value the following pension and deferred income assets:

The cost of the appraisal(s) shall be paid, in the first instance, subject to allocation at trial, _____ % by the Wife and _____ % by the Husband.

____ **OTHER:** By separate Order, the Court will appoint an expert to value the:
1. Wife's (business) (practice) (license) (degree) (enhanced earning capacity), and the
2. Husband's (business) (practice) (license) (degree) (enhanced earning capacity).
The cost shall be paid, to each expert in the first instance, subject to allocation at trial, _____ % by the Wife and _____ % by the Husband.

THE PARTIES ELECT TO SUBMIT THE NAMES, ADDRESSES AND TELEPHONE NUMBERS OF THREE (3) PROPOSED EXPERTS, **(THREE TO BE SELECTED BY EACH PARTY, WITH SIX NAMES BEING SENT TO THE COURT ON ONE LETTERHEAD SO THAT THE COURT CANNOT ASCERTAIN WHICH THREE EXPERTS WERE PROPOSED BY A PARTY)** WITHIN SEVEN (7) DAYS OF THE DATE OF THIS ORDER, TO BE APPOINTED BY THE COURT AS A NEUTRAL EXPERT, WITH REGARD TO THE FOLLOWING ISSUE(S): _____

IN THE EVENT THE NAMES OF EXPERTS ARE NOT TIMELY SUBMITTED, THE APPOINTMENT WILL BE MADE BY THE COURT WITHOUT INPUT FROM THE PARTIES.

TRIAL RELIEF

Place a check next to each item that has been resolved for purposes of trial. **The specific details regarding the resolution of issues for purposes of trial checked below will constitute a “So-ordered” stipulation.**

Resolved

Fault: (Indicate which party will be granted divorce and set forth ground(s): _____

**AN AFFIDAVIT IN LIEU OF TESTIMONY ON GROUNDS SHALL BE PRODUCED
AT THE NEXT CONFERENCE TOGETHER WITH REQUISITE PLEADINGS OR
AMENDED PLEADINGS REFLECTING THE STIPULATION
WITH REGARDS TO GROUNDS**

- Custody of Children * _____
- Parental Access to Children * _____
- Child Support _____
- Child Care Expenses _____
- Educational Expenses _____
- Maintenance _____
- Equitable Distribution _____
- Life Insurance _____
- Health Insurance _____
- Uncovered health Expenses _____
- Counsel Fees _____
- Expert Fees _____
- Other (specify) _____

* The parties and counsel are advised that in the event grounds and/or custody and parental access have not been resolved by the time of the compliance conference, the Court will consider an application to bifurcate such issue and schedule a trial for the first available date.

THE PARTIES AND COUNSEL ARE REMINDED THAT THIS DOCUMENT IS A COURT ORDER REQUIRING COMPLIANCE AND THAT SANCTIONS SHALL BE IMPOSED, WHEN WARRANTED, IN THE EVENT OF NON-COMPLIANCE, COUNSEL ARE DIRECTED TO SUPPLY THEIR RESPECTIVE CLIENTS WITH A COPY OF THIS ORDER.

THE ABOVE IS HEREBY STIPULATED TO BY THE PARTIES:

Wife

Husband

Print Name: _____

Print Name: _____

Wife

Husband

Wife’s Attorney

Husband’s Attorney

Print Name: _____

Print Name: _____

The Court directs that the parties and their respective counsel are to appear at a compliance conference to be held on _____/_____/_____ at _____ am/pm. All discovery as set forth herein above is expected to be completed prior to the compliance conference at which time a trial date is to be selected. At the conference, counsel shall also be prepared to discuss settlement.

Dated: _____, 20____
Mineola, New York

SO ORDERED:

HON. JEFFREY A. GOODSTEIN A.J.S.C

HEALTH INSURANCE COVERAGE NOTICE:

I, _____, the Plaintiff herein, fully understand that upon execution of a judgement of _____ divorce, I may no longer be eligible to be covered under my former spouse's health insurance plan, depending on the terms of the plan.

Dated: _____, 20____

I, _____, the Defendant herein, fully understand that upon execution of a judgement of _____ divorce, I may no longer be eligible to be covered under my former spouse's health insurance plan, depending on the terms of the plan.

Dated: _____, 20____
