

HONORABLE MARGARET C. REILLY PART RULES AND PROCEDURES

Justice: Honorable Margaret C. Reilly
Principal Law Clerk: Maeve J. Ryan, Esq.
Administrative Assistant: Lori Muscarella
Chambers Telephone: (516) 493-3801

Unless otherwise ordered, matters shall be conducted in accordance with the SCPA, the Uniform Rules for Surrogate's Court and the CPLR.

1. Citations: all citations and their process calendars, with the exception of guardianship and adoption, will be held in person every Wednesday at 9:30 a.m. All cited matters require personal appearance.

All completed citation calendars shall be uploaded to the Nassau County Surrogate's website for public access and availability.

2. Orders to Show Cause: any order to show cause seeking injunctive relief, including a stay or TRO, must be made in accordance with 22 NYCRR 202.7(f). Applicants must contact the Calendar Department at nassausur.calendar@nycourts.gov to obtain a date and time to present their argument for a TRO or stay. Applicants must provide at least 24 hours notice of the date and time of the application to all interested parties and furnish proof to the court before presenting same.
3. Petitions/Orders to Show Cause Attached to a Petition: must cite the statute or provision of law the applicant is moving under and set forth all requirements of SCPA 304, including all interested parties. The statute should be reflected in the caption. If there is no applicable statute, please include the applicable caselaw in the body of the petition.
4. Conferences: all counsel and parties appearing for a conference shall be knowledgeable and familiar with the proceeding. All counsel and parties appearing must fill out a Notice of Appearance with the clerk or court attorney assigned.

All appearances are **in person**. The New York State Unified Court System has an online request form that court users can use to request a virtual

accommodation for their disability. The form is accessed via the court system's public ADA web page.

Please advise the court at least seven (7) days in advance of a conference/courtroom proceeding if an interpreter or resources for the hearing impaired are necessary.

If an attorney or litigant who is scheduled to appear is actively engaged in another court proceeding, they must submit an affirmation/affidavit of actual engagement and email same to nassausur.calendar@nycourts.gov prior to the court proceeding or conference.

The failure to appear at a scheduled calendar call or conference may result in a default pursuant to 22 NYCRR 202.27 and/or CPLR 3215.

A. Conference Request: if you wish to request a conference in a pending proceeding, please fill out the conference request form available on the court's website in its entirety and email it to the Calendar Department at nassausur.calendar@nycourts.gov.

All requests shall explain the need for the conference and be served on all parties.

B. Adjournments: requests for adjournments are to be addressed to the Calendar Department at nassausur.calendar@nycourts.gov. Please fill out the adjournment request form available on the court's website and email it to the calendar department no later than 2:00 p.m. on the business day prior to the conference or calendar date. The court will consider granting such requests upon good cause shown and the consent of all parties. A proposed date/dates certain, consented to by all parties, must be provided at the time the adjournment is sought. There are no adjournments without prior court approval.

5. Urgent Matters: a matter will not be deemed urgent unless an affidavit/affirmation of urgency is filed. The filing may occur at any point during the pendency of the proceeding. A copy of the NYSCEF Confirmation Notice and affidavit/affirmation must be emailed to nassausur.emergencyapplication@nycourts.gov.
6. Motions: all motions shall be returnable on Wednesdays at 11:00 a.m. and are on **submission only**, unless directed otherwise and with the exception of

Disclosure Motions (see “C.” below). If your proceeding is subject to mandatory e-filing, please e-file your papers. The court requires a courtesy working copy of all motion papers on or before the return date. The motion will not be submitted without receipt of same.

A. Adjournments: requests to adjourn a motion shall be directed to the Motions Department at Nassausurrogatemotions@nycourts.gov. The court will consider granting such requests upon good cause shown and with consent of all parties. A date certain consented to by all parties must be requested at the time the adjournment is sought.

Where consent of all parties cannot be obtained, all parties must appear in person. The party requesting the adjournment shall give notice to all parties at least 48 hours prior to the return date providing good cause why the adjournment should be granted. Parties opposing the request must appear in person to set forth their reasons for objecting.

When an appearance is forthcoming while a fully submitted dispositive motion is pending before the court, the movant may contact the Calendar Dept. at nassausur.calendar@nycourts.gov, with notice to all parties, at least 48 hours in advance to request an adjournment of the appearance.

B. Withdrawn Motion: if a motion is withdrawn, the moving party must upload a letter or stipulation to NYSCEF and email the Motion Department regarding same at: nassausurrogatemotions@nycourts.gov.

C. Disclosure Motions: parties are reminded that any dispute arising out of disclosure requires the parties to exercise diligent good faith efforts to resolve it prior to engaging in motion practice. A failure to set forth such efforts shall result in a summary denial of the motion. It is the policy of this court to make itself available to resolve disputes related to pretrial disclosure. Therefore, if a dispute over disclosure arises that cannot be resolved by the parties own diligent, good faith efforts, the aggrieved party shall notify the Court and a conference will be scheduled. Additionally, the court requires a conference on disclosure motions prior to submission.

D. Dispositive Motions: once a responsive pleading has been filed (Answer or Objection), a motion for summary judgment is required before the matter will be submitted for decision.

7. Proposed Orders: all proposed orders are to be submitted with notice of settlement on at least 10 days notice.

Affirmations of legal services and proposed orders shall be submitted with notice of settlement on at least 10 days' notice or by notice of motion.

8. Communication with Chambers: no applications shall be made by letter. The Court will not accept *ex parte* communications on any substantive issue and any correspondence classified as such shall be returned to the sender. Do not email the Surrogate directly.
9. Disposition of Cases: if a pending action has been settled, counsel or the parties, if self-represented, shall notify the appropriate part clerk and the calendar department by email that the matter has been settled prior to the next conference date and upload any settlement documents to NYSCEF within 20 days. The departmental emails are available on the court's website.
10. Other Rules:
 - A. All physical papers filed with the court shall be single-sided. The court reserves the right to reject any filing that is double-sided.
 - B. Email Address: all petitions, other pleadings and notices of appearance must contain a valid email address for the attorney of record or self-represented litigant.
 - C. Parties Asking for a Ruling: if the proceeding is being held in the courthouse, the parties shall proceed to the front cashier's desk and request a ruling by a Court Attorney/Referee. Parties may be required to brief issues when requesting a ruling by the court.
 - D. Judicial Subpoenas: any proposed Judicial Subpoenas must include an affirmation in support of same and include any applicable law.
 - D. SCPA 1404 Exams: if any of the parties requesting or participating in 1404 examinations are self-represented, the exams shall be conducted at the courthouse, unless the parties expressly stipulate otherwise.
 - E. Accounting Proceedings - Service of Citation: unless service is by publication, whenever a citation is served in an accounting proceeding, a copy of the summary of account shall be served on all parties with the citation. The citation and affidavit of service shall recite that a copy of the summary of account was served with the citation. These heightened service requirements shall control over 207.40(e) of the Uniform Rules for the Surrogate's Court.

F. SCPA Article 17-A Hearings: absent an emergency, all hearings shall be heard by the Surrogate on Wednesdays at 2:30 p.m., or as designated by the Court.

G. Guardianship/Trust Maintenance Petitions: no application for maintenance shall be accepted for filing unless and until fiduciary accountings are up to date.

H. Alternative Dispute Resolution (“ADR”): all disputed matters may be referred to some form of ADR or mediation. Settlement conferences will be an integral part of the Court’s ADR program, occurring early and frequently during the litigation process. In addition, the Surrogate shall refer disputes between the parties to mandatory mediation, when appropriate.

I. Fiduciary Appointments:

(1) Part 36 Requirement. In order to be eligible for appointments to serve as a guardian ad litem (GAL), referee, receiver, or attorney for receiver, counsel must qualify for and appear on the Part 36 list promulgated by the Office of Court Administration.

(2) Forms. Appointed attorneys or receivers must complete and file each of the following forms:

a. Notice of Appointment (UCS-872)

b. Statement of Approval of Compensation (UCS-875)

c. Certificate of Compliance (UCS-872)

The terms of these Part Rules are subject to modification as the need arises.