



STATE OF NEW YORK-UNIFIED COURT SYSTEM
SUPREME & COUNTY COURTS
LINCOLN BATHS BUILDING
65 SOUTH BROADWAY, SUITE 240
SARATOGA SPRINGS, NEW YORK 12866
(518) 583-5350

MEMORANDUM

Richard E. Sise
Acting Supreme Court Justice

Elizabeth B. Sommers
Principal Law Clerk

Mary Burch-Macherone
Secretary to Justice

To: All Attorneys and Self-Represented Litigants
From: Hon. Richard E. Sise, Acting Supreme Court Justice
Re: 2014 Schenectady County Supreme Court Motion Practice
Date: May 5, 2014

The return date of any motion brought before me on the Schenectady County Supreme Court calendar will be either the 1st or the 3rd Wednesday of each month. If a motion is submitted with no date or with any other date, I have directed the Chief Clerk's office to amend the moving papers to include a date in conformance with this schedule.

Unless oral argument has been requested by a party and permitted by the Court, or is directed by the Court, ALL MOTIONS SHALL BE DEEMED TO BE SUBMITTED ON THE PAPERS AS OF THE RETURN DATE. Where there is to be a hearing or oral argument, a specific date, time and place will be scheduled; it will not necessarily take place on the original return date.

All original moving papers must be filed with the Schenectady County Clerk, together with the motion endorsement form and the required \$45 filing fee. Pursuant to CPLR 2214(b), a notice of motion and supporting affidavit(s) must be filed a minimum of eight (8) days before the designated return date, with answering affidavits or a cross-motion being served and filed at least two (2) days before the return date. Whenever possible, however, litigants are encouraged to provide a more generous time frame.

An Order to Show Cause is to be used in lieu of a notice of motion only in "proper" cases (CPLR 2214[d]; *see also* Practice Commentaries and C2214:25 and C2214:26). If you choose to use an Order to Show Cause, please indicate your reason for deviating from use of a normal notice of motion.

Adjournments: Before requesting an adjournment, please contact your adversary and ask if they will consent to such adjournment and, when possible, agree on a return date that works for all parties. Even if consent is not given, the adjournment may nevertheless be granted, depending on the circumstances

Discovery motions: Litigants and their counsel are to contact Chambers prior to bringing any motion relating to disclosure.