



STATE OF NEW YORK  
UNIFIED COURT  
SYSTEM

360 ADAMS STREET  
BROOKLYN, NY 11201  
(347) 296-1527

**LAWRENCE K. MARKS**  
Chief Administrative Judge

**JEFFREY S. SUNSHINE**  
Statewide Coordinating Judge for  
Matrimonial Cases

**MEMORANDUM**

TO: Hon. Norman St. George  
Hon. Deborah Kaplan

FROM: Hon. Jeffrey S. Sunshine

RE: Adoption of Revised Matrimonial Rules and Preliminary  
Conference Order for Contested Matrimonial Cases in  
Supreme Court

DATE: June 15, 2022

Chief Administrative Judge Marks has signed two Administrative Orders dated June 13, 2022 with the approval of the Administrative Board.

AO/141/22 is effective July 1, 2022. It adopts revisions to the Matrimonial Rules harmonizing them with the Uniform Rules as also amended by said Administrative (see Exhibit B to A/O/141/22 attached ).<sup>1</sup>

A/O/142/22 adopts a revised Preliminary Conference Stipulation/Order-Contested Matrimonial Forms (“PC Order”) for use in matrimonial matters effective July 1, 2022. The revised form (see Exhibit A to A/O/142/22) will soon be posted on the Divorce Resources website under Statewide Official Forms at [Divorce Forms | NYCOURTS.GOV](https://www.nycourts.gov/divorce-forms) effective July 1, 2022 in place of the form currently posted there (which was effective 3/1/22). The revisions in the PC Order are designed to implement the newly harmonized Matrimonial Rules into the form.

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<sup>1</sup> The revisions to the Matrimonial Rules covered by A/O/141/22 relate to Rules 202.16 and 202.16-b. Rule 202.16(o) (which has been renumbered and was formerly Rule 202.16(m) concerning Omission or Redaction of Confidential Personal Information from Matrimonial Decisions) and Rule 202.16-a concerning Automatic Orders in Matrimonial Actions remain in effect and unchanged.

Please distribute this memorandum and attachments to Judges, Court Attorney Referees, and appropriate staff assigned to matrimonial matters.

Questions about this memorandum may be directed to Susan Kaufman, Counsel to the Statewide Coordinating Judge for Matrimonial Cases at [skaufma1@nycourts.gov](mailto:skaufma1@nycourts.gov).

cc: Hon. Lawrence Marks  
Hon. Edwina Mendelson  
Hon. Tamiko Amaker  
Hon. Toko Serita  
Administrative Judges  
Nancy Barry  
Justin Barry  
Eileen Millett  
Scott Murphy  
Linda Dunlap Miller  
Jennifer DiLallo  
District Executives  
NYC Chief Clerks  
Susan Kaufman

# **EXHIBIT B**

**Section 202.16 Application of Part 202 and Section 202.16. Matrimonial actions; calendar control of financial disclosure in actions and proceedings involving alimony, maintenance, child support and equitable distribution; motions for alimony, counsel fees pendente lite, and child support; special rules**

(a) Applicability of Part 202 and Section 202.16.

(1) Part 202 shall be applicable to civil actions and proceedings in the Supreme Court, including, but not limited to, matrimonial actions and proceedings, except as otherwise provided in this section 202.16 and in sections 202.16-a, 202.16-b, and 202.18, which sections shall control in the event of conflict.

(2) This section shall be applicable to all contested actions and proceedings in the Supreme Court in which statements of net worth are required by section 236 of the Domestic Relations Law to be filed and in which a judicial determination may be made with respect to alimony, counsel fees, pendente lite, maintenance, custody and visitation, child support, or the equitable distribution of property, including those referred to Family Court by the Supreme Court pursuant to section 464 of the Family Court Act.

(b) Form of Statements of Net Worth.

Sworn statements of net worth, except as provided in subdivision (k) of this section, exchanged and filed with the court pursuant to section 236 of the Domestic Relations Law, shall be in substantial compliance with the Statement of Net Worth form contained in [Chapter III, Subchapter A of Subtitle D (Forms) of this Title] appendix A of this Part [see Appendix A, following part 218].

(c) Retainer Agreements

(1) A signed copy of the attorney's retainer agreement with the client shall accompany the statement of net worth filed with the court, and the court shall examine the agreement to assure that it conforms to Appellate Division attorney conduct and disciplinary rules. Where substitution of counsel occurs after the filing with the court of the net worth statement, a signed copy of the attorney's retainer agreement shall be filed with the court within 10 days of its execution.

(2) An attorney seeking to obtain an interest in any property of his or her client to secure payment of the attorney's fee shall make application to the court for approval of said interest on notice to the client and to his or her adversary. The application may be granted only after the court reviews the finances of the parties and an application for attorney's fees.

(d) Request for Judicial Intervention.

A request for judicial intervention shall be filed with the court by the plaintiff no later than 45 days from the date of service of the summons and complaint or summons with notice upon the defendant, unless both parties file a notice of no necessity with the court, in which event the

request for judicial intervention may be filed no later than 120 days from the date of service of the summons and complaint or summons with notice upon the defendant. Notwithstanding section 202.6(a) of this Part, the court shall accept a request for judicial intervention that is not accompanied by other papers to be filed in court.

(e) Certification of Paper and Obligations of Counsel Appearing Before the Court

(1) Every paper served on another party or filed or submitted to the court in a matrimonial action shall be signed as provided in section 130-1.1a of this Title.

(2) Counsel who appear before the court must be familiar with the case with regard to which they appear and be fully prepared and authorized to discuss and resolve the issues which are scheduled to be the subject of the appearance. Failure to comply with this rule may be treated as a default for purposes of Rule 202.27 and/or may be treated as a failure to appear for purposes of Rule 130.21, provided that, in matrimonial actions and proceedings, consistent with applicable case law on defaults in matrimonial actions, failure to comply with this rule may, either in lieu of or in addition to any other direction, be considered in the determination of any award of attorney fees or expenses.

(f) Preliminary Conference.

(1) In all actions or proceedings to which this section of the rules is applicable, a preliminary conference shall be ordered by the court to be held within 45 days after the action has been assigned. Such order shall set the time and date for the conference and shall specify the papers that shall be exchanged between the parties. These papers must be exchanged no later than 10 days prior to the preliminary conference, unless the court directs otherwise. These papers shall include:

(i) statements of net worth, which also shall be filed with the court no later than 10 days prior to the preliminary conference;

(ii) all paycheck stubs for the current calendar year and the last paycheck stub for the immediately preceding calendar year;

(iii) all filed State and Federal income tax returns for the previous three years, including both personal returns and returns filed on behalf of any partnership or closely held corporation of which the party is a partner or shareholder;

(iv) all W-2 wage and tax statements, 1099 forms, and K-1 forms for any year in the past three years in which the party did not file State and Federal income tax returns;

(v) all statements of accounts received during the past three years from each financial institution in which the party has maintained any account in which cash or securities are held;

(vi) the statements immediately preceding and following the date of commencement of the matrimonial action pertaining to:

(a) any policy of life insurance having a cash or dividend surrender value; and

(b) any deferred compensation plan of any type or nature in which the party has an interest including, but not limited to, Individual Retirement Accounts, pensions, profit-sharing plans, Keogh plans, 401(k) plans and other retirement plans.

(1-a) Where both parties are represented by counsel, counsel shall consult with each other prior to the preliminary conference to discuss the matters set forth in paragraph (2) below and in NYCRR §202.11 in a good faith effort to reach agreement on such matters. Notwithstanding NYCRR §202.11, no prior consultation is required where either or both of the parties is self-represented. Counsel shall, prior to or at the conference, submit to the court a writing with respect to any resolutions reached, which the court shall "so order" if approved and in proper form.

(1-b) Both parties personally must be present in court at the time of the conference, and the judge personally shall address the parties at some time during the conference.

(2) The matters to be considered at the conference may include, among other things:

(i) applications for pendente lite relief, including interim counsel fees;

(ii) compliance with the requirement of compulsory financial disclosure, including the exchange and filing of a supplemental statement of net worth indicating material changes in any previously exchanged and filed statement of net worth, and, including the number and length of depositions, the number of interrogatories, and agreement of the parties to comply with Guidelines on Electronically Stored Information. Unless otherwise stipulated by the parties or ordered by the court, interrogatories shall be no more than 25 in number including subparts; and depositions shall be no more than 7 hours long. The Provisions of NYCRR §202.20-b(a)(1) limiting the number of depositions taken by plaintiffs, or by defendants, or by third-party defendants, shall not apply to matrimonial actions.

(iii) simplification and limitation of the issues;

(iv) the establishment of a timetable for the completion of all disclosure proceedings, provided that all such procedures must be completed and the note of issue filed within six months from the commencement of the conference, unless otherwise shortened or extended by the court depending upon the circumstances of the case;

(v) the completion of a preliminary conference order substantially in the form contained in Appendix "G" to these rules, with attachments; and

(vi) any other matters which the court shall deem appropriate.

(3) At the close of the conference, the court shall direct the parties to stipulate, in writing or on the record, as to all resolved issues, which the court then shall "so order," and as to all issues with respect to fault, custody and finance that remain unresolved. Any issues with respect to fault, custody and finance that are not specifically described in writing or on the record at that time may not be raised in the action unless good cause is shown. The court shall fix a schedule for discovery as to all unresolved issues and, in a noncomplex case, shall schedule a date for trial not later than six months from the date of the conference. The court may appoint an attorney for

the infant children, or may direct the parties to file with the court, within 30 days of the conference, a list of suitable attorneys for children for selection by the court. The court also may direct that a list of expert witnesses be filed with the court within 30 days of the conference from which the court may select a neutral expert to assist the court. The court shall schedule a compliance conference unless the court dispenses with the conference based upon a stipulation of compliance filed by the parties.

(4) Unless the court excuses their presence, the parties personally must be present in court at the time of the compliance conference. If the parties are present in court, the judge personally shall address them at some time during the conference. If the parties are present in court, the judge personally shall address them at some point during the conference. Where both parties are represented by counsel, counsel shall consult with each other prior to the compliance conference in a good faith effort to resolve any outstanding issues. Notwithstanding NYCRR §202.11, no prior consultation is required where either or both of the parties is self-represented. Counsel shall, prior to or at the compliance conference, submit to the court a writing with respect to any resolutions reached, which the court shall "so order" if approved and in proper form.

(5) In accordance with Section 202.20-c(f), absent good cause, a party may not use at trial or otherwise any document which was not produced in response to a request for such document or category of document, which request was not objected to, or, if objected to, such objection was overruled by the court, provided, however, the court may exercise its discretion to impose such other, further, or additional penalty for non-disclosure as may be authorized by law and which may be more appropriate in a matrimonial action than preclusion or where there is a continuing obligation to update (e.g., updated tax returns, W-2 statements, etc.).

(6) The Court shall alert the parties to the requirements of 22 NYCRR § 202.20-c regarding requests for documents; § 202.20-e regarding adherence to discovery schedule, and § 202.20-f regarding discovery disputes, and shall address the issues of potential for default, preclusion, denial of discovery, drawing inferences, or deeming issues to be true, as well as sanctions and/or counsel fees in the event default or preclusion or such other remedies are not appropriate in a matrimonial action.

(g) Expert Witnesses and Other Trial Matters.

(1) Responses to demands for expert information pursuant to CPLR section 3101(d) shall be served within 20 days following service of such demands.

(2) Each expert witness whom a party expects to call at the trial shall file with the court a written report, which shall be exchanged and filed with the court no later than 60 days before the date set for trial, and reply reports, if any, shall be exchanged and filed no later than 30 days before such date. Failure to file with the court a report in conformance with these requirements may, in the court's discretion, preclude the use of the expert. Except for good cause shown, the reports exchanged between the parties shall be the only reports admissible at trial. Late retention of experts and consequent late submission of reports shall be permitted only upon a showing of good cause as authorized by CPLR 3101(d)(1)(i). In the discretion of the court, written reports may be used to substitute for direct testimony at the trial, but the reports shall be submitted by

the expert under oath, and the expert shall be present and available for cross-examination. In the discretion of the court, in a proper case, parties may be bound by the expert's report in their direct case.

(3) Pursuant to NYCRR §202.26, in cases in which both parties are represented by counsel and each party has called, or intends to call, an expert witness on issues of finances (e.g., equitable distribution, maintenance, child support), the court may direct that, prior to, or during trial, counsel consult in good faith to identify those aspects of their respective experts' testimony that are not in dispute. The court may further direct that any agreements reached in this regard shall be reduced to a written stipulation. Such consultation shall not be required where one or both parties is self-represented or where the expert testimony relates to matters of child custody or parental access, domestic violence, domestic abuse, or child neglect or abuse.

(4) The provisions of section 202.20-a regarding privilege logs shall not apply to matrimonial actions and proceedings unless the court orders otherwise.

(5) Parties and non-parties should adhere to the Electronically Store Information ("ESI") Guidelines set forth in an Appendix to the Uniform Civil Rules

(6) At the commencement of the trial or at such time as the court may direct, each party shall identify in writing for the court the witnesses it intends to call, the order in which they shall testify and the estimated length of their testimony, and shall provide a copy of such witness list to opposing counsel. Counsel shall separately identify for the court only a list of the witnesses who may be called solely for rebuttal or with regard to credibility. The court may permit for good cause shown and in the absence of substantial prejudice, a party to call a witness to testify who was not identified on the witness list submitted by that party. The estimates of the length of testimony and the order of witnesses provided by counsel are advisory only and the court may permit witnesses to be called in a different order and may permit further testimony from a witness notwithstanding that the time estimate for such witness has been exceeded.

(h) Statement of Proposed Disposition.

(1) Each party shall exchange a statement setting forth the following:

(i) the assets claimed to be marital property;

(ii) the assets claimed to be separate property;

(iii) an allocation of debts or liabilities to specific marital or separate assets, where appropriate;

(iv) the amount requested for maintenance, indicating and elaborating upon the statutory factors forming the basis for the maintenance request;

(v) the proposal for equitable distribution, where appropriate, indicating and elaborating upon the statutory factors forming the basis for the proposed distribution;

(vi) the proposal for a distributive award, if requested, including a showing of the need for a distributive award;



(vii) the proposed plan for child support, indicating and elaborating upon the statutory factors upon which the proposal is based; and

(viii) the proposed plan for custody and visitation of any children involved in the proceeding, setting forth the reasons therefor.

(2) A copy of any written agreement entered into by the parties relating to financial arrangements or custody or visitation shall be annexed to the statement referred to in paragraph (1) of this subdivision.

(3) The statement referred to in paragraph (1) of this subdivision, with proof of service upon the other party, shall, with the note of issue, be filed with the court. The other party, if he or she has not already done so, shall file with the court a statement complying with paragraph (1) of this subdivision within 20 days of such service.

(i) Filing of Note of Issue.

No action or proceeding to which this section is applicable shall be deemed ready for trial unless there is compliance with this section by the party filing the note of issue and certificate of readiness.

(j) Referral to Family Court.

In all actions or proceedings to which this section is applicable referred to the Family Court by the Supreme Court pursuant to section 464 of the Family Court Act, all statements, including supplemental statements, exchanged and filed by the parties pursuant to this section shall be transmitted to the Family Court with the order of referral.

(k) Motions for Alimony, Maintenance, Counsel Fees Pendente Lite and Child support (other than under section 237(c) or 238 of the Domestic Relations Law).

Unless, on application made to the court, the requirements of this subdivision be waived for good cause shown, or unless otherwise expressly provided by any provision of the CPLR or other statute, the following requirements shall govern motions for alimony, maintenance, counsel fees (other than a motion made pursuant to section 237(c) or 238 of the Domestic Relations Law for counsel fees for services rendered by an attorney to secure the enforcement of a previously granted order or decree) or child support or any modification of an award thereof:

(1) Such motion shall be made before or at the preliminary conference, if practicable.

(2) No motion shall be heard unless the moving papers include a statement of net worth in the official form prescribed by subdivision (b) of this section.

(3) No motion for counsel fees and expenses shall be heard unless the moving papers also include the affidavit of the movant's attorney stating the moneys, if any, received on account of such attorney's fee from the movant or any other person on behalf of the movant, the hourly amount charged by the attorney, the amounts paid, or to be paid, to counsel and any experts, and any additional costs, disbursements or expenses, and the moneys such attorney has been promised by, or the agreement made with, the movant or other persons on behalf of the movant,

concerning or in payment of the fee. Fees and expenses of experts shall include appraisal, accounting, actuarial, investigative and other fees and expenses (including costs for processing of NYSCEF documents because of the inability of a self-represented party that desires to e-file to have computer access or afford internet accessibility) to enable a spouse to carry on or defend a matrimonial action or proceeding in the Supreme Court.

(4) The party opposing any motion shall be deemed to have admitted, for the purpose of the motion but not otherwise, such facts set forth in the moving party's statement of net worth as are not controverted in:

(i) a statement of net worth, in the official form prescribed by this section, completed and sworn to by the opposing party, and made a part of the answering papers; or

(ii) other sworn statements or affidavits with respect to any fact which is not feasible to controvert in the opposing party's statement of net worth.

(5) The failure to comply with the provisions of this subdivision shall be good cause, in the discretion of the judge presiding, either:

(i) to draw an inference favorable to the adverse party with respect to any disputed fact or issue affected by such failure; or

(ii) to deny the motion without prejudice to renewal upon compliance with the provisions of this section.

(6) The notice of motion submitted with any motion for or related to interim maintenance or child support shall contain a notation indicating the nature of the motion. Any such motion shall be determined within 30 days after the motion is submitted for decision.

(7) Upon any application for an award of counsel fees or fees and expenses of experts made prior to the conclusion of the trial of the action, the court shall set forth in specific detail, in writing or on the record, the factors it considered and the reasons for its decision.

(l) Hearings or trials pertaining to temporary or permanent custody or visitation shall proceed from day to day conclusion. With respect to other issues before the court, to the extent feasible, trial should proceed from day to day to conclusion.

(m) The court may, for good cause, relieve the parties and counsel from the requirements of 22 NYCRR §202.34 regarding pre-marking of exhibits and 22 NYCRR §202.20-h. regarding pre-trial memoranda and Exhibit Books.

(n) Upon request of a party, the court may permit direct testimony of that party's own witness in a non-jury trial or evidentiary hearing shall be submitted in affidavit form, provided, however, that the opposing party shall have the right to object to statements in the direct testimony affidavit, and the court shall rule on such objections, just as if the statements had been made orally in open court. Where an objection to a portion of a direct testimony affidavit is sustained, the court may direct that such portion be stricken. The submission of direct testimony in affidavit form shall not affect any right to conduct cross-examination or re-direct examination of the witness. Notwithstanding the foregoing, in an action for custody, visitation, contempt, order of

protection or exclusive occupancy, however, except as provided in NYCRR §202.18, a party or a party's own witness may not testify on direct examination by affidavit.

[m] (o) Omission or Redaction of Confidential Personal Information from Matrimonial Decisions.

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### **Section 202.16-b Submission of Written Applications in Contested Matrimonial Actions.**

(1) Applicability. This section shall be applicable to all contested matrimonial actions and proceedings in Supreme Court authorized by subdivision (2) of Part B of section 236 of the Domestic Relations Law.

(2) Unless otherwise expressly provided by any provision of the CPLR or other statute, and in addition to the requirements of 22 NYCRR §202.16 (k) where applicable, the following rules and limitations are required for the submission of papers in all applications (including post judgment applications) for alimony, maintenance, counsel fees, child support, exclusive occupancy, custody and visitation unless said requirements are waived by the judge for good cause shown:

(i) Applications that are deemed an emergency must comply with 22 NYCRR §202.178 (e) and provide for notice, where applicable, in accordance with same. These emergency applications shall receive a preference by the clerk for processing and the court for signature. Designating an application as an emergency without good cause may be punishable by the issuance of sanctions pursuant to Part 130 of the Rules of the Chief Administrative Judge. Any application designated as an emergency without good cause shall be processed and considered in the ordinary course of local court procedures.

(ii) Where practicable, all orders to show cause, motions or cross-motions for relief should be made in one order to show cause or motion or cross-motion. The utilization of the requirement to move by order to show cause or notice of motion shall be governed by local part rule.

[(iii) All orders to show cause and motions or cross motions shall be submitted on one-sided copy except as otherwise provided in 22 NYCRR §202.5(a), or electronically where authorized, with one-inch margins on eight and one half by eleven (8.5 x 11) inch paper with all additional exhibits tabbed. They shall be in Times New Roman font 12 and double spaced. They must be of sufficient quality ink to allow for the reading and proper scanning of the documents. Self-represented litigants may submit handwritten applications provided that the handwriting is legible and otherwise in conformity with these rules.]

[(iv) The supporting affidavit or affidavit in opposition or attorney affirmation in support or opposition or memorandum of law shall not exceed twenty (20) pages. Any expert affidavit required shall not exceed eight (8) additional pages. Any attorney affirmation in support or opposition or memorandum of law shall contain only discussion and argument on issues of law except for facts known only to the attorney. Any reply affidavits or affirmations to the extent

permitted shall not exceed ten (10) pages. Sur-reply affidavits can only be submitted with prior court permission.]

[(iv)](iii) Length of Papers: Parties shall comply with the word limitations in subsections (a)-(f) of 22 NYCRR §202.8(b) as amended.

(iv) Form of Papers: Parties shall comply with the requirements of 22 NYCRR §202.5(a) as amended.

(v) Notwithstanding 22 NYCRR §202.5 -a, papers and correspondence may be transmitted to the court by fax by a self-represented party without prior court approval unless prohibited by a local part rule or judicial order.

(vi) Self-represented litigants may submit handwritten applications provided that the handwriting is legible and otherwise in conformity with all applicable rules

[(v)](vii) Except for affidavits of net worth (pursuant to 22 NYCRR §202.16 (b)), retainer agreements (pursuant to Rule 1400.3 of the Joint Rules of the Appellate Division), maintenance guidelines worksheets and/or child support worksheets, or counsel fee billing statements or affirmations or affidavits related to counsel fees (pursuant to Domestic Relations Law §237 and 22 NYCRR §202.16(k)), all of which may include attachments thereto, all exhibits annexed to any motion, cross motion, order to show cause, opposition or reply may not be greater than three (3) inches thick without prior permission of the court. All such exhibits must contain exhibit tabs.

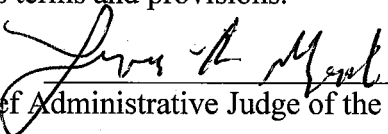
[(vi) If the application or responsive papers exceed the page or size limitation provided in this section, counsel or the self-represented litigant must certify in good faith the need to exceed such limitation, and the court may reject or require revision of the application if the court deems the reasons insufficient.]

[(3) Nothing contained herein shall prevent a judge or justice of the court or of a judicial district within which the court sits from establishing local part rules to the contrary or in addition to these rules.]

ADMINISTRATIVE ORDER OF THE  
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, upon consultation with and approval of the Administrative Board of the Courts, I hereby set forth the following "Preliminary Conference Stipulation/Order-Contested Matrimonial" (Exh. A.) as the preliminary conference order form for use in matrimonial matters in Supreme Court, contained in Appendix "G" to the Uniform Civil Rules for the Supreme Court and County Court, as required pursuant 22 NYCRR §202.16(f)(2)(v), until further order.

This order shall take effect July 1, 2022 and shall supersede the provisions of any other Administrative Order inconsistent with its terms and provisions.

  
\_\_\_\_\_  
Chief Administrative Judge of the Courts

Dated: June 13, 2022

AO/142/22

# **EXHIBIT A**

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF**

-----X

**Plaintiff,**

**- against -**

**Index No.:**

**Defendant.**

**Part No.:** \_\_\_\_\_

-----X

**PRELIMINARY CONFERENCE STIPULATION/ORDER  
CONTESTED MATRIMONIAL**

**PRESIDING: Hon.** \_\_\_\_\_  
**Justice of the Supreme Court**

The parties and counsel have appeared before this Court on \_\_\_\_\_  
at a preliminary conference on this matter held pursuant to 22 NYCRR §202.16.

**A. BACKGROUND INFORMATION:**

1. Summons: Date filed: \_\_\_\_\_ Date served: \_\_\_\_\_

2. Date of Marriage: \_\_\_\_\_

3. Name(s) and date(s) of birth of child(ren):

Name: _____	DOB: _____
Name: _____	DOB: _____
Name: _____	DOB: _____
Name: _____	DOB: _____

4. Attorneys for Plaintiff: \_\_\_\_\_ Attorneys for Defendant: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Phone: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_ Email: \_\_\_\_\_

5. The Court has received a copy of: Plaintiff Defendant  
 (Date Filed **OR** To Be Filed)  
 (a) A sworn statement of net worth as of \_\_\_\_\_  
 date of commencement of the action. \_\_\_\_\_  
 (b) A signed copy of each party's attorney's retainer agreement. \_\_\_\_\_

6. An Order of Protection has been issued against:  
**Plaintiff:** \_\_\_ YES \_\_\_ NO **Defendant:** \_\_\_ YES \_\_\_ NO  
 Issue Date: \_\_\_\_\_ Issue Date: \_\_\_\_\_  
 Issuing Court: \_\_\_\_\_ Issuing Court: \_\_\_\_\_  
 Currently in Effect? \_\_\_\_\_  
 \_\_\_ YES \_\_\_ NO \_\_\_\_\_  
 \_\_\_ YES \_\_\_ NO \_\_\_\_\_

7. Plaintiff/Defendant requests a translator in the \_\_\_\_\_ language.



8. (a) Please identify and state the nature of any Premarital, Marital, Separation or other Agreements and/or Orders which affect the rights of either of the parties in this action.

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- (b) Plaintiff/Defendant shall challenge the Agreement dated \_\_\_\_\_ by \_\_\_\_\_. If no challenge is asserted by that date, it is waived unless good cause is shown.

**B. GROUNDS FOR DIVORCE:**

1. The Complaint (was) (or will be) served on: \_\_\_\_/\_\_\_\_/\_\_\_\_
2. A Responsive Pleading (was) (or will be) served on: \_\_\_\_/\_\_\_\_/\_\_\_\_
3. Reply to Counterclaim, if any, (was) (or will be) served on: \_\_\_\_/\_\_\_\_/\_\_\_\_
4. The issue of grounds is  resolved  unresolved.

If the issue of grounds is **resolved**, the parties agree that Plaintiff/Defendant will proceed on an uncontested basis to obtain a \_\_\_\_\_ divorce on the grounds of DRL § 170(7) and the parties waive the right to serve a Notice to Discontinue pursuant to CPLR 3217(a) unless on consent of the parties.

5. Other: \_\_\_\_\_

**C. CUSTODY:**

1. The issue of parenting time is  resolved  unresolved.
2. The issues relating to decision-making are  resolved  unresolved.
  - (a) If the issues of custody, including parenting time and decision-making, are resolved: The parties are to submit an agreement/stipulation no later than \_\_\_\_\_.

(b) If the parties do not notify the Court that all issues related to custody are resolved, a conference shall be held on \_\_\_\_\_ at which time the Court shall determine the need for an Attorney for the Child/Guardian ad Litem and/or a forensic evaluation and set a schedule for resolving all issues relating to custody.

3.  **ATTORNEY FOR CHILD(REN) or GUARDIAN AD LITEM:** Subject to judicial approval, the parties request that the Court appoint an Attorney for the parties' minor child(ren) ("AFC"). The cost of the AFC's services shall be paid as follows:

\_\_\_\_\_

**FORENSIC:** Subject to judicial approval, the parties request that the Court appoint a neutral forensic expert to conduct a custody/parental access evaluation of the parties and their child(ren). Subject to Judicial approval, the cost of the forensic evaluation shall be paid as follows: \_\_\_\_\_.

Any appointment of an Attorney for the Child/Guardian ad Litem or forensic evaluator shall be by separate order which shall designate the individual appointed, the manner of payment, source of funds for payment, and each party's responsibility for such payment.

**D. FINANCIAL:**

- (1) Maintenance is  resolved  unresolved
- (2) Child Support  resolved  unresolved
- (3) Equitable Distribution is  resolved  unresolved
- (4) Counsel Fees are  resolved  unresolved

List all other causes of action and ancillary relief issues that are **unresolved**.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Any issues not specifically listed in this Order as unresolved may not be raised in this action unless good cause is shown.

**E. OTHER:**

List all other causes of action and ancillary relief issues that are **unresolved**.

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**F. PENDENTE LITE RELIEF:**

See annexed Order \_\_\_\_\_

See annexed Stipulation \_\_\_\_\_

**G. DISCOVERY:**

1. **Preservation of Evidence:**

(a) **Financial Records:** Each party shall maintain all financial records in his or her possession or under his or her control through the date of the entry of a judgment of divorce.

(b) **Electronic Evidence:** For the relevant periods relating to the issues in this litigation, each party shall maintain and preserve all electronic files, other data generated by and/or stored on the party's computer system(s) and storage media (i.e. hard drives, floppy disks, backup tapes), or other electronic data. Such items include, but are not limited to, e-mail 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 portable devices, and network access information.

2. **Document Production:**

- (a) No later than \_\_\_\_ days after the date of this Order, the parties shall exchange the following records for the following periods:

**Time Period**

\_\_\_\_\_ Federal, state and local tax returns, including all schedules, K-1s, 1099s, W-2s and similar data.  
\_\_\_\_\_ Credit card statements for all credit cards used by a party.  
\_\_\_\_\_ Checking account statements, cancelled checks and check registers for joint and individual accounts.  
\_\_\_\_\_ Brokerage account statements for joint and individual accounts.  
\_\_\_\_\_ Savings account statements for joint and individual accounts.  
\_\_\_\_\_ Other: (specify)

Absent any specified time period, the records listed above are to be produced for the **three years** prior to the commencement of this action through the present. If a party does not have complete records for the time period, the party shall provide a written authorization to obtain such records directly from the source within five days of presentation.

- (b) Service of Notice For Discovery and Inspection:

Plaintiff: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Defendant: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

- (c) Responses to Notice for Discovery and Inspection:

Plaintiff: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Defendant: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

- (d) Service of Interrogatories:

Plaintiff: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Defendant: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

- (e) Response to Interrogatories:

Plaintiff: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Defendant: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

- (f) Interrogatories:

Interrogatories are limited to 25 including subparts unless the parties stipulate, or the court orders otherwise. In this proceeding  The parties stipulate OR  the court orders \_\_\_\_ Interrogatories including subparts.

- (g) Depositions:

Plaintiff to be deposed on or before \_\_\_\_\_.

Defendant to be deposed on or before \_\_\_\_\_.

Nonparties who may be deposed are \_\_\_\_\_.

Nonparty depositions shall be completed by \_\_\_\_\_.

All depositions shall be limited to 7 hours in length, except as follows: \_\_\_\_\_  
\_\_\_\_\_

(h) Electronically Stored Information

Parties and non-parties should adhere to the Guidelines on Electronically Stored Information contained in Appendix A to the Uniform Civil Rules for Supreme and County Courts in accordance with 22 NYCRR 202.20(j)..

(i) Privilege Logs:

The Court  orders **OR**  declines to order that the provisions of 22 N.Y.C.R.R. §202.20-a relating to privilege logs be applicable to this case.

**Failure to comply with the provisions of this section may result in sanctions, including the award of legal fees, and other penalties.**

**H. VALUATION/FINANCIAL EXPERTS**

1. **Neutral Experts** – The parties request that the Court appoint a neutral expert to value the following:

The cost of the valuations shall be paid (subject to reallocation): \_\_\_\_\_% Plaintiff and \_\_\_\_\_% Defendant

- (a) Deferred compensation/Retirement assets
- (b) Business interest
- (c) Professional practice

- (d) Real property
- (e) Stock options, stock plans or other benefit plan

(f) Intellectual property

(g) Other (identify): \_\_\_\_\_  
\_\_\_\_\_

The parties agree that the appointment of the neutral expert as specified above, shall be pursuant to a separate order which shall designate the neutral expert, what is to be valued, the manner of payment, the source of funds for payment, and each party's responsibility for such payment if not agreed above.

If the Court does not appoint the neutral expert(s) requested above simultaneously with the signing of this Order, then the parties may suggest names for the Court to consider appointing. Said names shall be submitted by letter no later than \_\_\_\_\_.

The parties shall notify the Court no later than \_\_\_\_\_ as to whether any other neutral experts are required.

**2. Experts to be Retained by a Party:**

Each party shall select his/her own expert to value \_\_\_\_\_ . The expert shall be identified to the other party by letter with their qualifications and retained no later than \_\_\_\_\_. If a party requires fees to retain an expert and the parties cannot agree upon the source of the funds, an application for fees shall be made. Any expert retained by a party must represent to the party hiring such expert that he or she is available to proceed promptly with the valuation.

Expert reports are to be exchanged by \_\_\_\_\_. Absent any date specified, they are to be exchanged 60 days prior to trial or 30 days after receipt of the report of the neutral expert, whichever is later. Reply reports are to be exchanged 30 days after service of an expert report.

**3. Additional Experts:**

If, as of the date of this order, a net worth statement has not been served or a party cannot identify all assets for valuation or cannot identify all issues for an expert, then, upon the parties' becoming aware of such assets or issues, that party promptly shall notify the other party as to any assets for valuation or any issue for which an expert is needed. If the parties cannot agree upon a neutral expert or the retention of individual experts, either party may notify the Court for appropriate action. Timely application shall be made to the Court if assistance is necessary to implement valuation or the retention of an expert.

**I. HEALTH INSURANCE COVERAGE NOTICE:**

Each party fully understands that upon the entry of a divorce judgment, he/she may no longer be allowed to receive health coverage under his/her former spouse's health insurance plan. Each party understands that he/she may be entitled to purchase health insurance on his/her own through a COBRA option, if available, otherwise he/she may be required to secure his/her own health insurance coverage.

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

**Each party acknowledges that he/she has received a copy of the Automatic Statutory Restraints/Automatic Orders (D.R.L. §236[B][2]). Each party acknowledges that he/she understands that he/she is bound by those Restraints/Orders 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.**

**K. PARENT EDUCATION:**

**The Court:**     has provided information as to parent education.  
                   has taken no action with respect to parent education.  
                   hereby orders the parties to attend parent education.

**L. ALTERNATE DISPUTE RESOLUTION/PRESUMPTIVE MEDIATION:**

The parties  *are* OR  *are not* aware of the existence of presumptive mediation, collaborative processes and other alternative dispute resolution methods.

**M. NOTICE OF GUIDELINE MAINTENANCE**

Each party acknowledges receipt of the following notice from the Court:

If your divorce was commenced on or after January 25, 2016, this Notice is required to be given to you by the Supreme Court of the county where your divorce was filed to comply with the Maintenance Guidelines Law ([S. 5678/A. 7645], Chapter 269, Laws of 2015) because you may not have counsel in this action to advise you. **It does not mean that your spouse is seeking or offering an award of "Maintenance" in this action.**

**Maintenance" means the amount to be paid to the other spouse for his or her support, either during the pendency of the divorce action as temporary maintenance or after the divorce is final as post-divorce maintenance.**

You are hereby given notice that under the Maintenance Guidelines Law (Chapter 269, Laws of 2015), there is an obligation to award the guideline amount of maintenance on income up to \$203,000 (eff. 3/1/22) to be paid by the party with the higher income (the maintenance payor) to the party with the lower income (the maintenance payee) according to a formula, unless the parties agree otherwise or waive this right. Depending on the incomes of the parties, the obligation might fall on either the Plaintiff or Defendant in the action.

There are two formulas to determine the amount of the obligation. If you and your spouse have no children, the higher formula will apply. If there are children of the marriage, the lower formula will apply, but only if the maintenance payor is paying child support to the other spouse who has the children as the custodial parent. Otherwise the higher formula will apply.

**Lower Formula**

- (a) Multiply Maintenance Payor's Income by 20%.
- (b) Multiply Maintenance Payee's Income by 25%.
- (c) Subtract Line b from Line a: = **Result 1**
- (d) Subtract Maintenance Payee's Income from 40 % of Combined Income\* = **Result 2.**
- (e) Enter the lower of **Result 2** or **Result 1**, but if less than or equal to zero, enter zero.

**THIS IS THE CALCULATED GUIDELINE AMOUNT OF MAINTENANCE WITH THE LOWER FORMULA**

**Higher Formula**

- (a) Multiply Maintenance Payor's Income by 30%
- (b) Multiply Maintenance Payee's Income by 20%
- (c) Subtract Line b from Line a= **Result 1**
- (d) Subtract Maintenance Payee's Income from 40 % of Combined Income\*= **Result 2**
- (e) Enter the lower of **Result 2** or **Result 1**, but if less than or equal to zero, enter zero.

**THIS IS THE CALCULATED GUIDELINE AMOUNT OF MAINTENANCE WITH THE HIGHER FORMULA**

**\*Combined Income equals Maintenance Payor's Income up to \$203,000 (eff. 3/1/22) plus Maintenance Payee's Income**

**The Court is not bound by the Guideline Amount of Maintenance and may deviate therefrom in the Court's discretion as set forth in the statute.**

**The Court will determine, in its discretion, how long maintenance will be paid in accordance with the statute.**



## N. CONFERENCING AND PRE-TRIAL REQUIREMENTS

1.  Both parties are represented by Counsel, and the parties affirm that their Counsel met prior to the submission of this Preliminary Conference Stipulation/Order in a good faith effort to reach agreement without Court intervention, and this Preliminary Conference Stipulation/Order reflects the agreements, if any, so reached. **OR**  This provision is not applicable because one or both parties is unrepresented.
  
2.  Both parties are represented by Counsel, and Counsel shall meet prior to the compliance conference scheduled below in a good faith effort to resolve any outstanding issues without Court intervention. **OR**  This provision is not applicable because one or both parties is unrepresented; and the conference will occur with the Court.
  
3.  Both parties are represented by Counsel, and each party intends to call an expert witness on any issues of finances described in Paragraph D of this Preliminary Conference Stipulation/Order, and Counsel shall meet to identify those aspects of their respective testimony not in dispute. **OR**  This provision is not applicable because one or both parties is unrepresented. or because the expert testimony relates to matters of child custody or parental access, domestic violence, domestic abuse, or child neglect or abuse; and the conference will occur with the Court.
  
4. 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 the conference, counsel shall also be prepared to discuss settlement.
  
5. The Court has determined that :
  - (i) the requirements of NYCRR section 202.34 regarding pre-marking of exhibits  shall not apply **OR**  shall apply;
  - (ii) Exhibit Books  shall not be required **OR**  shall be required
  - (iii) Pre-Trial Memoranda  shall not be required **OR**  shall be required
  
6. A Note of Issue shall be filed on or before \_\_\_\_\_. Failure to file a Note of Issue as directed herein may result in dismissal pursuant to CPLR 3216.

**THE TRIAL IN THIS MATTER SHALL BE HELD ON:**

\_\_\_\_\_ in part/room \_\_\_\_\_ at \_\_\_\_\_.

**All of the above is hereby stipulated to by the parties:**

\_\_\_\_\_  
Plaintiff (Signature)

\_\_\_\_\_  
Defendant (Signature)

\_\_\_\_\_  
Plaintiff (Print Name)

\_\_\_\_\_  
Defendant (Print Name)

\_\_\_\_\_  
Plaintiff's Attorney (Signature)

\_\_\_\_\_  
Defendant's Attorney (Signature)

\_\_\_\_\_  
Plaintiff's Attorney (Print Name)

\_\_\_\_\_  
Defendant's Attorney (Print Name)

Dated: \_\_\_\_\_, 20\_\_

**SO ORDERED:**

\_\_\_\_\_  
**Justice of the Supreme Court**

- There is no addendum to this Preliminary Conference Order.
- There is an addendum of \_\_\_\_\_ pages which is attached to this Preliminary Conference Order.
- Where the parties wish to execute this document in counterparts, there is a Counterparts Addendum to this Preliminary Conference Order.

**COUNTERPARTS ADDENDUM IF SIGNED SEPARATELY**

\_\_\_\_\_  
Plaintiff (Signature)

\_\_\_\_\_  
Plaintiff (Print Name)

\_\_\_\_\_  
Plaintiff's Attorney (Signature)

\_\_\_\_\_  
Plaintiff's Attorney (Print Name)

Dated: \_\_\_\_\_, 20\_\_

**COUNTERPARTS ADDENDUM IF SIGNED SEPARATELY**

\_\_\_\_\_  
Defendant (Signature)

\_\_\_\_\_  
Defendant (Print Name)

\_\_\_\_\_  
Defendant's Attorney (Signature)

\_\_\_\_\_  
Defendant's Attorney (Print Name)

Dated: \_\_\_\_\_, 20\_\_

**COUNTERPARTS ADDENDUM IF SIGNED SEPARATELY**

Dated: \_\_\_\_\_, 20\_\_

**SO ORDERED:**

\_\_\_\_\_