

Hon. Maria S. Vazquez-Doles, J.S.C.
Orange County Supreme Court, Courtroom 5
285 Main Street, Goshen NY 10924
845-762-5930

PRETRIAL REQUIREMENTS- *Bench (non-matrimonial) Trial*
(effective January 1, 2024)

Dear Counsel,

The matter of *Clarke et al. v. Town of Newburgh*, Index No. EF002460-2024 is set for a trial by the Court on November 1, 2024. The Court requires that each side provide to the Court **and** to opposing counsel the following items **no later than October 17, 2024**. Please pay close attention to the specifics of format listed below. **Many items require conferring with other parties so plan ahead.**

A. Trial Notebook.

- Provide chambers with:
 - i) a hard copy in a three ring binder with a table of contents, placing a complete table of contents in any additional binders
- AND
- ii) an email with each of the listed items below directed to the undersigned as separately numbered PDFs in digital form - rmariani@nycourts.gov.
- Include the following items in the notebook and email, using numbered tabs – do NOT use your own numbering scheme – use the Court’s numbering scheme below:
 1. Marked Pleadings in compliance with CPLR 4012
 2. Statement of Relevant Facts – separately list those material facts in dispute and those facts stipulated by the parties in writing.
 3. List of all potential fact witnesses, the anticipated order in which they may be called, and whether for liability or damages or both. Note adjacent to name as “Will Call” or “May Call”. List an approximate time for direct examination of each witness. Any witness not listed will not be allowed to testify without Court approval.
(If the testimony will occur by deposition, note accordingly adjacent to the name as “By Deposition”, plus either “Read-In” or “Video”. Do not include the deposition transcript in the notebook. A party proposing to call a witness by deposition must advise all other parties sufficiently in advance of submitting the

pretrial documents in order to obtain the other parties' selected pages that will be read/played for that witness . SEE SECTION B below).

4. A list of all expert witnesses, noting for liability or damages or both. Separate into "Will Call" and "May Call". List an approximate time for direct examination of each witness. Any witness not listed will not be allowed to testify without Court approval. Please include the expert report and CV in the notebook.
5. A list of all exhibits to be offered into evidence with a brief description of each exhibit. Plaintiff uses numbers and Defendants use letters, with multiple defendants pre-arranging their respective designation of letters. Place the actual exhibits in the trial notebook. Exhibits a party expects to use only for impeachment need not be listed.
6. A copy of all prior orders entered in the case, including on appeal.

** Apart from **A. Trial Notebook**, please also provide the following:

B. Copies of Depositions

A copy of each deposition that is listed on the witness list (No. 3) with the proposed sections to be read/played highlighted in yellow. Proposed sections to be read by the opposing party/ies should use other color(s). Include on the deposition cover page a legend defining the color associated with each other party. NOTE: You must designate all of the pages you wish to read, even if another party already designated those pages, in the event that the other party declines to read in the deposition.

Counsel should confer and agree upon their respective deposition designations **in advance** of the submission of the pretrial documents. In the event a dispute exists as to the propriety of an opposing party submitting designated deposition testimony, counsel should provide a **joint** memorandum with the case caption that annexes the disputed testimony with a brief statement for each party as to legal basis for the submission/exclusion of the testimony at issue.

Do NOT submit a deposition transcript that has only your portions highlighted for read-in unless all other parties have confirmed in writing that they do not intend to read-in any part of that witness' deposition.

C. Motions in Limine.

Submit the Motion(s) no later than 15 days before trial with supporting memorandum of law. If submitting more than one motion in limine, number each motion on the cover page with consecutive numbers. If submitting more than five motions in limine, place an index at the front of the first numbered motion.

Motions in limine should address only tangible evidence and testimony that a party seeks to limit or exclude. Do not file motions in limine for substantive rulings on the disposition of the case, i.e. summary judgment, motions to dismiss, etc.

Opposition is due seven days before trial and reply is due five days before trial.

If counsel (or a pro se party) has a question regarding the requirements set forth in this memorandum for the presentation of pretrial documents, please contact the undersigned by email at rmariani@nycourts.gov.

Raymond L. Mariani, Esq.
Principal Law Clerk to Hon. Maria S. Vazquez-Doles