

To: Nassau County Matrimonial Bar

From: Hon. Jeffrey A. Goodstein (Supervising Judge of the Matrimonial Center)

Subject: Updated Matrimonial Center Procedures – Phase 4

Date: August 10, 2020

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NYSCEF

- All filings shall be through the NYSCEF system. If not already converted, all prior non efiled cases should be converted if both parties are represented by counsel. If consent by both counsel is not obtained, both counsel shall contact the Chambers of the judge presiding over that matter to discuss various filing options. If there is no judge assigned at the time of filing because the matter is a new filing or a newly filed post judgment Order to Show Cause, counsel shall contact Judge Goodstein's chambers, at [JudgeGoodsteinRemote@nycourts.gov](mailto:JudgeGoodsteinRemote@nycourts.gov) to discuss the various filing options. The conversion to NYSCEF removes the need to serve paper copies on your adversary and the Court.
- If one party is unrepresented and the other side is represented, and the unrepresented party consents, then all filings shall be through NYSCEF.
- If one party is unrepresented who refuses efile, then the lawyer can efile, but the litigant cannot be forced to utilize NYSCEF and they will be permitted to file everything in paper format. If a litigant refuses efile, opposing counsel must provide the litigant with paper copies as was the norm prior to the pandemic.
- If an Attorney for the Child(ren) is appointed, they will be added as a party to the action for efile purposes to insure they receive the notifications on the case and to provide them access to NYSCEF.

- On all filings, the email information for all counsel and parties and Index number is required for the Court to send the Skype invitations.
- If the need arises to file an emergency Order to Show Cause while waiting for the matter to be converted, you can contact the County Clerk's Office to ask for expedited processing (516-571-2660).

## MOTIONS

- All motions and Orders to Show Cause shall be efiled through NYSCEF. All Orders to Show Cause and motions made in a pending case are still subject to the Part rules of the presiding judge.
- Prior to the filing of a Notice of Motion, counsel must email Chambers and ask for the specific date Chambers wants the motion returnable so Chambers can schedule a skype conference on the return date of the motion.
- Emergency Orders to Show Cause seeking immediate temporary relief shall be electronically filed and emailed to Amy Gilyard ([agilyard@nycourts.gov](mailto:agilyard@nycourts.gov)) and John Nappi ([jnappi@nycourts.gov](mailto:jnappi@nycourts.gov)) so that they may be reviewed by the Clerk's office and then forwarded to the assigned judge.
- Emergency Orders to Show Cause not yet assigned shall be efiled and emailed to Amy Gilyard ([agilyard@nycourts.gov](mailto:agilyard@nycourts.gov)) and John Nappi ([jnappi@nycourts.gov](mailto:jnappi@nycourts.gov)) so they may be reviewed and assigned to a judge.
- Emergency Orders to Show Cause seeking ex parte relief without notice, shall be emailed to Amy Gilyard ([agilyard@nycourts.gov](mailto:agilyard@nycourts.gov)) and John Nappi ([jnappi@nycourts.gov](mailto:jnappi@nycourts.gov)) as well as the assigned judge's remote email address after it is reviewed by the Clerk's office. If the matter is not yet assigned, the Order to Show Cause shall be emailed to Amy Gilyard and John Nappi. In addition, these Orders to Show Cause still require the affidavit pursuant 202.7 when seeking ex parte relief.

- All rules regarding the utilization of NYSCEF apply to post judgment matters as well. In addition, if a post judgment Order to Show Cause needs to be filed and the Judge who presided over the divorce case is still sitting in a matrimonial part, after the matter is converted to efile, any requests shall be directed to that judge's remote email, as set forth above. If the action was either assigned to a judge no longer sitting in a matrimonial part, or was previously uncontested and did not have a judge assigned, that matter will still be converted to efilings and the directions set forth above for an unassigned Order to Show Cause shall be followed.

Regarding all OTSC filings, a proper RJI must be filed in order for the case to be assigned. Once it is wheeled to the assigned judge, that judge will schedule a Skype conference for the motion to be heard. Therefore, every email to the Court, excluding the cases seeking ex parte relief, must have the adversary (even if an unrepresented litigant), and the Attorney for the Child(ren) (if one has been appointed), copied on the email in order for the Court to schedule the Skype conference.

All signed orders will be processed through the Matrimonial Clerk's Office. Therefore, counsel should NOT upload signed orders to NYSCEF except with a Notice of Entry or as an Exhibit.

### MISC FILINGS

- All Judgment of Divorce packets; QDROs, Statements of Net Worth, Notes of Issue, PC Orders, Certification Orders, Statements of Proposed Disposition; So Ordered Stipulations, etc.. must be efiled through NYSCEF if it is being utilized. All Notice of Settlement rules still apply.
- All AFC vouchers and 18b vouchers, etc. must be efiled through NYSCEF if the matter has been converted and emailed to Amy Gilyard ([agilyard@nycourts.gov](mailto:agilyard@nycourts.gov)) and John Nappi ([jnappi@nycourts.gov](mailto:jnappi@nycourts.gov)). All Notice of Settlement rules still apply.
- If any of these miscellaneous filings were submitted in paper format to the matrimonial clerk's office prior to the Court shutdown, same will be reviewed through the paper submitted.

## CONFERENCES

- If both parties are represented by counsel, conferences shall be conducted via Skype for Business as they have been for the past few months unless an in person conference is requested by counsel and permitted by the Judge.
- If at least one party is unrepresented, those appearances shall presumptively be heard in person unless a skype conference is requested by either counsel or one of the parties, which decision shall be at the discretion of the Judge.

## HEARINGS & TRIALS

- In person hearings and trials are being scheduled based upon the availability of the Judge and the age and circumstances of the individual cases. We are currently utilizing courtrooms in 100 Supreme Court Drive to make social distancing easier. Counsel should contact the Court through the remote email account approximately 2 days before the scheduled trial date to inquire as to which courtroom they should report to, as availability is limited.
- If the Judge deems it appropriate, either based upon counsel's arguments or on its own accord, the Court may choose to conduct the hearing/trial via Skype for Business.
- All social distancing and mask wearing protocols shall be strictly adhered to during any in person hearing/trial by litigants and attorneys.

## EVIDENCE

- Whether in person or via skype, at least three (3) days prior to trial, both counsel shall submit a consented to list of exhibits to be admitted at trial. The submission shall be to the Court's remote email address

- with a list of trial exhibits, and each exhibit attached as a separate attachment.
- For any hearings and trials which began prior to March 17, 2020, where certain exhibits were already admitted into evidence, counsel shall have copies of those exhibits scanned and emailed to the Court's remote email address as well.
  - Any proposed exhibits not consented to shall be scanned prior to the hearing/trial so that if admitted into evidence, it can then be forwarded by email to the Court while conducting the trial.
  - The Court will attempt to have any exhibits a witness needs to review portrayed on a large screen in the courtroom.