

**HON. E. JEANNETTE OGDEN**

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**SPECIAL TERM**

Alternating Tuesdays starting at 9:30 a.m. or 2:00 p.m. at 50 Delaware Ave., 9<sup>th</sup> Floor, Part 35, Buffalo, NY. Emergency matters may be heard at other times specifically arranged with Chambers.

**MOTIONS**

All moving papers, answering papers, memoranda and paid notes of issue should be submitted to the Court Clerk within ten (10) day prior to the return date thereon and must be received by the Court on or before 12 noon of the Wednesday before the motion return date.

All answering papers are to be received by chambers no later than 12:00 P.M. on the Wednesday immediately preceding the return date, unless earlier service is required by the CPLR. Reply papers are accepted from the moving party up until 12:00 P.M. on the Thursday immediately preceding the return date.

Notwithstanding CPLR 2214(b), any papers submitted after Wednesday at 12 pm may result in an adjournment of the matter, at the Court's discretion. The manner of service is governed by the CPLR. Original papers with Affidavits of Service are required.

Oral argument of motions is anticipated however, Counsel may stipulate to submit on papers upon prior written notice to the Court and all Counsel. Appearance by telephone on motions is not permitted.

Summary Judgment motions must be filed **within sixty (60) days of the filing of the Note of Issue.**

Infant Settlements will be heard during the afternoon court calendar in the Judge's chambers.

Motions will not be adjourned generally. Motions with opposition and other matters may be adjourned upon consent on all counsel, by contacting the Court Clerk at least twenty-four (24)

hours prior to the return date. Following the third adjournment, Court permission is required. Correspondence (preferably via email) confirming the adjournment and providing the new date must be provided to all counsel and the Court. Late motions may be adjourned to the following special term at the Court's discretion. Faxed submissions are not permitted.

Counsel must notify the Court, as soon as practicable, by conference call followed by e-mail confirmation or letter, of any resolution of pending motions.

## **ORDERS**

Orders must be approved by all counsel/parties prior to submission to the Court for signature, with notice to the Court of such approval; otherwise they are to be settled pursuant to 22 NYCRR 202.48.

## **CONFERENCES**

### **Civil:**

Preliminary and Pretrial Conferences will be scheduled upon the Court's receipt of a filed RJI and/or paid Note of Issue. All conferences will be with the IAS Judge or Law Clerk. Original Pleadings and a brief summary of the case in letter form are requested in advance of the initial conference.

### **Matrimonial:**

Preliminary conferences will be scheduled upon assignment. Clients must be present at all conferences. Pleadings, discovery demands, 236B Affidavits, motions, responses, prior Orders, settlement proposals, proposed stipulations and agreements should be submitted to the Court as far in advance as possible. Adjournments granted with consent of parties, subject to the Court's approval, by contacting Court's Secretary.

## **TROs**

Must be on notice, if other attorney is known. Requests for TROs on cases assigned to another Judge will be considered only upon prior approval of the Judge or his/her Law Clerk. All other hearings to be scheduled by contacting the Court. There are no TRO's against Municipalities.

## **ADJOURNMENTS**

Same day adjournments are not permitted except in extraordinary circumstances, upon consent of the Court. **Ex parte applications will not be considered and adjournments of Motions, Preliminary and Pre-trial Conferences will not be adjourned generally.**

**Applications to adjourn a conference** should be directed to the Secretary or Court Clerk at least **twenty four (24) hours in advance** of the scheduled conference. Conferences will only be adjourned **by stipulation**. **Applications to adjourn a motion** scheduled for oral argument must be made on **stipulation at least 48 hours in advance of the oral argument**.

Counsel/Parties seeking an adjournment should first consult with the Court Clerk/Secretary prior to the selection of a new date and provide written confirmation (e-mail or fax) of the new date to the Court and all Counsel/Parties. Counsel/Parties seeking an **adjournment for more than sixty (60) days** from the original return date as well as more than three (3) consecutive adjournments must submit a stipulation of adjournment to the Court for approval.

If Counsel cannot agree to an adjournment, all Counsel must appear on the return date and request an adjournment, which will be liberally granted in the absence of prejudice.

Trial dates may only be adjourned by the Court. No testimony is taken on the Court's special term day. Stays pending appeals will generally not be granted, except upon good cause.

## **TRIALS**

Trial dates are provided at final pre-trial conferences conducted after the Note of Issue and Statement of Readiness has been filed. The court adheres strictly to its trial schedule and adjournments are discouraged. Motions *in limine* will be returnable on date(s) set by the Court. Expert witness disclosure shall be simultaneous and shall be made by all parties at least 30 days before jury selection or as otherwise directed by the court. Marked pleadings, lay and expert witness lists and preliminary Request to Charge, must be submitted at least 5 business days before jury selection. Final Requests to Charge and proposed verdict sheets are required prior to the close of proof.

A list of all Requests to Charge to be included in the final jury charge, by section number only, from the most current volume of the PJI, provided the Request does not call for any characterization of the evidence or contentions of the parties, must be electronically submitted to the Court. If the PJI section requires a characterization or description of the evidence or contentions of the parties, Counsel must supply such description of evidence or contention in writing. Proposed language, not based on the PJI, must also be submitted in writing, along with the appropriate citations and copies of case law relied upon by Counsel in support of the requested charge language, to the Court.

A conference with the Judge will be held upon completion of jury selection. A charge conference will be held at/near the close of proof.

Pre-trial memoranda for matrimonial and other non-jury trials should be served upon the Court ten (10) business days before the first day of trial.

Counsel must notify the Court, as soon as practicable, by conference call followed by written confirmation (by e-mail, fax or letter), of any settlement or resolution of matters scheduled for trial, in order to avoid the unnecessary use of Court resources on matters that are resolved or will imminently be resolved. [See 22 NYCRR 202.7, Rule 2]