

**HON. JOHN A. MICHALEK**  
**Part 26 - Fourth Floor (Courtroom)**  
**Fifth Floor (Chambers)**  
**25 Delaware Avenue**  
**Buffalo, New York 14202**  
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<b>Court Reporter:</b>	<b>Sandra Lelito</b>	<b>845-3622</b>

**MOTIONS:**

Every Thursday starting on January 10, 2013 in Part 26 at 9:30, 10:00 and 10:30 a.m.

**WHEN SCHEDULING OR ADJOURNING MOTIONS - CONTACT THE COURT CLERK WHO WILL ASSIGN A DATE AND TIME.**

All moving papers, answering papers, reply papers, memoranda and special term notes of issue to be received by chambers **no later than 48 hours prior to return date. If papers are not timely received, motions will be adjourned.** Original papers must be supplied to the Court, but not in E-filed cases. TROs on notice to other side, if known. TROs in case assigned to other Judge upon approval of IAS judge or his/her law clerk. Motions cannot be adjourned generally, and should only be adjourned upon good cause by informing the law clerk, court clerk or secretary. Orders must be submitted in accordance with the time limits of the CPLR. Motion papers, including cross-motions, must bear the County Clerk's "Paid" stamp pursuant to CPLR § 8020(a). **Please do not send motion papers by fax without prior consent of the Court. A reminder that Justice Michalek's rules require courtesy working copies of all E-filed documents. Please have them delivered ASAP to Part 26, at 25 Delaware Avenue, Buffalo, NY 14202. Be sure to attach the required Confirmation Notice from NYS Courts E-filing.**

**CONFERENCES**

Preliminary and Pre-trial conferences are scheduled upon court's receipt of RJI or calendar note of issue. Preliminary conferences upon request to Judge's secretary. At first pre-trial, a discovery schedule will be set up by the Court, which will include a trial date. Adjournments granted with consent of parties and by request to Court, with immediate rescheduling.

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### TRIALS AND REFERENCES

Adjournments only with the approval of the judge or law clerk. Jury Selection forms and list of witnesses, lay and expert, to be called at trial required one month before jury selection date. Papers for motions *in limine* require one (1) week prior to commencement of trial. Conference with IAS judge upon completion of jury selection. **With respect to Jury Trials, copies of pleadings, requests to charge, proposed verdict sheets, proposed contentions required two (2) weeks prior to the commencement date of trial. If attorneys are making substantial changes to standard PJI format, please submit proposed changes on a Word Perfect formatted disc or CD.** Deadline on expert disclosure thirty (30) days before the scheduled jury selection or thirty (30) days before the first day of a non-jury trial.

With respect to non-jury trials and hearings, pleadings, trial memoranda and marked exhibits must be submitted no later than one week prior to the trial or hearing. Following non-jury trial or hearing. Findings of Fact and Conclusions of Law must be submitted by counsel for all parties.

### Orders

Orders following motion argument should be submitted by the prevailing party. Copy of Decision portion of transcript should be attached to Order and referenced therein if so directed by the Court. Transcript to be obtained by counsel from the Court Reporter. Except in E-filed cases, upon Court's review, execution and granting of the Order, Order may be picked up in the "OUT" basket in Part 26. The Court Clerk will advise when an Order is ready for pickup. Orders will be returned via mail if a self-addressed stamped envelope is provided to the Court. In E-filed cases, however, the signed and granted Order will be unloaded to the NYSEF.