

**Hon. Emilio Colaiacovo**  
Genesee County Courts Facility  
1 West Main Street  
Batavia, NY 14020  
585-344-2550

Law Clerk: Jorge S. de Rosas - ext. 2409

Secretary: Amy Garcia - ext. 2465

**Calendar:**

Civil Motions will be heard on alternate Fridays at 9:30 am. Counsel is to provide chambers a hard copy of all motion papers one week prior to oral argument. Answering papers and/or cross-motions must be received at the same time counsel is served pursuant to the applicable provisions of the CPLR.

Special Term motions will be called in the order in which attorneys check in with the court clerk.

Motions, cross-motions, and orders to show cause will not be scheduled until chambers receives a paid, stamped special term note of issue showing the original was filed with the County Clerk.

Infant settlements will be heard at 9:15 in the Judge's chambers.

The Court will use e-mail to schedule conferences and for other general correspondence as often as possible. Counsel should forward the Court an e-mail address to facilitate communication.

**Conferences:**

A preliminary conference will be held within forty-five (45) days of the Court's receipt of a filed RJI. Conferences may be held with the Judge or Law Clerk. Appearances by telephone are not permitted except with prior permission of the Court.

*Civil Conferences:* A brief summary (no more than a page) of the case is required one week prior to the initial conference.

*Matrimonial Conferences:* Will be scheduled within 45 days of the filing of the RJI and are mandatory. A scheduling order will be issued at the conference. Clients must be present at the first court conference. **At least one**

(1) week prior to the preliminary conference, the Court must receive the following:

Plaintiff's counsel will be asked to produce:

1. A letter stating what issues are resolved and unresolved;
2. A 236b financial affidavit;
3. A copy of the current year W-2;
4. A copy of the signed retainer agreement;
5. A copy of the date-stamped summons;
6. A copy of the affidavit of service.

Defendant's counsel must produce:

1. A letter stating what issues are resolved and unresolved;
2. A 236b financial affidavit;
3. A copy of the current year W-2;
4. A copy of the signed retainer agreement.

Adjournments will be granted with consent of the parties, subject to the Court's approval, by contacting the Court Secretary or Law Clerk.

### **Trials and Hearings:**

*Civil:* The Court adheres strictly to its trial calendar; adjournments of trial require a showing of compelling circumstances. No adjournments of trial will be granted other than by the Judge or his staff during a pretrial conference convened to address that issue.

Marked pleadings and papers for motions *in limine* must be submitted at least one [1] day prior to start of trial.

Formal requests to charge and proposed verdict sheets must be submitted prior to summations. The charge conference will be held following the completion of proof, unless otherwise directed by the Court.

*Matrimonial:* References to Law Clerk to hear and report may be ordered in cases involving divorces on stipulation and contested financial issues.

Default papers must be submitted to the Court in advance.

Signed and granted judgments of divorce and referee's reports will be held by the Court pending receipt of the filed note of issue.

## **Orders:**

Orders must be submitted within thirty (30) days with indication that the Order has been sent out to all opposing counsel or pro se litigant and that no objection has been received. Orders will not be signed unless opposing counsel has had an opportunity to review for at least seven (7) days. If no objections are received after ten (10) days, the Order will be signed without further delay.

## **TROs:**

TROs are granted on a case-by-case basis. TROs must be on notice to opposing counsel if known. TROs for other Justices will be signed only with approval of that Justice or Justice's Law Clerk.