

HON. DIANE Y. DEVLIN
Part 32 - Ninth Floor
50 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9483 / FAX: 845-5157

Law Clerk:	Timothy J. Kane, Esq.	845-9484
Secretary:	Marianne Vara	845-9483
Court Clerk:	Deborah Wagner	845-9420
Court Reporter:	Charles Pizzolanti	845-2136

MOTIONS

Every Thursday, Part 32 at 9:30 a.m.

CIVIL

Dispositive Motions shall be made within 120 days from the filing of the Note of Issue. For non e-filed cases, all moving papers, memoranda and a Special Term Note of Issue are to be delivered to the Part 32 Court Clerk not later than noon on the Friday prior to the return date of the motion. Original papers are not required. Answering papers are to be delivered to the Part 32 Court Clerk not later than Tuesday at noon. NOTE - FOR E-FILED CASES, YOU ARE REQUIRED TO SEND A HARD COPY OF MOTION PAPERS AND RESPONDING PAPERS TO CHAMBERS. Oral arguments are required except on permission of judge or law clerk. TRO's, where possible, will require notice to the opposing attorney. TRO's on cases assigned to another Justice will only be granted upon the prior approval of the IAS Justice or his/her Law Clerk. Motions shall not be adjourned generally. Motions can only be adjourned upon consent of all parties and with notice to the Court. Orders based upon a decision of this court shall be submitted to all counsel for approval prior to submission to the court. If the parties are unable to agree to a proposed order, the proposed order and notice of settlement shall be served in accordance with Uniform Rule §202.48 which provides for ten days mailed notice or five days notice if by personal service and made returnable before the court at 9:30 a.m. in Part 32. Proposed counter-orders shall be made returnable on the same date and time as the original proposed order.

CONFERENCES

Preliminary and Pre-trial conferences are scheduled upon the court's receipt of an RJJ and/or Calendar Note of Issue. A scheduling order will be issued after the Uniform Rule 202.12 preliminary conference. Rule 202.12 preliminary conference may only be adjourned upon consent of all counsel and only to a date within the 45 days from the filing of the RJJ. Adjournments of compliance conferences or pre-trials to a day certain will be granted upon consent of all parties. Confirmation of any adjournment together with its rescheduled date must be made in writing to all parties and to the court by counsel seeking the adjournment.

TRIALS

Trial dates may only be adjourned by the Court. No testimony is taken on the court's special term day. Stays pending appeals will only be granted upon good cause shown and will generally not be granted. Lists of witnesses, lay and expert, to be called at trial must be filed with the court one week before jury selection. Jury selection form is to be completed and submitted at least one week before jury selection date. Motions *in limine* and requests to charge and proposed verdict sheet shall be submitted to the court at least one week before the jury selection date. Expert Disclosure shall be simultaneous and shall be made by all parties not less than 60 days before the jury selection date.