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MOTIONS: Every Monday; morning session commencing at 9:30 a.m.;
afternoon session commencing at 2:00 p.m.
Attorneys shall contact **John Garbo** prior to scheduling same.

1. Copies of all submissions for consideration by the Court (other than those relating to Orders to Show Cause - see below), shall be **received** by Chambers at least three (3) business days prior to the return date, and before **2:00 p.m.** Reply submissions if any, must be **received** by Chambers at least one (1) business day prior to the return date, and before **2:00 p.m.**, and shall not re-iterate previous submissions. Cross-motions shall be governed by the CPLR, and the Court requires **strict** compliance with CPLR §2214(b). Except for applications for Orders to Show Cause, the originals of all submissions shall be filed with the office of the clerk of the county in which the matter is commenced/pending. Oral argument is expected on all cases, unless counsel notify Chambers of an agreement to the contrary prior to the return date. Discovery motions shall be accompanied by the affirmation of good faith required by 22 NYCRR § 202.7. **Counsel shall refrain from citing case law in affidavits and/or affirmations. Only submissions served in accordance with the provisions of these rules will be considered in connection with any motion or cross-motion.**

2. Motions shall be called in the order in which attorneys check in with the Court

Clerk.

3. **Matters shall not be scheduled until Chambers receives a paid, stamped RJI and/or a special term Note of Issue showing the original papers were filed with the office of the clerk of the county in which the matter is commenced/pending, and the Commercial Division RJI Addendum is reviewed by Chambers to verify that the case meets the requirements for Commercial Division assignment as set forth in 22 NYCRR §202.70 (a) and (b).**

ORDERS:

Shall be submitted to Chambers by the prevailing party's counsel within ten (10) business days of a decision as to same, together with verification that the order has been served upon all opposing counsel (or *pro se* litigants), and that no objection has been received within three (3) business days of service. **Orders will not be signed without said verification.**

CONFERENCES:

Conferences shall be automatically scheduled upon Chambers' receipt of a filed RJI or calendar note of issue, and the Court's verification that the case meets the jurisdictional requirements for Commercial Division assignment. Conferences may also be scheduled upon request. Prior to a preliminary conference, counsel shall provide Chambers with copies of all pleadings and a one (1) paragraph summary of the case. At the conference, a scheduling order shall be issued after consultation with counsel, which shall include jury selection and trial dates. Counsel shall bring calendars, including trial availability, to all conferences. Conferences shall take place with the Law Clerks (or the Court, as matters dictate).

TRIALS:

The Court adheres strictly to jury selection and trial schedules. Marked pleadings, requests to charge, witness lists, and proposed verdict sheets shall be submitted to Chambers (after consultation with opposing counsel, so as to narrow issues and limit redundancy) two (2) weeks prior to commencement of jury selection. Motions *in limine* shall be filed and served so as to be heard prior to commencement of jury selection. A conference with Chambers shall be held upon completion of jury selection. A final charging conference shall be held prior to summations. Deadline for expert disclosure, absent good cause shown, is thirty (30) days prior to the scheduled commencement date of jury selection.

GENERAL RULES:

ADJOURNMENTS:

1. No same day adjournments shall be permitted, except in extraordinary circumstances, and only upon Court approval.
2. Matters shall not be adjourned generally. The first and second adjournments may be obtained without Court permission, on consent of all counsel, by informing Chambers at least twenty-four (24) hours prior to the return date. **Letters confirming adjournments, and re-scheduled return dates shall be provided to all counsel and Chambers by counsel requesting the adjournment.**
3. Conference adjournments shall be granted only with consent of all attorneys, and remain subject to Court approval.

TROs:

Shall be issued on a case-by-case basis, and shall be on notice to opposing counsel, if known. TROs in cases assigned to another Judge shall be granted only upon approval by that Judge or his/her Law Clerk.

DISCONTINUANCE:

In any discontinued action, the attorney for the defendant shall file a stipulation or statement of discontinuance with the appropriate county clerk within twenty (20) days of such discontinuance, and shall provide Chambers with a date-stamped copy of same. If the action has been noticed for judicial activity within twenty (20) days of such discontinuance, the stipulation or statement shall be filed before the date scheduled for such activity.