

## HENRY J. NOWAK, J.S.C

50 Delaware Avenue  
8th Floor, Part 28  
Buffalo, New York 14202  
Ph: (716) 845-9477  
Fax: (716) 845-7541

Law Clerk:	<b>John A. Ziegler, Esq.</b>	(716) 845-9478	jziegler@nycourts.gov
Secretary:	<b>Sara Mazgaj</b>	(716) 845-9477	smazgaj@nycourts.gov
Court Clerk:	<b>Elaine Xenos</b>	(716) 845-9433	exenos@nycourts.gov

**SPECIAL TERM** Every Thursday, beginning at 9:30 am. Upon request or at the court's discretion, motions that require extensive oral argument may be scheduled at a later time. Appearance on motions by telephone will not be permitted. Oral argument is recorded as a matter of course only if there is an appearance by one or more self-represented litigants; in cases where all parties appear by counsel, oral argument will be recorded only upon request. All oral decisions by the court are recorded.

**MOTION PAPERS** On e-filed cases, parties may, but are not required to, provide a complete set of motion papers to chambers. The court does require, however, that each party provide chambers with a courtesy copy of notices of motion, affidavits, and memoranda of law. The parties may, at their discretion, also provide chambers with copies of selected exhibits or excerpts of exhibits. All reply papers are due by noon at least two days before the return date. Please do not send any motion papers by fax without prior court approval.

**ADJOURNMENTS** Requests for adjournments must be made at least one business day before the scheduled appearance. Motions must be adjourned to a specific date and will not be generally adjourned. All requests for adjournments must be approved by the court, and only after consent is sought from opposing counsel. Any party or attorney refusing to consent to an adjournment must demonstrate good cause to the court. Upon receiving an adjournment, the requesting party the must send written confirmation of the adjournment and the rescheduled date to all parties and the court.

**ORDERS** Proposed orders are to be provided to all attorneys and self-represented litigants at least five days before submission to the court for signature. The court will entertain requests to shorten the five day requirement if circumstances warrant. Any objection to a proposed order shall be settled pursuant to Uniform Rules for the New York State Trial Courts § 202.48.

**COMMERCIAL  
ACTIONS**

**Applicability of Rules of practice for the Commercial Division**

Except as otherwise stated herein, all commercial actions are subject to the rules of practice set forth in Uniform Rules for the New York State Trial Courts § 202.70 (g).

**Requests for Temporary Restraining Orders**

All requests for TRO's must be made on notice to opposing counsel if known. TRO's for other Justices will be signed only with approval of that Justice or Justice's Law Clerk.

**Preliminary Conferences**

A preliminary conference will be scheduled upon receipt of a filed RJI and verification by the court that the case meets the jurisdictional requirements for the Commercial Division. At least one day before the conference, counsel shall provide chambers with a one paragraph summary of the case, preferably by e-mail to Sara Mazgaj at [smazgaj@nycourts.gov](mailto:smazgaj@nycourts.gov). At the conference, counsel and self-represented litigants should be prepared to discuss appropriate deadlines and their availability for future appearances, as well as any objection to mediation or other methods of alternative dispute resolution.

**Deadlines Before Trial**

Expert disclosure shall be made thirty days before trial, absent good cause shown. One week before jury selection, marked pleadings, requests to charge, witness lists and proposed verdict sheets shall be submitted to chambers. Motions *in limine* shall be filed and served so as to be heard before commencement of jury selection.