

HON. JOHN A. MICHALEK, J.S.C.

**PART 26 - FOURTH FLOOR (COURTROOM)
FIFTH FLOOR (CHAMBERS)
25 DELAWARE AVENUE
BUFFALO, NY 14202
PHONE: 845-9474 / FAX 851-3323**

| | | |
|--------------------------------------|---|-----------------|
| Confidential Law Clerk: | Lynn A. Clarke, Esq. (lclarke@courts.state.ny.us) | 845-9475 |
| Commercial Division Law Clerk | Anne S. Rutland, Esq. (arutland@courts.state.ny.us) | 845-9345 |
| Secretaries: | Shannon Palczynski (spalczyn@courts.state.ny.us) | 845-9474 |
| | Stacey Delmont (sadelmon@courts.state.ny.us) | 845-9474 |
| Court Clerk: | Richard Brown (rfbrown@courts.state.ny.us) | 845-9416 |
| Court Reporter: | Sandra Lelito | 845-3622 |

MOTIONS:

Civil: **Alternate Thursdays starting on January 14, 2010 in Part 26
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 sent to chambers **no later than 48 hours prior to return date. If papers are not timely delivered, motions will be adjourned.** Original papers must be supplied to the Court. 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. Papers should be submitted to Chambers, located on the 5th floor of 25 Delaware Avenue.

Commercial: Every Thursday starting on January 21, 2010 in Part 26

Motions are heard according to plaintiff's name as follows:

A-O at 9:30 a.m. P-Z at 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 sent to chambers **no later than 48 hours prior to return date. If papers are not timely delivered, motions will be adjourned.** Original papers must be supplied to the Court. 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. When E-Filing, a courtesy hard copy of the papers is required.** Papers should be submitted to Chambers, located on the 5th floor of 25 Delaware Avenue.

CONFERENCES:

Civil/Commercial:

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.

TRIALS AND REFERENCES:

Civil:

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* required 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.

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. Upon Court's review, execution and granting of the Order, Order may be picked up in the "OUT" basket in Part 26. The Court will not advise via phone when an Order is ready for pickup. Orders will be returned via mail if a self-addressed, stamped envelope is provided to the Court.