

**Rules of the Justices of the Supreme Court
8th Judicial District
for
Civil and Matrimonial Cases**

2019 (07/23/19)



<http://www.nycourts.gov/courts/8jd/rules.shtml>

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8th Judicial District
For
Civil and Matrimonial Cases**

We thank the individual Justices and their Law Clerks and Secretaries who submitted the information contained herein. Hopefully it will provide a service to the bench and the practicing bar. Please feel free to submit any suggestions or questions to the undersigned.

**Hon. Paula L. Feroletto
Administrative Judge
8th Judicial District**

**Andrew B. Isenberg, Esq.
District Executive
8th Judicial District**

**Rules of Justices of the Supreme Court
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for Civil and Matrimonial Cases
2019**

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**Hon. Tracey A. Bannister
Part 31 - Eighth Floor
50 Delaware Avenue
Buffalo, New York 14202
Phone: (716) 845-9492
Facsimile: (716) 845-5152**

NO MOTIONS PAPERS VIA FACSIMILE

Confidential Law Clerk:	Mary L. Mikan, Esq.	845-9493
Secretary:	Sandra M. Panfil	845-9492
Court Clerk Part 31:	Rita Ventura	845-2759

MOTIONS: Civil & Matrimonial Wednesdays, per schedule in Part 31. Please call Court Clerk for exact dates and times prior to scheduling motion, or at any other times the Court and counsel mutually arrange.

E-FILES: The Court requests a courtesy hard copy with confirmation notice of all e-filed documents as soon as possible.

CIVIL & MATRIMONIAL MATTERS:

All original moving papers, answering papers, memoranda and special term notes of issue to be sent to chambers before 12:00 noon on the Monday before the motion return date. If motion papers are not timely served, motion may be adjourned by the court. TROs on notice if other attorney is known. No general adjournments. Adjournments granted with consent of parties, subject to Court's approval.

Civil Actions:

Preliminary conference will be held within forty-five (45) days of the Court's receipt of filed RJI. All conferences before IAS Judge or law clerk. Adjournments granted with consent of all parties, subject to Court's approval, by contacting secretary.

Matrimonial Actions:

Preliminary conferences will be scheduled upon assignments, Pleadings discovery demands, 236B Affidavits, motions, responses, prior orders, settlement proposals, proposed stipulations or agreements should be submitted to the Court as far in advance as possible. Parties must be present at all conferences unless instructed otherwise by the Court.

TRIALS

Trial dates considered to be "date certain" and adjournments will be granted only in the most exceptional circumstances. All motions *in limine* shall be made returnable prior to jury selection. Expert disclosure deadlines per Court's order.

HON. M. WILLIAM BOLLER
Part 13 - Second Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: (716) 845-9357 / FAX: (716) 845-5153

Law Clerk:	Frederick J. Platek, Esq.	845-9358
Secretary:	Susan Kuberka	845-9357
Court Clerk	Susan Shaw	845-9402
Court Reporter:	Mary Jo Dean	845-2147

MOTIONS, HEARINGS, PLEAS, SENTENCINGS

Fridays at 9:30 AM or as otherwise scheduled by the Court

Cases called by order of readiness of parties. Advise Court Clerk when all parties present.

All moving papers, responding papers, etc. must be delivered to chambers at least 5 days prior to the return date. Please follow the time schedules and procedures set forth in the CPL for Demands, Motions, Responding Papers, etc.

CONFERENCES

Pre-trial conferences on indicted cases will be scheduled upon assignment of an indictment to the Part.

ADJOURNMENTS

Adjournments are granted by the judge, secretary or law clerk only, with notice to opposing counsel. No general adjournments will be granted; all matters must have a return date for further proceedings.

Any attorney who will be late for a scheduled appearance must notify the Court Clerk at 845-9410 prior to the scheduled time of appearance.

HON. RALPH A. BONIELLO, III
Angelo A. DelSignore Civic Building
775 Third Street - Part I
Niagara Falls, New York 14301
Phone: (716) 371-4010 Fax: (716) 371-4041

Law Clerk: John C. Fiorella, Esq. (legal issues) (716) 371-4011
email: jfiorell@nycourts.gov

Secretary: Deborah Holody (scheduling/adjournments) (716) 371-4010
email: dholody@nycourts.gov

Court Clerk: Kimberly Locurto (motions/orders) (716) 371-4004
email: klocurto@nycourts.gov

Court Reporter: Amy Coghlan (transcripts) (716) 371-4036
email: acoghlan@nycourts.gov

MOTIONS: WEDNESDAYS

E-FILES: WORKING COPIES FOR ELECTRONICALLY FILED PAPERS ARE REQUIRED BY THIS COURT. BE SURE TO ATTACH THE REQUIRED CONFIRMATION NOTICE FROM NYS COURTS E-FILING.

CIVIL MOTIONS AND MATRIMONIAL MOTIONS AT 9:30 A.M.

MOTIONS IN LIMINE RETURNABLE AT LEAST ONE (1) WEEK PRIOR TO JURY SELECTION ON A REGULAR SPECIAL TERM DATE AT 9:30 A.M.

SPECIAL TERM MOTIONS ARE CALLED BY THE ORDER IN WHICH ATTORNEYS CHECK IN. KINDLY REPORT WITH THE COURT CLERK IMMEDIATELY UPON ARRIVAL.

NOTE: Motions, Cross-Motions and Orders to Show Cause will not be scheduled until and unless Chambers receives a paid, stamped Special Term Note of Issue.

Civil: All moving papers, answering papers, reply affidavits, memoranda and paid Special Term Notes of Issue, are to be received in Chambers by 3:00 p.m. the Wednesday before the return date, notwithstanding CPLR 2214(b), any papers submitted after 3:00 p.m. on Wednesday may result in an adjournment, at the Court's discretion. Affirmation of good faith required for discovery motions. Original papers with Affidavits of Service to be supplied to the Court. Oral argument required unless written consent by all attorneys to submit papers is received or the Court directs otherwise. TROs handled on a case-by-case basis. TROs must be on notice to other attorney if known or where a government entity is involved. Orders to Show Cause/TROs on a case assigned to another judge will be signed only upon prior written approval of IAS judge or his/her law clerk.

Adjournments: Motions cannot be adjourned generally. The first adjournment can be obtained without Court permission, on consent of all counsel, by informing the court clerk at least twenty-four (24) hours prior to return date. All other adjournments must have consent of the Court. Further, no more than three adjournments will be granted, unless good cause is shown.

Matrimonial: All moving papers, answering papers, reply affidavits, memoranda and paid Special Term Notes of Issue, are to be received in Chambers by 3:00 p.m. the Wednesday before the return date, notwithstanding CPLR 2214(b), any papers submitted after 3:00 p.m. on Wednesday may result in an adjournment, at the Court's discretion. However, initial motions in matrimonial actions may be returnable at the preliminary conference, rather than matrimonial special term. In such case, the papers must be received in Chambers **at least seventy-two (72) hours prior to the return date.** Original papers **with Affidavits of Service** to be supplied to the Court. **Any request for financial relief will not be considered unless a 236(b) Financial Affidavit is attached to the motion.** TROs rarely granted if not mutual; if granted a quick return date is required and only where assets are in jeopardy or in extreme circumstances, supported by objective evidence (police or medical report). TROs on notice to other attorney, if known. Orders to Show Cause/TROs on a case assigned to another judge will be signed only upon prior approval of IAS judge or his/her law clerk. Oral argument required unless written consent by all attorneys to submit papers is received or the Court directs otherwise.

Adjournments: Motions cannot be adjourned generally. The first adjournment can be obtained without Court permission on consent of all counsel by informing the court clerk at least twenty-four (24) hours prior to return date. All other adjournments must have consent of the Court. Further, no more than three adjournments will be granted.

Late Submissions: All motion papers, including cross-motions, answering affidavits, and reply affidavits must be submitted to the Court within the time periods prescribed herein and the CPLR, unless the Court directs otherwise. **Failure to comply with the filing deadline will result either an adjournment of the motion or refusal by the Court to consider the untimely submission.**

Orders: Must be submitted within thirty (30) days. **Counsel must indicate the date the order was sent to all opposing counsel or pro se litigant(s) and that there is consent or 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. However, if no objections are received after ten (10) days, the Order will be signed without further delay. **Facsimilies (orders, subpoenas, etc.) will not be signed as originals.**

CONFERENCES:

Civil: Preliminary conferences will be scheduled within 45 days of the filing of the RJI and are mandatory. At the conference a scheduling order will be issued. All conferences before the IAS judge or designated Court attorney. **Pleadings, including Summons, Complaint, Answer and Bill of Particulars, must be submitted seven (7) days prior to the preliminary conference.** Adjournments will be granted only with consent of all attorneys and subject to Court approval.

Matrimonial: Preliminary conferences will be scheduled within 45 days of the filing of the RJI and are mandatory. At the conference a scheduling order will be issued. Clients must be present. **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: Granted only by consent of the Court, but never beyond the 45 day requirement.

No adjournments will be granted on the date of the scheduled conference, except for extreme emergency and by consent of the judge.

TRIALS

Civil: Adjournments granted by the Judge only. **Jury selection begins at 9:30 a.m. on Tuesday** with trial to commence at 9:30 a.m. on Wednesday, or Thursday (if Special Term that week).

Pleadings, list of witnesses, proposed jury charge and verdict sheets required **one (1) week prior to jury selection**. Charge conference by informal discussion with results placed on the record upon request.

Any motions regarding the adequacy of expert disclosure are to be made within ten (10) days of receipt of such disclosure. Deadline on expert disclosure at least thirty (30) days prior to commencement of trial, unless otherwise ordered by the Court.

Matrimonial: Adjournment granted by the Judge only. **The parties must file a statement of proposed disposition at least five (5) days prior to the hearing/trial.** References to law clerk to hear and report on divorces on stipulation for contested economic issues and post-divorce matters. Complete transcript and original affidavit of appearance and adoption of oral stipulation must be submitted with judgment. Bifurcation when proof may be complex and it appears that testimony may be lengthy. **Judgments must specifically recite grounds for divorce, and if children under 18 must have record check language, detail custody/visitation arrangement or reference to written agreement, contain child support provision and modification language DRL 236B7d (includes all separation agreements executed on or after October 13, 2010), reference prior Court Orders with specificity, address maintenance and equitable distribution (or reference written agreement), state wife is allowed to resume maiden name or prior surname, if there is oral stipulation or agreement, include incorporation clause, and service upon opposing party within 30 days.**

HON. CHRISTOPHER J. BURNS
Part 19 - Third Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE 845-9381 / FAX 845-5154

Law Clerk:	David C. Caywood, Esq.	845-9382
Secretary:	Mary Kay Walker	845-9381
Court Clerk:	Bob Adamski	845-9406
Court Reporter:	Brigit Marszalkowski	845-3615

MOTIONS: **Thursdays [alternate] in Part 19 at 9:30 a.m.**
(25 Delaware Avenue - 3rd Floor)

E-Filing: Any party filing a motion through the E-Filing system must also supply a working copy of all affidavits submitted on the motion to the Court at the time of the filing.

Civil: All moving papers, answering papers, reply papers and memoranda to be received by chambers **by 2 p.m. on the Tuesday preceding the return date. If papers are not timely delivered, motions will be adjourned.** Oral argument expected on all cases, unless, 1) the motion is known in advance to be uncontested or 2) a letter requesting the motion be decided on the papers is received by the Court prior to the return date. Discovery motions may be subject to a conference with the Law Clerk prior to argument on the return date. Original papers must be supplied to the Court on an Order to Show Cause, on all other motions copies are acceptable. TRO's 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 after obtaining the consent of Chambers.

Matrimonial: All moving papers, answering papers, reply papers and memoranda to be sent to chambers **by 2 p.m. on the Tuesday preceding the return date. If papers are not timely delivered, motions will be adjourned.** Original papers must be supplied to the Court. TRO's 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 after obtaining the consent of Chambers.

CONFERENCES:

Civil: Preliminary and Pre-trial conferences are automatically scheduled upon court's receipt of RJI or calendar note of issue, otherwise, a preliminary conference may be scheduled upon request. Conference before IAS Judge or Law Clerk. Adjournments granted upon agreement of all parties and after obtaining the consent of Chambers.

Matrimonial: Preliminary conferences for settlement permitted and encouraged. Pleadings and 236-b affidavits in advance. Adjournments granted upon agreement of all parties and after obtaining the consent of Chambers.

HON. CHRISTOPHER J. BURNS

TRIAL and REFERENCES

Civil: Court adheres strictly to trial schedule. Papers for motion *in limine* required prior to commencement of trial. Conference with IAS Judge upon completion of jury selection. Jury Selection Forms to be submitted at least one (1) month before jury selection date. **Formal Requests to Charge and proposed Verdict Sheets required prior to jury selection.** Charge conference held prior to summations. Deadline on expert disclosure, without good cause shown, thirty (30) days before the scheduled commencement date of jury selection.

Matrimonial: References to Law Clerk to hear and report on divorces on stipulation, contested economics, post-divorce arrears and post-divorce modification.

HON. RUSSELL P. BUSCAGLIA
Part 14 - Second Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9435 / FAX: 845-5155

Law Clerk:	Kelly Vacco, Esq.	845-9436
Secretary:	Cheryl A. Martin	845-9435
Court Clerk:	Diane Smith	845-9408
Court Reporters:	Lori Strong	845-2131

MOTIONS

Wednesdays at 2:00 p.m.

Cases called by order of appearance of counsel, not by Index Number. Report to Court Clerk.

All moving papers, answering papers, memoranda and special term note of issue to be sent to chambers **at least five (5) days prior to the return date**. Original papers not required. Discovery motions upon affirmation of good faith. TRO's on notice to opposing attorney. TRO's on cases assigned to other judges, only if prior approval by IAS judge or his or her law clerk. Motions cannot be adjourned generally and can only be adjourned by consent of all parties **and** with court permission.

CONFERENCES

Preliminary and pretrial conferences scheduled within 10 days of court's receipt of RJI or calendar note of issue. Conferences before IAS judge or law clerk. Prior to the conferences, each party must forward a letter setting forth their respective positions and any other matter that should be brought to the attention of the court. Adjournments only by consent of all parties **and** with court permission.

TRIALS AND REFERENCES

Adjournments are granted by permission of the judge only. No proof taken on motion days. Pleadings and papers for motions *in limine* required one (1) day prior to beginning of trial. Conference with IAS judge upon completion of jury selection. Formal requests to charge required prior to summations. Charge conference after proof completed.

HON. FRANK CARUSO
Angelo A. Delsignore Civic Building
775 Third Street-Part II
Niagara Falls, New York 14302
Phone: 371-4013 Fax: 371-4042

Law Clerk:	Robert N. Richardson, Esq.	371-4014	(legal issues)
Secretary:	Michelle Metz	371-4013	(scheduling)
Court Clerk:	Corinne Cleri	371-1407	(motions/orders)
Court Reporter:	Vacant		

E-FILED CASES:

A working copy of any and all motions, answering papers, reply affidavits, memoranda and correspondence to the Court is required to be submitted to the Court's chambers, with the appropriate E-File confirmation notice form attached. All other submissions intended to be reviewed by the Court which are e-filed without a working copy sent to chambers will not be considered.

MOTIONS:

Motions will be heard on Thursdays at 9:30 a.m.

Special term motions are called by the order in which attorneys check in. Kindly report with the court clerk immediately upon arrival.

Except for e-filed cases (see above), motions, cross-motions and orders to show cause will not be scheduled until and unless chambers receives a **paid, stamped special term note of issue** obtained through the Niagara County Clerk.

All moving papers, answering papers, reply affidavits, memoranda and paid Special Term Notes of Issue, are to be received in Chambers by 3:00 p.m. the Friday before the return date, notwithstanding CPLR 2214(b), any papers submitted after 3:00 p.m. on Friday may result in an adjournment, at the Court's discretion. Affirmation of good faith required for discovery motions. Oral argument required unless consent by all attorneys to submit papers is received or the Court directs otherwise. TROs handled on a case-by-case basis. TROs must be on notice to other attorney if known or where a government entity is involved. Orders to Show Cause/TROs on a case assigned to another judge will be signed only upon prior written approval of IAS judge or his/her law clerk. Motions cannot be adjourned generally, however, adjournments to a specific date are granted upon consent of all parties and if not upon consent, as the Court may decide noting a liberal adjournment policy especially with respect to motions made within the minimum time limits of the CPLR and for summary judgment motions.

LATE SUBMISSIONS:

All motion papers, including cross-motions, answering affidavits, and reply affidavits must be submitted to the Court within the time periods prescribed herein and the CPLR, unless the Court directs otherwise. **Failure to comply with the filing deadline will result either in an adjournment of the motion or refusal by the Court to consider the untimely submission.**

HON. FRANK CARUSO

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. However, if no objections are received after ten (10) days, the Order will be signed without further delay.

CONFERENCES:

Preliminary conferences will be scheduled within 45 days of the filing of the RJI and are mandatory. At the conference, a scheduling order may be issued. Pretrial conferences will be scheduled as the Court deems necessary. All conferences shall be before IAS judge or Law Clerk. Adjournments will be granted only with consent of all attorneys or with Court approval.

JURY TRIALS:

Adjournments granted by the Judge only.

Pleadings, list of witnesses, proposed jury charge and verdict sheets and papers on motions *in limine* required **prior to jury selection.**

Expert disclosures, without good cause shown, are to be exchanged thirty (30) days before the commencement date of trial.

Jury selection begins at 9:30 a.m. on Tuesday with proof to begin the following day unless by agreement of the parties or direction by the Court of an alternate schedule. Charge conference with the Judge shall take place after proof is completed but before closing statements with results put on record upon request.

HON. STEPHEN W. CASS
Acting Supreme Court Justice
Gerace Office Building, 2nd Floor
P.O. Box C
Mayville, New York 14757
PHONE: (716) 753-4337 / CHAMBERS FAX: (716) 753-4730

Principal Court Attorney:	Curt N. Meeder, Esq.	753-4339
Associate Court Attorney:	Marlene T. Sirianno, Esq.	753-4748
Court Clerk - Contested:	Lissa Wilson	753-4497
Court Clerk - Uncontested:		753-4838
Secretary:	Carmella Catanese	753-4337

MOTIONS/OTSC:

Mondays, beginning at 1:30 p.m. in Judge Cass' Courtroom; scheduled at one-half hour intervals with the time scheduled by Chambers. Emergency matters may be heard at other times specifically arranged with Chambers.

Orders to Show Cause must be presented by movant's attorney to one of the Court Attorneys for review prior to scheduling and signature. To schedule a motion date and time, contact Chambers. An original and copy must be submitted to the Court for scheduling and signature. Motions and Orders to Show Cause **will not** be placed on the Court's calendar unless and until the required motion fee is paid to the County Clerk's Office.

All answering papers and any other moving papers must be received by chambers by Thursday at 5:00 p.m. or a least one day prior to the return date and should include an original and copy.

Requests for TRO's should be on notice to opposing counsel and the Law Guardian, if known, except for rare circumstances.

Motions/OTSC's may not be adjourned without prior Chamber and opposing counsel approval. This can be done by calling chambers and securing a rescheduled date at least 24 hours in advance of the scheduled time. Motions must be adjourned to a specific date and time, and will not be adjourned generally. The party requesting the adjournment must send written confirmation of the adjournment and the rescheduled date to all parties and the Court.

SUBMISSION OF PROPOSED ORDERS/JUDGMENTS AND DIVORCE PACKETS:

1. Proposed orders should be sent directly to Chambers at P.O. Box C, Mayville, New York 14757 for review by one of the Court Attorneys prior to presentation for signature.

2. Proposed orders/judgments must be submitted with indication that the order or judgment has been sent to all opposing counsel, Law Guardian or pro se litigant and no objection has been received. Orders/judgments will not be signed without proof of opportunity of opposing counsel, Law Guardian or pro se litigant to review.

HON. STEPHEN W. CASS

3. Divorce Packets - All divorce packets, whether contested, uncontested and/or affidavit divorce packets should be sent directly to the County Clerk's Office. If the divorce is submitted on affidavit, please note the same in your cover letter.

MATRIMONIAL CASES:

1. Preliminary Conferences: 22 NYCRR 202.12(b) requires that a Preliminary Conference be held within 45 days of the filing of the RJI for a matrimonial action. Remember this time frame when requesting adjournments. Financial Affidavits (236B) and Retainer Agreements **MUST** be submitted to Chambers at least 48 hours prior to the Preliminary Conference.

2. Pre-Trial Conferences: Statements of Proposed Disposition must be submitted to the Court at least 48 hours prior to the Pre-Trial Conference.

3. If a case is resolved by stipulation of the parties, the matter **WILL NOT** be taken off the calendar until the Court receives a signed copy of the stipulation. Since this usually occurs on the eve of trial, stipulations may be faxed directly to chambers at 753-4730.

4. When Judgments of Divorce provide for the full continuation of Family Court orders (custody/visitation or child support), the Judgment must reference the Docket number(s) and Date(s) of Family Court orders, in separate decretal paragraphs and have copies of the orders attached.

5. When an oral default is put on the record, the transcript of the default must be filed in the County Clerk's office with the record; however, **DO NOT** attach the default transcript to the Judgment of Divorce.

6. When a stipulation of settlement is placed on the record or if the case is settled by written stipulation of the parties, a transcript of the oral stipulation or the written stipulation **MUST** be attached to the judgment of divorce. Where the case has been settled by oral stipulation, the Affidavit of Appearance and Adoption of Oral Stipulation **MUST ALSO** be attached to the Judgment.

7. When the court has rendered a written decision or bench decision, the written decision or transcript of the bench decision **MUST** be attached to the Findings of Fact and Conclusions of Law; and, directives of the Court must be detailed in decretal paragraphs in the Judgment of Divorce.

8. When a divorce is settled by stipulation which is incorporated into the Judgment of Divorce, the decretal paragraphs need not specify the provisions concerning equitable distribution. However, separate decretal paragraphs must specify provisions regarding custody, visitation, child support and maintenance.

9. CPLR 306-b: Where service of the Summons with Notice or Summons and Complaint has not been effected within 120 days of filing with the County Clerk's Office, you must obtain the Court's permission to extend the time for service for "good cause shown". This can be done on the papers without the necessity of counsel's appearance, on ex parte notice of motion and payment of the necessary motion filed fee.

HON. STEPHEN W. CASS

10. UCS-111 Forms: 202 NYCRR 202.50c requires that judgments submitted to the court **shall** be accompanied by a completed form.

11. Effective date of Child Support and/or maintenance in judgments and/or orders: Every proposed judgment of divorce or temporary order containing an order of support or maintenance **MUST** specify the effective date. If the parties entered into an oral stipulation placed on the record in court and the stipulation does not specify the effective date of any child support and/or maintenance orders, the effective date to be inserted in the proposed judgment or order will be the date the stipulation was placed on the record. If the matter is resolved by a written stipulation and there is no date specified in the stipulation, the effective date to be inserted in the proposed judgment or order will be effective the date the stipulation is fully signed by both parties. The best practice would be to specify the effective date in any stipulation, written or oral. If the child support and/or maintenance order is by decision of the Court, the decision will indicate the effective date and this date must be inserted in the proposed judgment. If orders are payable through the Support Enforcement Unit and the effective date is not specified in the Judgment, the Support Enforcement Unit will adhere to the dates specified in this paragraph.

12. Prior Family Court Orders: In some judgments, the language continues a prior Family Court order but with changes. This causes confusion in the future to have two orders in effect. In this case, attorneys should either specify that the Family Court order will continue in its entirety or set forth a new, complete order in the Judgment and specify the effective date of the new order, and terminating the prior family court order.

13. Direct Pay orders or through Support Enforcement Unit: Any proposed judgment of divorce should state whether child support is by way of direct pay or through the Support Enforcement Unit. If the order is by direct pay, counsel must file the necessary form with the State Case Registry in Albany, and provide the Court with a copy of the form and letter of filing. If payments are to be made through the Support Enforcement Unit, the proposed judgment must contain a provision directing the filing of a copy of the judgment with the Support Enforcement Unit.

14. Social Security Numbers: Every proposed Judgment of Divorce must contain the social security numbers of parties. In addition, pursuant to DRL 240-b, any proposed judgment with an order for child support, must contain the social security numbers of the minor children.

15. DRL Section 177 (health insurance notification) will be enforced. All stipulations after November 1, 2007 must contain a provision and Judgments of Divorce must contain a decretal paragraph in accordance with the statute.

TEMPORARY ORDERS OF PROTECTION:

1. If one form of relief requested in an Order to Show Cause is an order of protection **PRIOR** to the return date of the Order to Show Cause, counsel should have the client available at the time the Court signs the Order To Show Cause to present testimony on the issue. If the Order to Show Cause seeks an order of protection upon the return date of the Order to Show Cause, counsel should have the client available on the return date to present testimony on the issue. As a matter of course, mutual orders of protection will not be granted.

HON. STEPHEN W. CASS

2. If there is a pending criminal charge involving the same parties and domestic violence allegations arising in any of the local courts and/or county court the divorce action may be transferred to the IDV Court. Proceedings will continue in the matrimonial court until the case is accepted and transferred.

STATEMENT OF NEW WORTH:

1. **MUST** be in substantial compliance with the Statement of New Worth form contained in appendix A of the uniform rules. 22 NYCRR 202.16(b).
2. **MUST** complete all categories, marking “NONE”, “INAPPLICABLE” or “UNKNOWN” if necessary.
3. **MUST** attach pay stubs (3 pay periods), W-2 statements or previous year’s tax return.

QUALIFIED DOMESTIC RELATIONS ORDERS:

1. Those QDRO’s (or DRO’s) submitted with the Judgment of Divorce or within one year after entry **do not** require a motion. However, they do require either the opposing counsel’s approval (or litigant’s approval if pro se) or proper notice and default, with proof provided to the Court of same. Those presented greater than one year after entry require a formal motion, on notice, to the opposing party and his/her former attorney, with proof provided to the Court. A motion fee **is not** required.

HON. DEBORAH A. CHIMES

50 Delaware Avenue
Part 33 - Ninth Floor
Buffalo, New York 14202
(716) 845-7201

Court Clerk Part 33: Colleen Freiheit; 845-9432 ; mpazik@nycourts.gov
Secretary: Liz Jaeger; 845-7201 / ejjaeger@nycourts.gov
Court Reporter: Lisa Pazderski; 845-3625
Confidential Law Clerk: Jill M. Tuholski, Esq.; 845-7202
Asbestos Court Attorney Referee: Mary Louise Hayden, Esq.; 845-9336 ; mlhayden@nycourts.gov

CONFERENCES:

Civil: A preliminary conference will be held within 45 (forty-five) days of the Court's receipt of a filed RJI. All conferences before the IAS Judge or Law Clerk. Pleadings and a brief summary of the case in letter form are required in advance of the initial conference via first class mail only. Adjournments granted with the consent of all parties, subject to the Court's approval by contacting the Court's Secretary.

Matrimonial: Preliminary conferences will be scheduled upon assignment. Clients must be present at all conferences. Pleadings, discovery demands, 236B Affidavits, motions, responses, prior Orders, settlement proposals, proposed stipulations and agreements should be submitted via first class mail only to the Court seven (7) days prior to the conference. Adjournments granted with consent of parties, subject to the Court's approval, by contacting Court's Secretary. Trial will be scheduled at the preliminary conference.

MOTIONS: CPLR service applies.

Asbestos: 1st and 3rd Mondays at 2:00 p.m.
Hard copies of e-filed motion papers to be delivered to Mary Lou Hayden.

Civil and Matrimonial: 2nd and 4th Mondays at 10:00 a.m.
Civil - Hard copies of e-filed cases are **not required** unless requested by the Court.
Matrimonial - Hard copies of motion papers to be delivered to chambers.

NOTE: Motions will be automatically adjourned to the following special term if any papers are received/filed after the Wednesday prior to the return date. No fax or e-mail submissions are permitted. Adjournment of motions may be granted on consent of parties, subject to approval by the Court. Motions cannot be adjourned generally. Confirmation of an adjournment, with notice of rescheduled dates, must be made in writing to the Court and all parties. Only Orders approved by all counsel, with notice of such approval to the Court shall be submitted for signature.

TROs must be on notice, if other attorney known. Requests for TROs on cases assigned to another Judge will be considered only upon prior approval of the IAS Judge or his/her Law Clerk. All other hearings to be scheduled by contacting the Court.

HON. DEBORAH A. CHIMES

TRIALS and REFERENCES:

Trial dates are considered to be “date certain.” Adjournments granted by Judge only.

Asbestos: Jury selection on Tuesdays. Motions in limine to be made returnable at least 8 days prior to jury selection. Motions in limine to be filed on or before the date set in the case scheduling orders; any motions filed thereafter will not be considered by the Court.

Civil: Jury selection on Fridays. Motions in limine to be made returnable on the civil special term date prior to jury selection. Counsel is to report to the Court upon completion of jury selection. Charge conference held prior to summations. All other matters governed by the Trial Order.

Matrimonial: Referred to Law Clerk to hear and report on stipulation on divorces, contested economics, post-divorce arrears and post-divorce modification. All other matters governed by the Trial Order.

Hon. Emilio Colaiacovo, J.S.C.

25 Delaware Avenue
Part 24
Buffalo, New York 14202
716-845-9474
Fax: 716-845-5165

Law Clerk: Jorge S. deRosas, Esq.
716-845-9475
jderosas@nycourts.gov

Secretary: Amy Garcia
716-845-9474
aegarcia@nycourts.gov

Special Term:

Civil Motions shall be held on Fridays at 9:30 a.m., or on another date so designated by the Court. 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, but no less than two days prior to the return date unless approved by the Court.

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 a.m. in the Courtroom. Plaintiffs and their parent/guardians must be present.

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.

Dates assigned for Special Term are as follows:

January 11 and 25
February 8 and 22
March 8 and 22
April 12 and 26
May 10 and 24
June 14 and 28
July 12 and 26
August 9 and 23
September 13 and 27
October 11 and 25
November 8 and 22
December 13

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: A mandatory conference will be scheduled within 45 days of the filing of the RJI. 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 a 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 one week prior to jury selection. 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 from decision date with indication that the Order has been sent to all opposing counsel or pro se litigants 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.

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

Law Clerk:	Ryon D. Fleming, Esq. .	845-9484
Secretary:	Marianne Vara	845-9483

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, opposition papers 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. Reply 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 RJI 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 RJI. 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.

HON. JAMES H. DILLON
92 Franklin Street
Buffalo, New York 14202
PHONE 845-1800/ FAX 845-5158

Law Clerk:	Walter R. Pacer, Jr., Esq.	845-1802
Secretary:	Kathleen Schroeder	845-1800
Court Clerk:	Susan Monan	845-9417
Court Reporter:	Lisa Pazderski	845-3625

MOTIONS : Every Wednesday in Part 4 at 9:30 a.m.
(92 Franklin Street - 3rd Floor)

E-Filing: Any party filing a motion through the E-Filing system must also supply a working copy of all papers submitted on the motion to the Court at the time of the filing.

Civil: All moving papers, answering papers, reply papers and memoranda must be received by the Court by **10:00 a.m. on the Monday preceding the return date**. Late submissions may result in an adjournment at the Court's discretion or refusal by the Court to consider the untimely submission. Oral argument is expected on all cases, unless, 1) the motion is known in advance to be uncontested or 2) a letter requesting the motion be decided on the papers is received by the Court prior to the return date. Discovery motions may be subject to a conference with the Law Clerk prior to argument on the return date. Original papers must be supplied to the Court on an Order to Show Cause; on all other motions copies are acceptable. 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 after obtaining the consent of Chambers.

Matrimonial: All moving papers, answering papers, reply papers and memoranda are to be sent to chambers by **10:00 a.m. on the Monday preceding the 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 after obtaining the consent of Chambers.

CONFERENCES :

Civil : Preliminary and Pre-trial conferences are automatically scheduled upon Court's receipt of RJI or calendar note of issue; otherwise, a preliminary conference may be scheduled upon request. Adjournments granted upon agreement of all parties and after obtaining the consent of Chambers.

Matrimonial : Preliminary conferences for settlement permitted and encouraged. Pleadings and 236-b affidavits in advance. Adjournments granted upon agreement of all parties and after obtaining the consent of Chambers.

HON. JAMES H. DILLON

TRIAL and REFERENCES :

Civil : Court adheres strictly to trial schedule. Motions *in limine* shall be submitted prior to jury selection and heard thereafter as scheduled by the Court. Jury Selection Forms must be submitted at least one (1) month before jury selection date. Pleadings and a list of witnesses (both expert and lay) should be sent to the Court one (1) week in advance of jury selection. **Formal Requests to Charge and proposed Verdict Sheets are required prior to jury selection.** Charge conference will be held prior to summations. Deadline on expert disclosure, without good cause shown, thirty (30) days before the scheduled commencement date of jury selection.

HON. PAULA L. FEROLETO
92 Franklin Street - 2nd floor - Part 1 - Ceremonial Courtroom
Buffalo, New York 14202
E-Mail: pferolet@nycourts.gov
FAX: (716) 845-5151

LAW CLERK: DANIEL J. MARREN, ESQ. (716) 845-9439
E-Mail: dmarren@nycourts.gov

SECRETARY: SIOBHAN McMAHON (716) 845-9438
E-Mail: shmcmaho@nycourts.gov

MOTIONS: Most Wednesdays at 1:30 p.m. but, check with Court Chambers to confirm.

For all matters assigned to this Court subject to e-filing, all submissions, including motions, proposed orders and proposed judgments must be electronically filed. All parties should familiarize themselves with the statewide E-Filing Rules (Uniform Rules §§ 202.5-b and 202.5-bb) and the Joint Protocols for cases filed in Erie County Supreme Court (found at: <http://www.nycourts.gov/COURTS/8jd/pdfs/efile/ErieProtocols080417.pdf>). General questions about E-Filing should be addressed to the E-Filing Resource Center at (646) 386-3033 or efile@nycourts.gov. Specific questions for Erie County matters should be addressed to the Chief Clerk's Office at (716) 845-9301 or the County Clerk's Office at (716) 858-8797

Concerning motions, this Court does not want working copies but may request the same in specific instances (See Uniform Rule §202.5-b(d)(4)). Any working copies requested should be delivered or mailed directly to Chambers noted above. All such working copies must include a copy of the NYSCEF Confirmation Notice firmly fastened as the front page of the submission and comply with other requirements set forth in the Joint Protocols for Erie County Supreme Court cases. Working copies without the Confirmation Notice will not be accepted. In addition, this Court will reject any "hard copy" submissions (See definition contained in Uniform Rule §202.5-b(a)(2)(vi)) in e-filed cases unless those submissions bear the Notice of Hard Copy Submission - E-Filed Case required by Uniform Rule §202.5-b(d)(1) and are unbound as required by the Joint Protocols for Erie County Supreme Court cases.

Motion practice pursuant to CPLR. Original papers in matters not subject to e-filing are to be provided to the Court simultaneously with service on all parties. All papers must be received by the Court at least two (2) business days before the return date. Late submissions may result in an adjournment at the Court's discretion or refusal by the Court to consider the untimely submission.

Adjournments are granted upon consent of opposing counsel but, if counsel refuses, the Court has a liberal adjournment policy of motions made within the minimum time limits of the CPLR and may grant an adjournment upon request, even if opposed. This is especially true if the papers were hand delivered to opposing counsel or e-filed immediately before a weekend or holiday and for summary judgment motions. Counsel should keep in mind the Standards of Civility (Appendix A to 22 NYCRR Part 1200) in all dealings with counsel and the Court. Motions must be adjourned to a specific date; general adjournments will not be permitted.

Requests for adjournment of motions where opposing counsel does not consent should be made by conference call to the Court.

Motions to resolve discovery disputes shall be accompanied by an affidavit of good faith attempt at resolution. **Letters between counsel are insufficient.** There must have been a conversation between counsel to attempt to resolve discovery disputes. Summary judgment motions must be timely made pursuant to CPLR §3212 (a), unless otherwise directed by the Court.

All orders must be submitted with an indication that the order has been sent to all opposing counsel or pro se litigant. Orders will not be signed without proof of opportunity of opposing counsel or pro se party to review.

All requests for TROs must comply with Uniform Rules for Trial Court §202.7(f). Requests for TROs on cases assigned to another judge will be considered only upon approval of the IAS judge or his/her law clerk except in cases where both are unavailable.

CONFERENCES:

Civil: Pretrial conferences will be scheduled upon the Court's receipt of an RJI and/or calendar Note of Issue. Pleadings and a brief summary of the case in letter form are required in advance of the conference. Any request for an adjournment shall be made to the Judge's secretary and confirmation of all adjournments and notice of rescheduled dates must be made in writing (e-mail preferred) to all parties and the Court.

Matrimonial: Preliminary conferences scheduled pursuant to Matrimonial Rules. One adjournment without Court permission; thereafter, prior consent of the Court required.

TRIALS and REFERENCES:

Adjournments are granted by permission of the Judge only. Deadlines on expert disclosure shall be set by the Judge on a case by case basis. Pleadings and list of witnesses (both expert and lay) should be sent to the Court one (1) week in advance of jury selection; the exception being in medical malpractice cases for expert name disclosure. Motions in limine to be submitted prior to jury selection and heard thereafter as scheduled by the Court. Proposed requests to charge and verdict sheets shall be submitted on the first day of proof. The Court's preference is to receive these by e-mail with the requests attached. They may be supplemented upon the conclusion of proof. Charge conference by informal discussion to be held at or near close of proof with results put on the record upon request.

Pre-trial memoranda for matrimonial and other non-jury trials to be served and submitted to the Court two (2) weeks before the first day of trial.

References will be made to the Law Clerk to hear and report in matrimonial actions on stipulation regarding contested economics, post-divorce arrears and post-divorce modifications. References to Court Attorney Referee's (CARS) to hear and report on any issue shall be at the discretion of the Judge or to hear and determine on consent of all parties.

SPECIAL REQUIREMENTS ON POLICY LIMITS CASES:

If a case with a value in excess of the policy limits is being settled for available insurance coverage, be prepared to submit an affidavit from the insured detailing their knowledge of insurance coverage, an affidavit from counsel offering the policy limits detailing their activities in ascertaining the existence of all available insurance coverage, and an affidavit from a principal with the insurance company swearing they have no knowledge of any other insurance coverage.

HON DANIEL J. FURLONG, J.S.C.

Angelo A. DelSignore Civic Building

775 Third Street – Part III Niagara Falls, New York 14302

Phone: 716-371-4015

Fax: 716-371-4043

Law Clerk:	Garrett Grieser	716-371-4017
Secretary:	Stacey Delmont	716-371-4015
Court Clerk:	Patricia Hall	716-371-4005
Court Reporter:	Deborah Zito	716-371-4037

MOTIONS:

Alternate Wednesdays in Part 3 at 9:30 a.m.

Note: Article 81, Infant Settlement and Structured Settlement Sale matters will be heard at 11:00 a.m.

All moving papers, answering papers and legal memoranda shall be sent to chambers upon filing or upon being sent to an opponent. Court requires adherence to CPLR 2214 (b). Motions cannot be adjourned generally. Motions can be adjourned with court permission a limited number of times by informing the secretary or Law Clerk. An appearance is not required where there is no opposition. Advise the secretary or Law Clerk if you do not intend to appear. You may waive oral argument.

Special Term Dates 2017

January 11	August 9
January 18	August 23
February 1	September 6
February 15	September 20
March 1	October 4
March 15	October 18
March 29	November 1
April 12	November 15
April 26	November 29
May 17	December 13
May 31	
June 14	
June 28	
July 12	
July 26	

CONFERENCES:

Will be scheduled upon court's receipt of RJI. First conference must be heard within forty-five (45) days of filing of RJI. Further conferences will be scheduled upon request or as needed. All conferences will be with Judge or Law Clerk. Conferences can be held telephonically provided request to appear by phone is made prior to conference date and approved by the Judge or Law Clerk. Adjournments flexible; court will accomodate attorneys' schedules within reason.

TRIALS/HEARINGS:

Trials may be adjourned by the Judge only. Hearings may be adjourned by the Judge or law Clerk.

Motions in Liminie are scheduled a reasonable period in advance. Discuss scheduling with Judge or Law Clerk. Proposed Jury Instructions and Verdict Sheet required two (2) weeks prior to jury selection date. Conference with Judge immediately preceding Jury Selection.

HON. JOSEPH R. GLOWNIA
Part 6 - Third Floor
92 Franklin Street
Buffalo, New York 14202
PHONE: 845-9450 / FAX: 845-5161

Law Clerk:	Peter Crotty, Esq.	845-9451
Secretary:	Francine Jamison	845-9450
Court Clerk:	Amanda Andersen	845-9418
Court Reporter:	Unassigned	

MOTIONS

Alternate Fridays in Part 6

9:30 AM

CIVIL

All moving papers, answering papers, memoranda and special term note of issue to be sent to chambers **at least 48 hours prior to return date**. Court requires strict adherence to CPLR 2214(b). Originals supplied to the court or filed prior to return date. Oral argument not required in all cases. TROs on notice if other attorney is known. Motions cannot be adjourned generally and can be adjourned without court permission a limited number of times by informing the law clerk or secretary.

MATRIMONIAL

All moving papers, answering papers, memoranda and special term note of issue to be sent to chambers **at least 48 hours prior to return date**. Original papers to be supplied to the court or filed prior to return date. Will not sign TROS in a case assigned to another judge, without prior approval of IAS judge or his/her law clerk. Oral argument not required in all cases. Motions cannot be adjourned generally and can be adjourned without court permission a limited number of times by informing the law clerk or secretary.

CONFERENCES

Civil

Pretrial conferences scheduled upon court's receipt of calendar note of issue. Preliminary conferences upon request. All conferences before IAS judge or law clerk. Pleadings required. Adjournments flexible; court will accommodate attorneys' schedules within reason.

Matrimonial

Preliminary conferences to settle permitted; and divorce proven without prior filing of a calendar note of issue. Court's pretrial form required. Adjournments flexible; court will accommodate attorneys' schedules within reason.

HON. JOSEPH R. GLOWNIA

TRIALS and REFERENCES

Civil

Adjournments by judge or law clerk, if judge not available. Pleadings and papers for motions *in limine* required a reasonable period in advance. Conference with IAS judge immediately preceding jury selection. Requests to charge required as directed on a case-by-case basis.

Matrimonial

References to law clerk to hear and report on divorces on stipulation, contested economics, contested visitation, post-divorce arrears and post-divorce modification. Court prefers not to bifurcate.

Hon. Mark J. Grisanti
Acting Supreme Court
Part 15 - 25 Delaware Avenue
Buffalo, New York 14202
Chambers (716) 845-7260
Courtroom (716) 845-9409
No Faxes Please

LAW CLERK: Douglas J. Curella Jr., Esq. e-mail to: dcurella@nycourts.gov

SECRETARY: Pamela Miles e-mail to: pmiles@nycourts.gov

COURT CLERK: Brigitte Roestel e-mail to: broestel@nycourts.gov

USE OF EMAIL

This Court will utilize e-mail as much as possible when scheduling pretrial conferences and other general correspondence. E-mail is preferred - **do not fax**. If you do not have an e-mail address, please contact our office immediately.

SCHEDULING

This Court understands the importance of *your time*, which is why we will start pretrials and motions ***promptly*** and move the calendar along as quickly as possible. Please be courteous of the Court's time and please be prompt.

MOTIONS

To create opportunities for attorneys knowledgeable with the subject matter of the action, and who historically have been under-represented in the Courtroom, Courtroom participation of such attorneys is strongly encouraged. This could be achieved, for example, by having a less senior attorney, who prepare the brief on the motion, argue the motion before Judge Grisanti.

Unless an order to show cause is granted based upon exigencies of time, the original motion papers and appropriate fee must be filed with the County Clerk at least 16 days in advance of the return date (21 days if service is by mail) and include a seven-day demand for responding papers in the notice of motion (CPLR 2214 [b]). Failure to provide sufficient time will entail adjournment of the motion. Duly demanded responding papers not timely filed will not be considered by the Court absent good cause for the delay. Affirmations of good faith are required for motions regarding discovery or particulars. Moving Attorneys are to provide the Court with a proposed order with all motions submitted.

Adjournment of motions cannot be more than four weeks in the aggregate without Court permission.

****Please Submit Motions via Hard Copy AND E-mail****

CIVIL CONFERENCES

Pretrial conferences will be scheduled upon the Court's receipt of an RJI and/or calendar Note of Issue. Pleadings and **one-page summary** of the case **are required** in advance of the conference and are to be e-mailed to pmiles@nycourts.gov **one week prior to the conference.**

Any request for an adjournment shall be made to the Judge’s secretary and confirmation of all adjournments and notice of rescheduled dates must be made in writing to all parties and the Court. Adjournments **will NOT** be granted if request is made within one business day of the conference and/or if the matter is beyond the Court’s Standards and Goals.

TRIAL AND HEARING

Counsel is expected to engage in vigorous efforts to reach settlement in advance of the trial date so that the jury pool will not be unnecessarily expended. The Court will contact counsel before the trial date to ascertain the status of negotiations.

Adjournments are only with the permission of the Court. Copies of pleadings, particulars, requests to charge and proposed verdict sheets, and original *in limine* motions, shall be filed five business days, and responding papers filed two business days, in advance of the trial. **Requests to charge should be made by PJI number only unless significant additional language is requested (with cited authorities) along with Proposed Verdict Sheet and must be e-mailed to the Judge’s Clerk; Douglas J. Curella, Jr., Esq., at dcurella@nycourts.gov two days before the start of trial.**

Prior to jury selection, counsel are required to exchange names and addresses of witnesses, including expert witnesses. Prior to the commencement of proof, all exhibits are to be marked for identification.

Special Term Motion Calendar - Arguments Start at 9:30 a.m.

2019
January 16 & 30
February 13, 21 & 27
March 13 & 27
April 10 & 23
May 2, 15 & 23
June 10 & 27
July 10 & 17
August 1, 14 & 22
September 11, 24 & 30
October 10 & 31
November 7 & 20
December 5 & 17

HON. DEBORAH A. HAENDIGES
Part 9 - First Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: (716) 845-2762 / FAX: (716) 845-1849

Law Clerk:	Ann M. Boland, Esq.	(716) 845-2761
Court Attorney Referees:	Sheila W. Schwanekamp, Esq.	(716) 845-9330
	Suzanne M. Maxwell, Esq.	(716) 845-3628
Secretary:	Patrice Violanti Castanza	(716) 845-2762
Court Clerks:	Donald O'Connor	(716) 845-2176
	Tricia Korzelius	(716) 845-2176
Court Assistant:	Jenny Jurek	(716) 845-9331
Court Reporter:	Sheila Thei	(716) 845-2145
Resource Coordinator:	Colleen Gibbons	(716) 845-9383
Court Officer:	Jeff Loga	(716) 845-2176
Court Attendant:	Paul Guenther	(716) 845-2176

ADJOURNMENTS: Due to our unique calender involving matters of both civil and criminal cases and multiple necessary parties, the **ADJOURNMENT REQUESTS ARE RARELY GRANTED, PLEASE REFER TO OUR STRICT ADJOURNMENT POLICY.**

PROCEDURES TO ADJOURN CASES SCHEDULED BEFORE IDV COURT

Adjournments will not be granted in IDV or DV case unless the following applies:

1. All adjournment requests must be upon consent of all parties and/or counsel participating in any portion of the matter pending both criminal and civil.
2. All adjournment requests require Court approval.
3. Adjournment requests are to be made to chambers at least four (4) business days prior to the originally scheduled Court date.
4. The party or attorney requesting the adjournment and the opposing parties or attorneys must call the Court at (716) 845-2762 at least two business days prior to the scheduled court date to confirm the adjournment was granted. **DO NOT ASSUME THE ADJOURNMENT WILL BE GRANTED.** The Court is **not** responsible for the confirming telephone call.
5. If the adjournment is granted:
 - a. The Court will send a reschedule notice only if the request was made by a **party not represented by an attorney.**

HON. DEBORAH A. HAENDIGES

- b. If an attorney requested the adjournment, the attorney will be required to forward a confirming letter to the Court with copies to all parties and/or attorneys (this includes the District Attorney and Attorney for Child). The adjournment will not be considered in effect unless such correspondence is timely received.

MOTIONS

Criminal

Bail motions are heard daily upon notice to the Court and opposing counsel. All bail motions must be made in writing. All other motions are heard on the scheduled return date of that matter.

Civil

Motions are heard Monday through Friday on scheduled return date of matter. (*Contact chambers for an order to show cause requiring an earlier than next return date for matter.*)

All motion papers must be received to chambers 48 hours in advance of date.

Submit Special Term Note of Issue with proof of payment for Supreme Court motions. Counsel to file original and one copy of motion/order to show cause to be conformed and returned to counsel for service. Unless the court directs otherwise, ALL REQUESTS FOR TEMPORARY RELIEF must be upon notice to opposing counsel, if known, or after good faith attempt to discover and contact opposing counsel.

ORDERS

Matrimonial

All matters require strict compliance with court rules. Scheduling orders will be issued during conferences. Proposed disposition statements must be submitted for all trials and/or hearings.

Reference to Law Clerk or County Attorney Referee to hear and report on civil matters.

Family

All orders prepared by the court clerks will be provided to the litigants in person or via mail. Copies for attorneys are filed alphabetically by attorneys last name in vestibule cabinet for pick up.

Order Assigning Counsel

All orders assigning counsel pursuant to Judiciary Law 35 (8) should be accompanied by a self-addressed, stamped envelope for prompt return, otherwise the order will be filed alphabetically by attorneys last name in vestibule cabinet for pick up.

E-Files

The Court does not expect courtesy copy of e-filed documents. Foreclosure scheduling are by e-mail to: aboland@nycourts.gov and dmoconno@nycourts.gov. Foreclosure motions to be held on Friday mornings.

VOUCHERS

Attorney for Child Voucher

All Attorney for Child Vouchers should be submitted to the Court in duplicate form.

HON. LYNN W. KEANE
25 Delaware Ave. - 3rd Floor-Part 20
Buffalo, NY 14202
Fax: (716) 845-7510
E-Mail: lkeane2@nycourts.gov
Law Clerk: dglascot@nycourts.gov
Court Clerk: ajackson@nycourts.gov
Secretary: hpark@nycourts.gov

LAW CLERK:	DENNIS P. GLASCOTT, ESQ.	(716) 845-9448
SECRETARY:	HOLLY PARK	(716) 845-9447
COURT CLERK:	AMY JACKSON	(716) 845-2180
COURT ATTORNEY REFEREES:	JUDITH SAMBER, ESQ.	(716) 845-7463
EXPEDITED MATRIMONIALS:	JANET MARCHINDA KATHY MULQUEEN	(716) 845-2727 (716) 845-9343

PRELIMINARY CONFERENCES:

Preliminary conferences will be scheduled within 45 days of filing of an RJI, as required by 22 NYCRR §202.12(b). The first preliminary conference will be scheduled with Judge Keane and will be returnable at Part 20, 3rd Floor, 25 Delaware Ave., Buffalo, NY 14202. **CLIENTS MUST ATTEND THE FIRST PRELIMINARY CONFERENCE WITH THE COURT. NO EXCEPTIONS.**

For the first conference, each party shall submit to the Court the following:

1. A completed DRL 236B financial affidavit as set forth in 22 NYCRR §202.16(b);
2. A copy of the most recently filed income tax returns;
3. Proof of the party's most recent income;
4. A completed Preliminary Matrimonial Information Sheet (which is mailed to the parties in their notice of first conference date and is also available on the 8th Judicial District website);
5. An executed written Retainer Agreement and Statement of Client's Rights and Responsibilities;
6. A copy of the summons with Notice, together with Affidavit of Service.

The SECOND court conference shall occur in front of a Court Attorney Referee on the 5th Floor at 25 Delaware Avenue, Buffalo, NY in the Expedited Matrimonial Part. Counsel and/or parties will be expected to provide to the Court and opposing counsel/party, copies of the following:

7. Copy of the party's lifetime Social Security earnings statement;
8. The Plaintiff's Verified Complaint, including relief being sought;
9. The Defendant's Verified Answer (and counterclaim, if desired), including the relief being sought.

The Preliminary Conference Order will set forth, if applicable, an amount of temporary child support and temporary spousal maintenance as recommended by the Court and as stipulated to by the parties.

When one or both parties are continuing to reside in the marital residence, and the costs of same are to be paid by one or both spouses, the parties must then complete the "Monthly" Expense Sheet Addendum", which will also be attached as an addendum to the Preliminary Conference Order. In the event that no stipulation as to temporary payments can be agreed upon, the Court will entertain motion practice, including an application for motion costs and counsel fees, if it is determined consent was unreasonably withheld during the Preliminary Conference.

MOTIONS:

Motions may be made returnable on any business day by appointment, beginning at 9:30 a.m. Please contact the Court Clerk for exact dates and times prior to scheduling motions. Allow one hour for motions, especially on newly filed cases. Orders to show cause are not required where the motion is served upon at least 8 days' notice, as set forth in CPLR 2214.

Please note that temporary injunctive relief will not be granted in the absence of prior notice to the opposing counsel or party, as required by 22 NYCRR § 202.7(f), unless the moving party can demonstrate significant prejudice from providing such notice. Live testimony of the moving party may be required prior to signing an order to show case containing temporary injunctive relief.

Motions to resolve discovery disputes shall be accompanied by an affidavit of good faith attempt at resolution. The Court is available to assist parties in resolving discovery issues, without resort to motion practice, by scheduling an informal "Discovery Oversight Conference" (DOC). Counsel should communicate with opposing counsel to select a mutually agreeable date and time to meet in Part 20 and then schedule a conference through Chambers.

ATTORNEY FOR CHILDREN APPOINTMENTS AND PARENTING PLANS:

The Court encourages the appointment of an Attorney for Child(ren) (AFC) in cases involving minor children, where access is unresolved. Orders pertaining to issues of custody and access should be drawn by the AFC and circulated to the parties for review. Additionally, the AFC will be asked to draft a final Parenting Plan concerning a final custody/access agreement and to work with the parties to have the custody/access portion of the case resolved as soon as possible.

Prior to trial, the parties will be afforded the opportunity for a Settlement Conference, the objective of which is to reach a fully executed agreement signed by the parties on that day. Counsel must therefore come to the conference with clients with a written settlement agreement that was previously circulated to opposing counsel for review with their client. Counsel and parties should allow two hours for the Settlement Conference.

If there is no signed agreement prior to the date for trial, then counsel must supply a Statement of Proposed Disposition pursuant to 22 NYCRR §202.16(h). Parties are asked to follow the outline supplied by the Court. The Proposed Disposition is due one week prior to trial. At the start of the

trial, the Court will ask the parties to place on the record any subjects on which they have reached agreement, and to delineate those issues remaining for judicial resolution. Parties are encouraged to sign a partial agreement in such cases.

Exhibits for trial must be marked by the court reporter prior to the start of trial listed on a form supplied by the court. Counsel must supply one copy for each attorney and one for the court. For lengthy exhibits, only the pages at issue need to be copied. The Court will ask the parties to stipulate all exhibits into evidence at the start of trial. Parties are encouraged to stipulate to as many facts as possible to expedite the proof. In addition, parties are encouraged to stipulate to summaries or charts of agreed upon issues, in lieu of bulky documents.

It is the Court's general policy that there shall be no expert witnesses called on the first day of trial. Counsel are reminded of the requirements as to expert witnesses and their reports, as provided in Court Rule 22 NYCRR §202.16(g).

At the conclusion of the testimony, the parties will be asked to supply a Post-Trial Submission, to summarize the items be judicially determined and to summarize the reasons supporting each party's position on those items. The Court encourages the parties to resolve issues concerning attorney fees. Where *Quantum Meruit* applications are made, the parties must indicate in advance whether they have stipulated to have such applications decided on papers only, without a hearing on that issue.

APPEARANCES AND ADJOURNMENTS:

Parties must be personally present for the settlement conference, trials and such other court dates as the court shall direct. If a party cannot be present at any such required appearance, counsel for such party will immediately notify opposing counsel before the appearance.

Minor children are not to be brought to the courthouse absent a direction of the court requiring their presence.

Short adjournments of motions or report back conferences may be obtained based upon consent of opposing counsel, by contacting Chambers or Expedited Matrimonials, depending on where the conference is scheduled. If consent is denied, the Court has a liberal adjournment policy for motions, especially when made on minimum notice, unless the relief sought is emergency in nature. Counsel should keep in mind the Standards of Civility (22 NYCRR §1200, Appendix A). Motions must be adjourned to a specific date and must include notice to the Attorney for Children, if applicable. Trial dates are firm and adjournments are seldom granted.

SUBMIT OR APPEAR DATES:

When counsel believes they have reached agreement in principle, the next appearance may be to "submit or appear". The signature page of the agreement should be faxed to Chambers prior to the submit date. If the agreement is not forthcoming, the Court may set a mandatory appearance by clients or may schedule a trial, if it appears the parties are unable to reach resolution.

ORDERS:

All orders and other papers for signature (except orders to show cause) must first be circulated to opposing counsel or pro se party for comment and approval. Orders and judgments will not be signed without proof that opposing counsel or the pro se party had the opportunity to review them. Proof of opposing counsel's consent by letter or e-mail is preferred.

JUDGMENT OF DIVORCE PAPERS:

Once the parties have submitted a signed settlement agreement resolving all issues in the case, the parties are granted 30 days to submit the remaining judgment of divorce papers, which are reviewed by the Court Attorney Referees. Due to a heavy influx of such papers at the end of each year, counsel is asked to be mindful of the deadlines noted for such submissions.

HON. RICHARD C. KLOCH, SR.

Niagara County Courthouse

175 Hawley Street

Lockport, New York 14094

PHONE: (716) 280-6406/ FAX: (716) 280-6421

Law Clerk:	Ronald J. Winter, Esq.	280-6407
Secretary:	Pauline Wojtaszek-Evans	280-6406
Court Clerk:	Nicole Schug	280-6410
Court Reporter:	Lisa Mullane	280-6486

MOTIONS

2nd and 4th Thursdays at 9:30 a.m.

Special Term motions are not called by Index Number but by the order in which all the attorneys are present and checked in with the Court Clerk.

E-FILED CASES:

A working copy of any and all motions, answering papers, reply affidavits, memoranda and correspondence to the Court is required to be submitted to the Court's chambers with the appropriate E-File confirmation notice form attached. All other submissions intended to be reviewed by the Court which are e-filed without a working copy sent to chambers will not be considered.

Civil

All moving papers answering papers, memoranda and special term note of issue to be received by chambers at least seventy-two [72] hours prior to return date. (i.e. close of business the Monday before Special Term.) Court requires strict adherence to CPLR 2214 (b). Affirmation of good faith required for discovery motions. Original papers to be supplied to the Court. Oral argument required unless written consent by all attorneys to submit papers is received or the Court directs otherwise. TROs handled on a case-by-case basis. TROs must be on notice to other attorney if known or where a government entity is involved. Orders to show cause/TROs on a case assigned to another judge will be signed only upon prior approval of IAS judge or law clerk. Motions cannot be adjourned generally. An adjournment can be obtained without court permission, on consent of all counsel, by informing the court clerk at least twenty-four [24] hours prior to return date. The Court follows prevailing rules that motions must be heard within 60 days. Any motion exceeding 60 days will be dismissed. Orders must be approved by opposing counsel prior to submission to the Court by initialing each page or submitting a letter indicating approval.

CONFERENCE

Civil

Preliminary conferences are scheduled upon filing of the RJI and assignment. At this conference a scheduling order will be issued. Pretrial conferences will be scheduled upon Court's receipt of a calendar note of issue. Pleadings required in advance of conference.

Adjournments granted only with consent of all attorneys, subject to Court approval, but never beyond the 45 day requirement.

No adjournments will be granted on date of the scheduled conference except in extreme emergency and by consent of the judge.

TRIALS and REFERENCES

Civil

Adjournments granted by the judge only. Pleadings, list of witnesses, proposed jury charge, proposed verdict sheet and motions *in limine* are required two [2] weeks in advance of jury selection. . Jury selection begins at 9:30 a.m., Mondays, with trial to immediately follow. Conference with the IAS judge upon completion of jury selection. Counsel are required to comply with the Trial Practice Rules of Court.

HON. FREDERICK J. MARSHALL
Part 5- Third Floor
92 Franklin Street
Buffalo, New York 14202
PHONE: 845-9468 / FAX: 845-5164

Law Clerk:	Amy J. Ziegler, Esq.	845-9469
Secretary:	Kathi Walek	845-9468
Court Clerk:	Mary Pazik	845-9422
Court Reporter:	Barbara Cultrara	845-2140

MOTIONS

1st and 3rd Tuesday of each month, 9:30 AM

Part 5 - 92 Franklin Street

Civil:

Motions will be heard on the first and third Tuesday of the month. All moving papers with a Special Term note of issue must be delivered to the Court at least one week prior to the return date. All answering papers and memoranda to be sent to Chambers at least three days prior to return date. Original papers must be supplied to Court. No oral argument unless requested and papers are received by the Court as set forth above. All requests for TROs must be on notice if other attorney is known. Requests for TROs on cases assigned to another judge will be considered only upon prior approval of the IAS judge or his/her law clerk. Motions must be adjourned to a specific date and will not be adjourned generally. Motions will not be adjourned more than three (3) times without the Judge's permission, granted at least 48 hours prior to the scheduled date. Confirmation of all adjournments and notice of rescheduled dates must be made in writing to all parties and the Court. Summary judgment motions must be made within 120 days of the filing of the calendar note of issue, or on such earlier date as set by the Court. All Orders submitted for signature must be accompanied by notice to opposing counsel. Counsel shall appear on time and check in with the Clerk.

Matrimonial:

Motions and Orders to Show Cause will be heard as scheduled. All moving papers, answering papers, memoranda and special term note of issue to be sent to Chambers at least two [2] days prior to return date. Original papers must be supplied to the Court. TROs will be granted, if not mutual, where assets are in jeopardy and there is an expeditious return date. Police and/or medical record/reports are required for an Order of protection. Requests for TROs on cases assigned to another judge will be considered only upon prior approval of the IAS judge or his/her Law Clerk. Oral argument on request. Motions must be adjourned to a specific date and will not be adjourned generally. Motions will not be adjourned more than three (3) times without Court permission granted at least 48 hours prior to the scheduled date. Confirmation of all adjournments and notice of rescheduled dates must be made in writing to all parties and the Court. Counsel shall appear on time and check in with the Clerk. All Orders, including Qualified

Domestic Relations Orders submitted for signature must be accompanied by notice to opposing counsel.

HON. FREDERICK J. MARSHALL

CONFERENCES:

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Civil:

Pretrial conferences will be scheduled upon the Court's receipt of an RJI and/or calendar note of issue. Preliminary conferences will also be scheduled on request. Counsel are to provide copies of all relevant pleadings, bills of particulars, narrative medical reports, independent medical examination reports and police reports in advance of the conference. All conferences will be held before the IAS judge or law clerk. Any request for an adjournment shall be made to the judge's secretary and confirmation of all adjournments and notice of rescheduled dates must be made in writing to all parties and the Court.

Matrimonial:

Preliminary conferences to settle permitted, with divorce proven without prior filing of a calendar note of issue. Pleadings, 236-B affidavit and settlement proposal to be delivered to Court at least 72 hours prior to conference. Request for adjournments granted only on consent of all parties and the Court. No adjournments will be granted on the date of the scheduled conference absent exigent circumstances and consent of the Judge. One week prior to the date of the final report back before trial, counsel shall deliver memoranda of law, updated 236-B affidavits, current W-2s, rulings request, proof of acquisition of calendar number and statements of proposed disposition pursuant to 22NYCRR 202.16[h], to the Court.

TRIALS and REFERENCES:

Civil:

Adjournments only with approval of the Judge. List of witnesses, both lay and expert must be delivered to the Court thirty [30] days before jury selection, and exchanged among counsel. Motions *in limine* to be returnable on such date as set by the Court. Requests to charge and proposed verdict sheets required prior to the close of proof. Conference with IAS judge upon completion of jury selection. Charge conference will be held at/near close of proof.

Matrimonial:

Adjournments only with the approval of the judge. References to law clerk to hear and report on divorces on stipulation, contested economics, post divorce arrears and post divorce modification. References to JHOs to hear and determine on any issue on consent. Bifurcation whenever practicable or requested. Proposed findings of fact and conclusions of law and trial briefs to be filed at least five [5] days prior to commencement of trial. Judgments should contain decretal paragraphs relating to custody, visitation, maintenance and support, where appropriate and if made pursuant to an agreement or stipulation should so reflect. Judgments must reflect whether child support is based on CSSA or if the parties have opted out.

HON. JOHN L. MICHALSKI

25 Delaware Avenue

Buffalo, New York 14202

PHONE: (716) 845-9462 / FAX: (716) 845-5166

Law Clerk:	Michael J. McHale, Esq.	845-9463
Secretary:	Patricia Hanavan	845-9462
Court Clerk	Patty Koenig	845-9419
Court Reporter:	Jill Drasziewicz	845-3617

MOTIONS: Tuesday and Thursday in Part 11 at 9:30 a.m.
(25 Delaware Avenue - 1st Floor)

E-Filing: Any party filing a motion through the E-Filing system must also supply a bound working copy to the Court at the time of filing.

Civil: All moving papers, answering papers, reply papers and memoranda to be received by Chambers **at least two days prior to the return date. If papers are not timely delivered, motions will be adjourned.** Oral argument expected on all cases, unless, 1) the motion is known in advance to be uncontested or 2) a letter requesting the motion be decided on the papers is received by the Court prior to the return date. Discovery motions may be subject to a conference with the Law Clerk prior to argument on the return date. Original papers must be supplied to the Court on an Order to Show Cause, on all other motions copies are acceptable. Motions cannot be adjourned generally, and should only be adjourned upon good cause after obtaining the consent of Chambers.

CONFERENCES: Monday and Wednesday mornings in Chambers
(25 Delaware Avenue - 5th Floor)

Civil: All pleadings must be hard copied to Chambers prior to the initial conference. Preliminary and Pre-trial conferences are automatically scheduled upon Court's receipt of RJI or calendar note of issue, otherwise, a preliminary conference may be scheduled upon request. Adjournments granted upon agreement of all parties and after obtaining the consent of Chambers.

TRIAL and REFERENCES:

Civil: Motions *in limine* will be heard the day prior to jury selection. Formal Requests to Charge and proposed Verdict Sheets must be submitted on the day jury selection commences. Charge conference held prior to summations. Deadline on expert disclosure, without good cause shown, thirty (30) days before the scheduled commencement date of jury selection.

HON. MARK A. MONTOUR
92 Franklin Street, Part 4
Buffalo, New York 14202
Phone: 716-845-2199 / Fax: 716-845-7589

Law Clerk:	Michael Amodeo	716-845-2798
Secretary:	Carrie Baggett Zellner	716-845-2199
Court Clerk:	Lori Motak	716-845-9423
Court Reporter:	Kathleen Burdzy	716-845-3601

SPECIAL TERM MOTIONS

SPECIAL TERM MOTIONS ARE CALLED BY THE ORDER IN WHICH ATTORNEYS CHECK IN. KINDLY REPORT WITH THE COURT CLERK IMMEDIATELY UPON ARRIVAL.

NOTE: Motions, Cross-Motions and Orders to Show Cause will not be scheduled until and unless Chambers receives a paid, stamped Special Term Note of Issue.

CIVIL MOTIONS

All moving papers, answering papers, reply affidavits, memoranda and paid Special Term Notes of Issue, are to be received in Chambers by 3:00 p.m. the Wednesday before the return date, notwithstanding CPLR 2214(b), any papers submitted after 3:00 p.m. on Wednesday may result in an adjournment, at the Court's discretion. Oral argument required unless written consent by all attorneys to submit papers is received or the Court directs otherwise.

Motions to resolve discovery disputes shall be accompanied by an affidavit of good faith attempt at resolution. **Letters between counsel are insufficient.** There must have been a conversation between counsel to attempt to resolve discovery disputes.

Summary judgment motions must be timely made pursuant to CPLR §3212(a). Original papers with Affidavits of Service to be supplied to the Court.

TROs handled on a case-by-case basis. TROs must be on notice to other attorney if known or where a government entity is involved. Orders to Show Cause/TROs on a case assigned to another judge will be signed only upon prior written approval of IAS judge or his/her law clerk.

Motions cannot be Adjournments generally. If all attorneys consent to an adjournment, then the motion can be adjourned to a mutually agreed upon special term date. The attorney requesting an adjournment will send a confirming letter with the new return date to all attorneys and the Court. If one of the attorneys does not consent to the adjournment, the Court will decide whether to adjourn the motion on a case-by-case basis. Any request for adjournment must be made at least twenty-four (24) hours prior to return date. Further, no more than three adjournments will be granted. After three adjournments, the motion may be dismissed by the Court.

MATRIMONIAL MOTIONS

All moving papers, answering papers, reply affidavits, memoranda and paid Special Term Notes of Issue, are to be received in Chambers by 3:00 p.m. the Wednesday before the return date, notwithstanding CPLR 2214(b), any papers submitted after 3:00 p.m. on Wednesday may result in an adjournment, at the Court's discretion. Oral argument required unless written consent by all attorneys to submit papers is received or the Court directs otherwise.

However, initial motions in matrimonial actions may be returnable at the preliminary conference, rather than a special term date. In such case, the papers must be received in Chambers **at least seventy-two (72) hours prior to the return date.** Original papers **with affidavits of service** to be supplied to the Court. **Any request for financial relief will not be considered unless a 236(b) Financial Affidavit is attached to the motion.**

TROs rarely granted if not mutual; if granted, a quick return date is required and only where assets are in jeopardy or in extreme circumstances, supported by objective evidence (police or medical report). TROs on notice to other attorney, if known. Orders to Show Cause/TROs on a case assigned to another judge will be signed only upon prior approval of IAS judge or his/her law clerk.

Adjournments: Motions cannot be adjourned generally. If all attorneys consent to an adjournment, then the motion can be adjourned to a mutually agreed upon special term date. The attorney requesting an adjournment will send a confirming letter with the new return date to all attorneys and the Court. If one of the attorneys does not consent to the adjournment, the Court will decide whether to adjourn the motion on a case-by-case basis. Any request for adjournment must be made at least twenty-four (24) hours prior to return date. Further, no more than three adjournments will be granted. After three adjournments, the motion may be dismissed by the Court.

LATE SUBMISSIONS

All motion papers, including cross-motions, answering affidavits, and reply affidavits must be submitted to the Court within the time periods prescribed herein and the CPLR, unless the Court directs otherwise. **Failure to comply with the filing deadline will result either an adjournment of the motion or refusal by the Court to consider the untimely submission.**

ORDERS

Must be submitted within thirty (30) days. There must be an indication that the order has been sent 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. However, if no objections are received after ten (10) days, the Order will be signed without further delay. **Facsimiles (orders, subpoenas, etc.) will not be signed as originals.**

CONFERENCES

CIVIL

Preliminary conferences will be scheduled within 45 days of the filing of the RJI and are mandatory. All conferences before the IAS judge or designated Court attorney. No pleadings or other papers need be submitted, but it will be appreciated if a synopsis of the case's facts and procedural/settlement posture is sent to the court by each party in advance of the preliminary conference.

Adjournments: Will be granted only with consent of all attorneys **and** assignment by court staff of a new date for the conference. No general adjournments will be granted and no adjournments will be granted if beyond the 45 day requirement.

MATRIMONIAL

Preliminary conferences will be scheduled within 45 days of the filing of the RJI and are mandatory. Clients must be present. **At least one (1) week prior to the preliminary conference**, the Court must receive the following:

Plaintiff's counsel will be asked to produce:

- A letter stating what issues are resolved and unresolved;
- A 236(b) financial affidavit;
- A copy of the current year W-2;
- A copy of the signed retainer agreement;
- A copy of the date-stamped summons;
- A copy of the affidavit of service;

Defendant's counsel will be asked to produce:

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

Adjournments: Granted only by consent of the Court, but never beyond the 45 day requirement. **No adjournments will be granted on the date of the scheduled conference, except for extreme emergency and by consent of the Judge.**

TRIALS and PREFERENCES

CIVIL

Adjournment granted only by the Judge.

List of witnesses, statement of the case to the jury, proposed jury charge and verdict sheets required **one (1) week prior to jury selection**. The charge conference will be held following the completion of proof, unless otherwise directed by the Court.

Motions in limine returnable at least **one (1) week prior to jury selection** at 9:30 a.m.

Any motions regarding the adequacy of expert disclosure are to be made within ten (10) days of receipt of such disclosure. Deadline on expert disclosure at least thirty (30) days prior to commencement of trial, unless otherwise ordered by the Court.

Special Requirement on Policy Limits Cases

If a case with a value in excess of the policy limits is being settled for available insurance coverage, be prepared to submit an affidavit from the insureds detailing their knowledge of insurance coverage; an affidavit from counsel offering the policy limits detailing their activities in ascertaining the existence of all available insurance coverage, and an affidavit from a principal with the insurance company swearing they have no knowledge of any other insurance coverage.

MATRIMONIAL

Referred to law clerk to hear and report on divorces on stipulation, contested economics, post-divorce arrears and post-divorce modification. Judgments and findings of fact should be submitted on notice to opposing counsel within four (4) weeks of prove-up or decision. If no objections to final papers are received after ten (10) days, submitted papers and/or orders will be signed without further delay.

1. Counsel shall provide the Court with statements of proposed disposition, updated net worth statements with the last three (3) years tax returns, and child support worksheets when applicable.
2. Chambers shall be notified by all sides immediately if the action is resolved prior to the scheduled trial date.
3. The following, if applicable, shall be provided to the Court at least one week prior to the date of trial if not previously provided at a pre-trial conference:
 - a. Marked pleadings;
 - b. Updated affidavits of net-worth, statement of proposed dispositions and child support worksheets;
 - c. A witness list and any pre-trial memorandum.
 - d. Expert reports, if any;
 - e. A list of all proposed exhibits;
 - f. A list of documents, pre-marked by counsel, which counsel may stipulate into evidence;
 - g. A written copy of any issues or facts to which parties can stipulate before trial, to be read into the record at the commencement of trial;
4. When presenting a witness with a document to be marked into evidence, a courtesy copy of that document must also be provided to the Court.
5. There will be no adjournment of the trial date without express Court permission.
6. Failure to proceed may result in a judgment of default or dismissal of the action.

HON. JEREMIAH J. MORIARTY III
Supreme Court Justice

Chambers- Little Valley
303 Court Street - 2nd Floor
Little Valley , New York 14755
Phone: 379-6647
Fax: 938-6413

Buffalo Office - Law Clerk
50 Delaware Ave., 10th Floor
Buffalo, New York 14202
Phone: 845-3677
Fax: 845-9393

Chief Clerk - Cattaraugus County Supreme Court
Verna R. Dry: 379-6639

Judge's Confidential Law Clerk:
Paula M. Eade Newcomb, Esq.: 845-3677/ pnewcomb@nycourts.gov

Judge's Secretary:
Eileen Benjamin: 379-6647 / ebenjami@nycourts.gov

Motions

Cattaraugus County: Motions will be heard on the 1st and 3rd Thursday of each month in Little Valley.

Times: General Civil motions will be heard at 9:30 a.m.; Civil Summary Judgment Motions at 10:00 and 10:30 a.m.; Matrimonial, Article 81; and Infant Settlements at 2:00 p.m.
Other Counties will be scheduled as needed.

E-Files: Any party filing motions through the E-filing system must supply a working copy of all submissions to the Court at the time of filing along with confirmation notice of all e-filed documents.

General Motion Practice (Non-E-Filed Cases):

All moving papers, with a working copy for the Judge, must be received by the Court Clerk no later than ten (10) days in advance of the return date, together with a Special Term Note of Issue. All other papers must follow CPLR rules, with the Court receiving any responsive papers contemporaneously with opposing counsel. All papers, including Reply papers, must be received by the court at least two (2) business days before the return date. **A second copy of all papers be delivered to Ms. Eade Newcomb at the Buffalo Office or to her by e-mail on the same time schedule.**

Late submissions may result in adjournment at the Court's discretion or refusal by the Court to consider the untimely submission.

No service accepted by FAX. TRO's on a case-by-case basis, on notice to opposing counsel. Motions cannot be adjourned generally, and may be adjourned by contacting the secretary or court clerk. Consent of opposing counsel is necessary for all adjournments unless the court directs otherwise.

Summary Judgment Motions: Such motions are limited to 3 cases on each Special Term date.

Disclosure Motions: A motion relating to discovery may not be made without first conferring with the Court. Counsel wishing to make a discovery motion must submit a written request to the Court for a pre-motion conference, explaining the nature of the dispute and the relief sought, on notice to all counsel. A

conference with the Court or the Judge's Clerk will then be had in an effort to resolve the dispute, before such a motion may be made.

Motions in Limine: Motions *in limine* are heard at the special term immediately preceding jury selection.

Matrimonial Actions

Preliminary conferences will be scheduled upon assignments. Pleadings and 236B Affidavits should be provided to the Court in advance of the preliminary conference. Before seeking an adjournment of a conference, counsel should contact opposing counsel and provide the Court with at least two dates all parties and the Attorney for the Child are available.

Orders to Show Cause

Provide an original and 3 copies of any Order to Show Cause. The Clerk will keep one copy when payment is made for the OSC, and the original and 2 copies will be provided to the Court. Once approved, the Court will sign the Original and conform 1 copy to be returned to the movant. The remaining copy shall be kept by the Court as its courtesy copy. If you are seeking a temporary restraining order, contact the Court in advance.

Orders

Unless otherwise directed by the court, orders are to be submitted by the prevailing party upon notice to all parties within 30 days of the decision. A copy of the decision portion of the motion transcript or the written decision, whichever is applicable, is to be attached to any order submitted. Orders submitted are to include an indication that the order has been sent to all opposing counsel prior to submission to the court. Orders will be returned by mail if a self-addressed, stamped envelope is provided to the court.

Conferences

Conferences are generally held in Little Valley at any time on Monday and Tuesday, or on Friday mornings. Cases involving all Buffalo Attorneys may have conferences at the Buffalo office on Monday and Friday. A preliminary conference will be scheduled upon court receipt of an RJI. Pre-trial conferences are scheduled upon court's receipt of calendar Note of Issue. All conferences before IAS Judge or Law Clerk. Adjournments granted upon agreement of all parties and after obtaining the consent of Chambers. Out of area counsel may appear by phone at preliminary conferences upon prior arrangement with chambers. Trial counsel's personal appearance is required at pre-trial conferences.

Trials

Adjournments generally by Judge only. Any motions regarding the adequacy of expert disclosure are to be made within ten (10) days of receipt of such disclosure. Jury selection forms are to be submitted at least one (1) month prior to jury selection date. Pleadings, expert disclosure, list of witnesses, and papers for motions *in limine* required two (2) week prior to jury selection.

Trials will generally be down on Thursdays for Special Term. The court operates on a 9:30 a.m. to 12:30 p.m. and 2:00 p.m. to 4:30 p.m. schedule. Counsel may contact chambers with any specific requests to accommodate expert witnesses.

Requests to charge and proposed verdict sheets are to be submitted at least 2 days prior to the close of proof. Charge conference by informal discussion with results placed on the record upon request.

HON. MATTHEW J. MURPHY
2nd Floor Niagara County Courthouse
175 Hawley Street
Lockport, New York 14094
PHONE: (716) 280-6399

Law Clerk:	Donald Stefanski (dstefans@nycourts.gov)	280-6401
Secretary:	Debbie A. Fotia	280-6399
Court Clerk:	Judy A. Vacanti	280-

CONFERENCES

Preliminary conferences will be scheduled within 45 days of the filing of the RJI and are mandatory. Pleadings, including Summons, Complaint, Answer and Bill of Particulars, must be submitted seven (7) days prior to the preliminary conference. Adjournments will be granted only with consent of all attorneys and subject to Court approval. At that preliminary conference, a scheduling order will be issued. Any subsequent requests to modify the scheduling order must be presented in the form of a proposed modified scheduling order, with opposing counsel's consent indicated thereon. No modifications of the original scheduling order will be permitted unless approved by the Judge.

A compliance/settlement conference will be held 180+/- days from filing the RJI; and a pretrial conference will be held 60+/- days before the scheduled trial date. Pretrial conferences will be scheduled upon completion of discovery. All conferences held before IAS Judge.

A final pretrial conference will be held with the Judge approximately one week before jury selection.

ADJOURNMENTS

Adjournments are granted by the judge, secretary or law clerk only; with notice to, and consent of, opposing counsel. Such consent shall not be unreasonably withheld. If counsel cannot agree to an adjournment of a motion, all counsel must appear on the return date to request an adjournment, which will be liberally granted in the absence of prejudice.

No general adjournments will be granted; all matters must have a return date for further proceedings.

Any attorney who will be late for a scheduled appearance must notify the Court Clerk at (716) 439-7153 prior to the scheduled time of appearance.

No same day adjournments permitted except in extraordinary circumstances and upon consent of the Court.

Consent of all parties is required prior to requesting an adjournment of a trial.

PAPERS

All moving papers, answering papers, reply affidavits, memoranda and paid Special Term Notes of Issue are to be received in Chambers by 3:00 p.m. at least two (2) business days before the return date, notwithstanding CPLR 2214(b). Papers submitted after such time may be rejected by the court, or the offending attorney otherwise penalized as deemed appropriate.

Original papers, with Affidavits of Service, are to be supplied to the Court. Oral argument is required unless written consent by all attorney to submit on papers is received or the Court directs otherwise. TROs handled on a case-by-case basis. TROs must be on notice to other attorney if known or where a governmental entity is involved. Motions cannot be adjourned generally.

ORDERS

Must be submitted within thirty (30) days. There must be a written indication that the order has been sent to all opposing counsel or *pro se* litigants 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. However, if no objections are received after ten (10) days, the Order will be signed without further delay.

DISCOVERY

Motions to resolve discovery disputes shall be accompanied by an affidavit of good faith attempt at resolution. Letters between counsel are insufficient. There must have been a conversation between counsel to attempt to resolve discovery disputes.

SUBPOENAS

Any subpoena requesting healthcare records must be accompanied by a valid authorization and contain appropriate HIPAA language in bold on the front of the subpoena. Such subpoenas must be made returnable only directly to the Court Chambers, and not to the attorney's office or personnel.

MOTIONS

Summary judgment motions must be timely made pursuant to CPLR 3212(a).

TRIALS

Trial dates are considered "dates certain." Trial adjournments are granted only upon exceptional circumstances and by permission of the Judge. Pleadings, vanilla statement of facts, list of witnesses, proposed jury charges, proposed verdict sheet, and papers on motions *in limine* are required to be served and received in Chambers at least one (1) week in advance of jury selection.

HON. MATTHEW J. MURPHY

Attorneys should present proposed jury charges and the verdict sheet in both written form and in digital form. The digital submission should be in MS Word, any version. In both instances, the digital versions should be sent to the Law Clerk, whose email address is: dstefans@nycourts.gov The jury charges should be completely written out, in the format you desire the Court to read to the jury, rather than merely reciting “PJI 1:90,” etc. Each separate charge requested should begin on a separate page, rather than combining multiple charges on the same page.

Expert disclosures, without good cause shown, are to be exchanged not less than thirty (30) days before the commencement of jury selection.

Jury Selection and trial days begin at 9:30 a.m. sharp.

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:	John A. Ziegler, Esq.	(716) 845-9478	jziegler@nycourts.gov
Secretary:	Sara Mazgaj	(716) 845-9477	smazgaj@nycourts.gov
Court Clerk:	Elaine Xenos	(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 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. 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.

**MATRIMONIAL
ACTIONS**

Both parties to a matrimonial action must be present at all conferences unless excused in advance upon consent of opposing counsel and approval of the Court. If a party fails to appear without prior consent and approval, that party may be responsible for paying the attorney's fees of opposing counsel for that appearance. Furthermore, Statements of Proposed Disposition, pursuant to the Uniform Rules for the New York State Trial Courts § 202.16 (h), are due 30 days before trial.

HON. JOHN F. O'DONNELL
Part 26 - Fourth Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: 716-845-9486 / FAX: 716-845-5168

Law Clerk:	Bridget M. O'Connell	boconnel@nycourts.gov	845-9487
Secretary:	Patricia L. Resetarits		845-9486
Court Clerk:	James Kasprzak		845-9411

E-FILES

Counsel must submit a hard copy of all e-filed documents to the Court in order for the matter to be placed on the Court's calendar.

MOTIONS

Motions are scheduled every day in Part 26 - upon confirmation with chambers - 9:30 a.m.

Civil: All moving papers, answering papers, memoranda and special term note of issue to be sent to chambers **at least five [5] days prior to return date.** Originals required. Oral argument not required when court deems it unnecessary. Motions may not be adjourned generally, but may be adjourned on consent of all counsel and without court permission by informing the secretary.

Matrimonial: All moving papers, answering papers, memoranda and special term note of issue to be sent to chambers **at least five [5] days prior to return date.** Originals required. Oral argument not required when court determines. Motions may not be adjourned generally, but may be adjourned on consent of all counsel and without court permission by informing the secretary.

CONFERENCES

Civil: Pretrial conferences are scheduled upon court's receipt of calendar note of issue or RJJ. Conferences before law clerk or Judge. Pleadings required in advance. One adjournment without court permission; thereafter, prior written consent required.

Matrimonial: Preliminary conferences scheduled under Matrimonial Rules. Divorces proven and marked off without filing calendar note of issue. One adjournment without court permission; thereafter, prior consent required.

HON. E. JEANNETTE OGDEN

50 Delaware Avenue
Part 35 - Ninth Floor
Buffalo, New York 14202
(716) 845-2796
(716) 845-7593 -Facsimile

Court Clerk Part 35:	Melanie Ruszaj: 845-9431	mruszaj@nycourts.gov
Secretary:	Shiana Denise Eve: 845-2796	seve@nycourts.gov
Court Reporter:	Maria Pisarek: 845-2141	mpisarek@nycourts.gov
Principal Law Clerk	Stephanie A. Saunders.: 845-2775	sasaunde@nycourts.gov

SPECIAL TERM

Most alternating Tuesdays at 9:30 a.m. in 50 Delaware Ave., Part 35, 9th Floor, Buffalo, NY. Date confirmation with the Court Clerk or Chambers is required. Emergency matters may be heard at other times specifically arranged with Chambers.

E-FILED CASES

The Court requests a courtesy working hard copy of any and all motions, answering papers, reply affidavits/affirmations, memoranda and correspondence to the Court, with the appropriate E-file confirmation notice attached. All other submissions intended to be reviewed by the Court which are e-filed without a courtesy working copy sent to chambers will not be considered.

MOTIONS

All moving papers, including a Notice of Motion and/or Order to Show Cause, Supporting Affidavits/Affirmations, Memoranda and paid Notes of Issue must be served at least eight (8) days before the time at which the motion is noticed to be heard. Answering Affidavits/Affirmations shall be served at least two (2) business days before such time. Answering Affidavits/Affirmations and any Notice of Cross-motion, with supporting papers, if any, shall be served at least seven (7) days before such time. Proof of service must also be filed with the Court. **All papers must be received by the Court at least two (2) complete business days before the return date.** Late submissions may result in an adjournment of the matter, at the Court's discretion, or refusal by the Court to consider the untimely submission.

Oral argument of motions is anticipated however, Counsel may stipulate to submit on papers upon prior written notice to the Court and all Counsel.

Summary Judgment motions must be filed within one hundred twenty (120) days of the filing of the Note of Issue, except with leave of court on good cause shown.

Infant Settlements will be heard during the afternoon court calendar on Special Term days.

Counsel must notify the Court, as soon as practicable, by conference call followed by e-mail confirmation or letter, of any resolution of pending motions.

MOTION ADJOURNMENTS:

Motions will not be adjourned generally. Motions with opposition and other matters may be adjourned upon consent on all counsel, by contacting the Court Clerk at least twenty-four (24) hours prior to the return date. Following the third adjournment, Court permission is required. Correspondence (preferably via email) confirming the adjournment and providing the new date must be provided to all counsel and the Court prior to the return date. **Faxed submissions are not permitted.**

ORDERS

Orders must be approved by all counsel/parties prior to submission to the Court for signature, with notice to the Court of such approval; otherwise they are to be settled pursuant to 22 NYCRR §202.48.

CONFERENCES

Civil:

Preliminary and Pretrial Conferences will be scheduled upon the Court's receipt of a filed RJI and/or paid Note of Issue. All conferences will be with the IAS Judge or Law Clerk. Original Pleadings and a brief summary of the case in letter form are requested in advance of the initial conference.

Matrimonial:

Preliminary conferences will be scheduled upon assignment. Clients must be present at all conferences. Pleadings, discovery demands, 236B Affidavits, motions, responses, prior Orders, settlement proposals, proposed stipulations and agreements should be submitted to the Court as far in advance as possible. Adjournments granted with consent of parties, subject to the Court's approval, by contacting Court's Secretary.

TROs

All requests for TRO's must be on notice, if other attorney is known, and must comply with §202.7(f) of the Uniform Rules for Trial Courts. Requests for TROs on cases assigned to another Judge will be considered only upon prior approval of the Judge or his/her Law Clerk. All other hearings to be scheduled by contacting the Court. There are no TRO's against Municipalities.

ADJOURNMENTS

Same day adjournments are not permitted except in extraordinary circumstances, upon consent of the Court. **Ex parte applications will not be considered and adjournments of Motions, Preliminary and Pre-trial Conferences will not be adjourned generally.**

Applications to adjourn a conference should be directed to the Court Clerk/Secretary at least **twenty-four (24) hours in advance** of the scheduled conference. Conferences will only be adjourned **by stipulation**. **Applications to adjourn a motion** scheduled for oral argument must be made on **stipulation at least 48 hours in advance of the oral argument.**

Counsel/Parties seeking an adjournment should first consult with the Court Clerk/Secretary prior to the selection of a new date and provide written confirmation (e-mail or fax) of the new date to the Court and all Counsel/Parties. Counsel/Parties seeking an **adjournment for more than sixty (60) days**

from the original return date as well as more than three (3) consecutive adjournments must submit a stipulation of adjournment to the Court for approval.

If Counsel cannot agree to an adjournment, all Counsel must appear on the return date and request an adjournment, which will be liberally granted in the absence of prejudice.

Trial dates may only be adjourned by the Court. No testimony is taken on the Court's special term day. Stays pending appeals will generally not be granted, except upon good cause.

TRIALS and REFERENCES

Civil:

Trial dates are provided at final pre-trial conferences conducted after the Note of Issue and Statement of Readiness has been filed. The court adheres strictly to its trial schedule and adjournments are discouraged. Motions *in limine* will be returnable on date(s) set by the Court. Expert witness disclosure shall be simultaneous and shall be made by all parties at least 30 days before jury selection or as otherwise directed by the court. Marked pleadings, lay and expert witness lists and preliminary Request to Charge, must be submitted at least 5 business days before jury selection. Final Requests to Charge and proposed verdict sheets are required prior to the close of proof.

A list of all Requests to Charge to be included in the final jury charge, by section number only, from the most current volume of the PJI, provided the Request does not call for any characterization of the evidence or contentions of the parties, must be electronically submitted to the Court. If the PJI section requires a characterization or description of the evidence or contentions of the parties, Counsel must supply such description of evidence or contention in writing. Proposed language, not based on the PJI, must also be submitted in writing, along with the appropriate citations and copies of case law relied upon by Counsel in support of the requested charge language, to the Court.

A conference with the Judge will be held upon completion of jury selection. A charge conference will be held at/near the close of proof.

Pre-trial memoranda for matrimonial and other non-jury trials should be served upon the Court ten (10) business days before the first day of trial.

Counsel must notify the Court, as soon as practicable, by conference call followed by written confirmation (by e-mail, fax or letter), of any settlement or resolution of matters scheduled for trial, in order to avoid the unnecessary use of Court resources on matters that are resolved or will imminently be resolved. [See 22 NYCRR 202.7, Rule 2]

Matrimonials:

References to Law Clerk to hear and report on divorces on stipulation, contested economics, post-divorce arrears and post-divorce modifications. Proposed findings of fact and conclusions of law and trial briefs to be filed at least five (5) days prior to commencement of trial. Judgments should contain decretal paragraph relating to custody, visitation, maintenance and support, where appropriate and if made pursuant to an agreement or stipulation should so reflect. Judgments must reflect whether child support is based on CSSA or if the parties have opted out.

HON. CATHERINE NUGENT-PANEPINTO
92 Franklin Street, Third Floor Part II
Buffalo, New York 14202
Phone: 845-2693 / Facsimile: 845-7587

Law Clerk:	Kristen M. Wolf kwolf@nycourts.gov	716-845-2597
Secretary:	Kristin J. McCracken kmccrack@nycourts.gov	716-845-2693
Court Clerk:	Joanne Pritchard jpritcha@nycourts.gov	716-845-9427

MOTIONS:

Civil & Matrimonial: Thursdays at 9:30 a.m. (Except with prior arrangement). Please call Court Clerk for exact dates prior to scheduling motion. Infant Settlements: Contact Court Clerk to schedule. Motions, cross-motions and orders to show cause cannot be scheduled until there is a paid stamped note of issue showing the original was filed with the Erie County Clerk. Motions for Summary Judgment should be made no later than one hundred twenty (120) days after the filing of the note of issue, except with leave of Court on good cause shown.

Foreclosure matters are e-filed on notice. Working copies of papers need not be provided, other than the proposed Order, which must be provided.

On e-filed cases, counsel need not supply working copies and may rely on e-filed papers, unless advised otherwise.

All original moving papers, answering papers, memoranda and special term notes of issue should be e-filed or sent to chambers before 12:00 noon on the Tuesday before the motion return date. If motion papers are not timely served, motion may be adjourned by the court. TROs on notice if other attorney known. No general adjournments. Adjournments granted with consent of parties, subject to Court's approval, by contacting court clerk. Only stipulated or initialed Orders with consent of opposing counsel should be submitted to the Court for signature. If not stipulated by all parties, requests to rely on submissions will be considered on a case by case basis.

Fax submissions are not permitted. The appropriate NYSCE-file Confirmation Notice must be submitted with copy(ies).

CONFERENCES:

Civil:

Preliminary conference will be held within forty-five (45) days of the Court's receipt of filed RJL.

All conferences before Judge or law clerk. Adjournments granted with consent to all parties, subject to Court's approval, by contacting secretary. At the conference, a scheduling order may be issued.

Matrimonials:

Referred to law clerk to hear and report on divorces on stipulation, contested economics, post-divorce arrears and post-divorce modifications. Judgments and findings of fact should be submitted on notice to opposing counsel within four (4) weeks of prove-up or decision. If no objections to final papers are received after ten (10) days, submitted papers and/or Orders will be signed without further delay.

IAS Matrimonials:

Preliminary conferences to settle required and will be scheduled upon assignment. Pleadings, discovery demands, 236-B affidavits, motions, responses, prior orders, settlement proposals, proposed stipulations or agreements should be submitted to the Court as far in advance as possible. Adjournments granted with consent of parties, subject to Court's approval, by contacting secretary.

TRIALS:

Trial dates are considered to be "date certain". Adjournments granted under certain circumstances. All motions *in limine* should be made returnable prior to jury selection.

Expert disclosure, without good cause shown, should be exchanged thirty (30) days before the commencement date of trial. Any motions regarding the adequacy of expert disclosure should be made within ten (10) days of receipt of such disclosure.

Marked pleadings, requests or charge, proposed verdict sheets and papers for motions *in limine* should be submitted one (1) week prior to beginning of trial. Exceptions made, upon good cause shown. Conferences with Judge upon completion of jury selection. Proposed verdict sheets and requests to charge, may be e-mailed in WordPerfect format, to Judge's Law Clerk at kwolf@nycourts.gov or secretary at kmcrcrack@nycourts.gov.

Charge conference with the Judge after proof completed with results put on record upon request.

Special Requirements on Policy Limits Cases:

If a case with a value in excess of the policy limits is being settled for available insurance coverage, counsel shall submit an affidavit from the insured detailing all existing insurance coverage; an affidavit from counsel offering the policy limits detailing their activities in ascertaining the existence of all available insurance coverage, and an affidavit from a principal with the insurance company swearing they have no knowledge of any other insurance coverage.

Hon. Frank A. Sedita, III
Part 30 - Eighth Floor
50 Delaware Avenue
Buffalo, New York 14202
Phone: (716) 845-2685
Facsimile: (716) 845-2765

NO MOTIONS PAPERS VIA FACSIMILE

Confidential Law Clerk: Kristin St.Mary, Esq. 845-2739 kstmary@nycourts.gov
Secretary: Michele Pieri 845-2685 mpieri@nycourts.gov
Court Clerk Part 30: Debbie Wagner 845-9430 dwagner@nycourts.gov

MOTIONS: Civil & Matrimonial Wednesdays @ 9:30 am, per schedule in Part 30.
Please call Court Clerk for exact dates and times prior to scheduling motion, or at any other times the Court and counsel mutually arrange.

E-FILES: The Court requests a courtesy hard copy with confirmation notice of all e-filed documents as soon as possible.

CIVIL & MATRIMONIAL MATTERS:

All original moving papers, answering papers, memoranda and special term notes of issue to be sent to chambers before 12:00 noon on the Friday before the motion return date. If motion papers are not timely served, motion may be adjourned by the court. TROs on notice if other attorney is known. No general adjournments. Adjournments granted with consent of parties, subject to Court's approval.

Civil Actions:

Preliminary conference will be held within forty-five (45) days of the Court's receipt of filed RJI. All conferences before IAS Judge or law clerk. Adjournments granted with consent of all parties, subject to Court's approval, by contacting secretary.

Matrimonial Actions:

Preliminary conferences will be scheduled upon assignments, Pleadings discovery demands, 236B Affidavits, motions, responses, prior orders, settlement proposals, proposed stipulations or agreements should be submitted to the Court as far in advance as possible. Parties must be present at all conferences unless instructed otherwise by the Court.

TRIALS

Trial dates considered to be “date certain” and adjournments will be granted only in the most exceptional circumstances. All motions *in limine* shall be made returnable prior to jury selection. Expert disclosure deadlines per Court’s order.

HON. SARA SHELDON
Niagara County Courthouse
175 Hawley Street
Lockport, NY 14094
PHONE: (716) 280-6403 / FAX: (716) 280-6422

Law Clerk:	Michael E. Benedict, Esq.	280-6404
Secretary	Beverly Weber	280-6403
Court Clerk	Joanne Sullivan	280-6409
Court Reporter	Michell Jacob	280-6419

MOTIONS 2nd and 4th Thursdays at 9:30 a.m.

Special Term motions are not called by Index Number but by the order in which all the attorneys are present and checked in with the Court Clerk.

E-FILED CASES:

A working copy of any and all motions, answering papers, reply affidavits, memoranda and correspondence to the Court is required to be submitted to the Court's chambers with the appropriate E-File confirmation notice form attached. All other submissions intended to be reviewed by the Court which are e-filed without a working copy sent to chambers will not be considered.

Civil

All moving papers, answering papers, memoranda and special term note of issue to be received by chambers at least seventy-two [72] hours prior to the return date. (i.e. close of business the Monday before Special Term.) Court requires strict adherence to CPLR 2214(b). Affirmation of good faith required for discovery motions. Original papers to be supplied to the Court. Oral argument required unless written consent by all attorneys to submit papers is received or Court directs otherwise. TROs handled on a case-by-case basis. TROs must be on notice to other attorney if known or where a government entity is involved. Orders to show cause/TROs on a case assigned to another judge will be signed only upon prior approval of IAS judge or law clerk. Motions cannot be adjourned generally. An adjournment can be obtained without court permission, on consent of all counsel, by informing the court clerk at least twenty-four [24] hours prior to the return date. The Court follows prevailing rules that motions must be heard within 60 days. Any motion exceeding 60 days will be dismissed. Orders must be approved by opposing counsel prior to submission to the Court by initialing each page or submitting a letter indicating approval.

CONFERENCE

Civil

Preliminary conferences are scheduled upon filing of the RJI and assignment. At this conference a scheduling order will be issued. Pretrial conferences will be scheduled upon Court's receipt of a calendar note of issue. Pleadings required in advance of conference.

Adjournments granted only with consent of all attorneys, subject to Court approval, but never beyond the 45 day requirement.

No adjournments will be granted on the date of the scheduled conference except in extreme emergency and by consent of the judge.

TRIALS and REFERENCES

Civil

Adjournments granted by the judge only. Pleadings, list of witnesses, proposed jury charge, proposed verdict sheet and motions *in limine* are required two (2) weeks in advance of jury selection. Jury selection begins at 9:30 a.m., Mondays, with trial to immediately follow. Conference with the IAS judge upon completion of jury selection. Counsel are required to comply with the Trial Practice Rules of Court.

HON. DONNA M. SIWEK
Part 29 - Eighth Floor
50 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9354 /(No motion papers by fax)

Law Clerk: Katherine B. Roach, Esq. 845-9355
kroach@nycourts.gov

Secretary: Ann M. Metz 845-9354
ametz@nycourts.gov

Court Clerk: Roxanne M. Jones 845-9421
Court Reporter: Kara Hartman 845-2128

MOTIONS: Civil & Matrimonial:
Alternating Thursdays in Part 29 at 9:30 a.m.
Infant Settlements: contact secretary/court clerk to schedule

Civil, including Matrimonial: All original moving papers, answering papers, memoranda and special term notes of issue to be sent to chambers **before 12 noon on the Tuesday before the motion return date.** If motion papers are not timely served, motion may be adjourned by the Court. TROs on notice to the other side if other attorney known. No general adjournments. Adjournments granted with consent of parties, subject to Court's approval, by contacting secretary or court clerk.

For matters that have been e-filed, counsel must provide to chambers copies of all motion papers, ***properly bound with exhibit tabs***, simultaneous with e-filing.

No fax submissions are permitted.

CONFERENCES:

Civil: Preliminary conferences must be held within forty-five (45) days of the Court's receipt of RJI. Adjournments granted with consent of parties, subject to Court's approval, by contacting secretary.

IAS Matrimonials: Requests for adjournments will be considered by submitting a Request for Adjournment form to secretary.

Civil Trials, including Matrimonial: Adjournments granted only in the most exceptional circumstances, not upon consent of counsel. All motions in limine shall be made returnable prior to jury selection. Expert disclosure deadlines per court's trial order.

HON. MARY L. SLISZ

Part 25 - Fourth floor
25 Delaware Avenue, Buffalo New York 14202
Telephone 716-845-2680
Facsimile 716-845-7508

Secretary:	Patricia A. Benson	pbenson@nycourts.gov	716-845-2680
Law Clerk:	Amy J. Murphy, Esq.	ajmurphy@nycourts.gov	716-845-2675
Court Clerk:	Janet M. Marchinda	jmarchin@nycourts.gov	716-845-9424

COURT APPEARANCES

SCHEDULING - this Court, and support staff, makes every effort to accommodate counsel and clients to the best of its ability. It is expected that counsel will be respectful of that effort and of their colleagues and clients and **be on time**. If counsel is unavoidably detained, please contact the Court. It is also expected that counsel will be respectful when scheduling appearances, such that one could reasonably expect to be on time.

MOTIONS are heard on any business day, by appointment only. Before a motion or cross motion will be scheduled the papers must be filed and paid for at the County Clerk's office and delivered to the Court. Counsel must comply with CPLR 2214 time requirements when serving moving, opposing and reply papers.

Any motion seeking financial relief **MUST** attach the movant's DRL § 236 (B) affidavit.

NO PAPERS MAY BE SUBMITTED BY FAX OR EMAIL. THE COURT WILL NOT CONSIDER ANY SUCH SUBMISSION.

ORDERS TO SHOW CAUSE are to be used for exigent circumstances only.

Orders of Protection - should be personally presented to the Court Clerk. Applications for an order **MUST** include police and/or medical reports if available, as well as the police and/or medical reports if available, as well as the Protective Registry Information Sheet. If an individual is in imminent danger, **call the police**.

Temporary Restraining Orders - will only be granted where assets are in jeopardy or by consent

ADJOURNMENTS are only granted with approval of the judge and must be requested with the Adjournment Request Form, via email or fax. Telephone requests and emails without the Adjournment Request Form will not be considered or responded to. It is counsel's responsibility to arrange the adjournment request with opposing counsel's and AFC's office. Counsel must also communicate the dates to their client and confirm their availability. If you do not receive approval from the Court, counsel and clients must appear as scheduled. Only the Court may excuse appearances by parties.

MATRIMONIAL ACTIONS

PRELIMINARY CONFERENCES must be held within 45 days of the filing of an RJI as required by 22 NYCRR 202.12 (b). Attendance is mandatory for parties and counsel. The Preliminary Matrimonial Information Sheet, a retainer agreement, summons, affidavit of service, a certified DRL § 236 (B) affidavit together with the last 2 filed tax returns, W-2/1099 and Social Security earnings statement, must be provided to the Court and opposing counsel 10 days prior to the conference.

The Court will address temporary support and the automatic stays at the conference. If possible, counsel should refrain from bringing a motion/order to show cause for such relief prior to completion of the conference. Be prepared to discuss issues of *pendente lite* relief.

PRELIMINARY CONFERENCE ADJOURNMENTS - because of the limited time to hold a Preliminary Conference, adjournment requests will only be considered within 3 business days of the notice. Therefore, you must confirm your client's availability immediately upon receipt of the notice. The Adjournment Request Form must be used if the clients are not available.

REPORT BACK CONFERENCES - are scheduled after the Preliminary Conference, usually with a Court Attorney Referee in Expedited Matrimonials on the 5th floor. The parties and counsel shall provide all discovery documents as set forth in the Preliminary Conference Order.

SETTLEMENT CONFERENCES - are scheduled for 2 hours with clients. Counsel must bring the most recent proposed agreement in paper and electronic form. Be prepared to stay and work. It is expected that both parties will have reviewed the proposed agreement prior to the settlement conference.

FINAL JUDGMENT ROLL - once a fully executed agreement or written ratification has been received by the Court, counsel will have 30 days to submit the final judgment roll. The submission date is an in-person appearance WITH CLIENTS. In order to avoid the appearance you must provide all necessary documents listed on the Judgment Roll Checklist, from both sides, to chambers 48 hours prior to the return date. Partial submissions will not excuse the appearance. If all of the necessary documents are submitted, you will receive an email dispensing with your appearance. The judgment roll will then be substantively reviewed.

NOTE: If counsel does not receive an email, **both attorneys and clients must appear.**

QUANTUM MERUIT APPLICATIONS - the following documents MUST be submitted or the application will be denied. A copy of the agreement or the transcript - the Court does not retain copies in the file. A fully executed retainer agreement and Statement of Client's Rights and Responsibilities, a current DRL § 236 (B) affidavit and itemized billing statements, including 60-day invoices. Counsel should review 22 NYCRR 1400.2, 1400.3 1400.9 and 22 NYCRR 202.16.

[Q]DROs - counsel are strongly encouraged to submit all QDROs with the final judgment roll. Counsel should follow the guidelines in the QDRO review checklist. If it is more than one year since the judgment was signed, a motion must be made.

Plaintiff

REQUEST FOR ADJOURNMENT

v.

Index No. _____

Defendant

REQUESTS MUST BE RECEIVED AT LEAST 2 BUSINESS DAYS PRIOR TO APPEARANCE.

Pursuant to the rules of Part 25, the undersigned request an adjournment of the appearance in the above-captioned matter currently scheduled for _____, 2018 at _____AM/PM

The reason for the adjournment request is _____

_____.

An extension is requested for a Temporary Order of Protection that will expire on or immediately after the currently scheduled appearance date.

I hereby affirm that I have the consent of all counsel to adjourn this matter. All counsel and the parties are available on the following future dates and times. Please provide three alternatives. The dates must be within 2 weeks of the original date.

- 1. _____ at _____AM/PM
- 2. _____ at _____AM/PM
- 3. _____ at _____AM/PM

I hereby affirm that I do NOT have the consent of all counsel to adjourn this matter. The reason counsel for the Plaintiff/Defendant/infant issue objects is as follows:

OR [] See attached correspondence from objecting attorney.

THIS CASE IS NOT ADJOURNED UNTIL CONFIRMATION FROM THE COURT IS RECEIVED GRANTING THE ADJOURNMENT.

Dated: _____, 20__ . REQUESTED BY: _____
PRINT NAME

Attorney for Plaintiff: _____
Phone/Fax _____
E-Mail _____

Attorney for Defendant: _____
Phone/Fax _____
E-Mail _____

Attorney for Child(ren): _____

Phone/Fax _____

E-Mail _____

Approval by Court: [] Granted [] Denied

By: _____ On: _____

NEW DATE _____ at _____ AM/PM

NO ADDITIONAL NOTICES WILL BE SENT

3. Matters shall not be scheduled until Chambers receives a paid, stamped RJI and/or E-filing notification showing the original papers were filed with the office of the clerk of the county in which the matter is commenced/pending, and the appropriate filing fee has been paid.

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. 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, and agreement among 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 Clerk (or the Court, as matters dictate).

TRIALS:

The Court adheres strictly to jury selection and trial schedules. Marked pleadings (please contact Lynn Dulak to arrange for same), 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 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.

HON. DENNIS E. WARD
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E-Mail: deward@nycourts.gov
dnorton@nycourts.gov
cselden@nycourts.gov
jconnors@nycourts.gov

LAW CLERK:	DEBRA A. NORTON, ESQ.	(716) 845-2108
SECRETARY:	CYNTHIA J. SELDEN	(716) 845-2107
COURT CLERK:	JUDY CONNORS	(716) 845-9402

MOTIONS:

Motions may be made returnable on Wednesdays at 9:30 a.m. or by appointment through the secretary. Working copies of the papers are appreciated; lengthy exhibits are not required. Adjournments should be arranged through stipulation. Counsel are asked to observe the Rules of Civility regarding reasonable requests for adjournment.

Motions to resolve discovery disputes shall be accompanied by an affidavit of good faith attempt at resolution; parties are encouraged to discuss discovery issues during conferences in order to minimize motion practice. Requests for temporary injunctive relief will not be granted in the absence of prior notice to the opposing party, as required by 22 NYCRR §202.7(f). Orders and other papers for signature (except orders to show cause) must be circulated to opposing counsel on five business days' notice.

SETTLEMENT CONFERENCES & TRIALS:

Parties are encouraged to seek alternative dispute resolution to expedite resolution and minimize costs. Trial dates are firm, and adjournments are granted only in exceptional circumstances. Expert disclosure pursuant to CPLR 3101 is required 30 days before trial. Motions *in limine* will be heard the week before trial. A charge conference will be conducted prior to summations. Requests to charge and a verdict sheet are appreciated at the time of jury selection.

Exhibits for trial must be marked by the court reporter prior to openings. Counsel shall supply a courtesy copy of each exhibit to opposing counsel and the court. For lengthy exhibits, only the relevant pages need be copied. The parties will be asked to stipulate as many exhibits as possible into evidence prior to the start of trial in order to promote the flow of testimony.

MATRIMONIAL ACTIONS:

Parties must serve pleadings (complaint and answer) and 236B affidavits prior to the first conference. Parties must produce at the first conference the following items: the prior year's income tax

statement; current pay stub; a copy of his or her lifetime Social Security earnings statement; an executed retainer agreement; and a completed copy of the court's Preliminary Matrimonial Information Sheet (available through the Chambers). If custody and access are at issue, the Court will designate an AFC (Attorney for Children), and the parties will be asked to work out a Parenting Plan, to be drafted by the AFC. The parties will also be encouraged to enter into a Property Settlement Agreement regarding finances.

If any issues remain unresolved, the court will set a trial date, to be preceded by a final settlement conference. Counsel for the plaintiff must circulate a proposed settlement agreement and e-mail it to Chambers at least one week prior to the settlement conference, so that any negotiated modifications can be inserted and the document printed and signed. Parties must be present for the settlement conference. If the case does not settle, a Statement of Proposed Disposition, pursuant to 22 NYCRR 202.16(h), is required one week prior to trial. At the close of proof, each counsel is required to provide a post-trial submission summarizing the issues to be judicially determined and his/her client's position on those issues.

MORTGAGE FORECLOSURES:

After the RJI has been filed, the court will schedule the case for a preliminary conference (if no motion has been filed), and thereafter keep the case on a 60-day diary. Conferences may be adjourned if a motion has been filed. Paper copies of motion papers should be provided. There should be a separate motion for the Order of Reference. The first motion should include proof of compliance with the 90-day pre-foreclosure notice, where required by RPAPL §1304. Where the premises are occupied, notice of any motions should be mailed to the defendant(s), regardless of whether they are in default in answering the complaint. Requests for costs and/or attorney fees must be accompanied by a bill of costs and an affidavit indicating the basis for the award requested.

SUPREME COURT LEGAL STAFF
92 Franklin Street, 2nd Floor
Buffalo, New York 14202
Phone: 845-9328 / Fax: 851-5163

Principal Court Attorney/Referee:		845-9327
Senior Court Analyst:	Andrea Wilson	845-9329
Principal Office Stenographer:	Cathy Spina	845-9328

UNCONTESTED DIVORCES/ANNULMENTS

All uncontested matrimonial actions will be considered on papers only. (Inquests are available if special circumstances warrant oral testimony.) After obtaining calendar number, file all required papers with the Supreme Court Calendar/Matrimonial Office (845-9301). The list of required papers is available in the Calendar/Matrimonial Office. For a status check of a particular action, call the Calendar/Matrimonial Office first before calling the Referee.

APPEALS TO ERIE COUNTY COURT

Effective April 22, 2002, civil and criminal appeals to Erie County Court will be subject to an individual assignment system. Accordingly, with respect to matters in which a Notice of Appeal is filed with the Court on or after that date, the Chief Clerk's Office will randomly assign each such action to a Judge of the County Court. Inquiries relative to appeals taken prior to April 22, 2002 should be directed to the Court's legal staff at 845-9329.

SEARCH WARRANTS

Law enforcement authorities are to contact legal staff at 845-9329 for information and instructions.