

***Hon. Emilio Colaiacovo, J.S.C.***  
**New York State Supreme Court**  
**Commercial Division**

92 Franklin Street  
Part 4  
Buffalo, New York 14202  
716-845-9474  
Fax: 716-845-5165

**Law Clerk:** Jorge S. deRosas, Esq.  
716-845-9475  
[jderosas@nycourts.gov](mailto:jderosas@nycourts.gov)

**Secretary:** Amy Garcia  
716-845-9474  
[aegarcia@nycourts.gov](mailto:aegarcia@nycourts.gov)

**Court Clerk:** Jennifer Gee  
716-845-9423  
[jgee@nycourts.gov](mailto:jgee@nycourts.gov)

**Commercial Division Actions:** 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).

**Special Term:**

Special Term shall be held on Fridays pursuant to the attached schedule. 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 seven (7) days prior to the return date unless approved by the Court. Reply papers must be served no less than four (4) dates prior to the return date unless approved by the Court. Affidavits or Affirmations shall not exceed twenty-five (25) pages in length, unless prior approval from the Court is granted. Motions shall be adjourned by the Court if papers are not timely filed. This Court does not require the filing of a stipulated statement of uncontested material facts pursuant to 22 NYCRR 202.8-g(c).

Motions will be assigned a time by the Clerk. Parties must appear at that time if they wish to be heard. If you wish to have a transcript of the argument, you must request it prior to argument and must make arrangements for payment immediately thereafter.

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.

## 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. Unless permission is specifically granted by the Court to appear electronically, all counsel are expected to appear in person for all conferences.

Commercial/Civil Conferences: A brief summary (no more than a page) of the case is required one week prior to the initial conference.

Matrimonial Conferences: Will be scheduled within 45 days of the filing of the RJI and are mandatory. 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:

### Commercial/Civil:

The Court adheres strictly to its trial calendar and any requested 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 two [2] days prior to start of trial. Motions in limine will be heard the Friday before the commencement of trial.

Formal requests to charge and proposed verdict sheets must be submitted one week prior to jury selection in Microsoft Word format to the Law Clerk. The charge

conference will be held following the completion of proof, unless otherwise directed by the Court.

**Matrimonial/Tax Certiorari:**

References to Law Clerk to hear and report may be ordered in cases involving (1) Article 7 Tax Hearings (2) divorces on stipulation, and (3) contested financial issues.

**Article 81 Proceedings:**

Reports of the Court Evaluator should be sent to the Court first before uploaded to NYSCEF.

**Orders:**

Orders must be submitted by the prevailing party within thirty (30) days from decision date with indication that the Order has been sent out to all opposing counsel or pro se litigant and that no objection has been received. A transcript of the Court's decision, where applicable, must be attached to the proposed Order. 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.

**Temporary Restraining Orders (TRO):**

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.

**The Use of Generative AI:**

While the use of Generative Artificial Intelligence (GAI) is not prohibited, should counsel or the parties use any GAI resources or material (e.g. ChatGPT), they must disclose and/or certify that any use (1) identifies the GAI program; (2) identifies the portion of the filing drafted by GAI; and (3) certifies that the GAI work product was diligently reviewed by a human being for accuracy and applicability.<sup>1</sup>

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<sup>1</sup> This provision is a combination of rules adopted by the Southern District of New York and the Federal District Court of New Jersey.

### 2024 Special Term Dates

JANUARY:	1/5
FEBRUARY:	2/9; 2/23
MARCH:	3/15; 3/22
APRIL:	4/12; 4/26
MAY:	5/3; 5/31
JUNE:	6/7; 6/28
JULY:	7/12; 7/26
AUGUST:	8/9; 8/23
SEPTEMBER:	9/6
OCTOBER:	10/11; 10/25
NOVEMBER:	11/8; 11/22
DECEMBER:	12/6