

HON. JOHN J. DELMONTE

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Court Clerk: Wendy Haseley (716) 845-2552 whaseley@nycourts.gov

MOTIONS: First and Third Thursdays, Part 36 at 9:30 a.m. in person

Motions are in person for a 9:30 calendar call. A request for oral argument via Microsoft Teams must be requested in writing in which the reason for the request is stated. If a video motion argument is granted, it will be scheduled at the end of the calendar, and the court will provide a TEAMS link. The Court reserves the right to determine the disposition of any motion(s) without oral argument. Dispositive Motions shall be filed within 90 days from the filing of the Note of Issue or in accordance with any pre-Note of Issue filing Scheduling Order. Hard copies are not required unless requested by the Court.

All motions shall be filed with NYSCEF and the return date shall be consistent with CPLR Rule 2214 (b). Opposition papers are due to be uploaded as provided by Rule 2214 (b), and in the event of an adjournment of the originally scheduled return date, the uploading of opposition papers shall be required one

week before the rescheduled return date, and replies are due by noon on Tuesday before the return date. No sur-reply papers shall be filed or submitted except in accordance with Uniform Rule 202.8-c. Motion date requests are to be coordinated with the court clerk. Motions shall not be adjourned generally and can only be adjourned upon consent of all parties and with notice to the Court.

A Statement of Material Facts is not required for motion submission (Uniform Rule §202.8-g). Discovery disputes leading up to a motion to address the same shall be governed by and filed in accordance with Uniform Rule 202.20-f.

In the Court's sole discretion, motion return dates may be set on discrete (non-regularly scheduled) Special Term dates either at the mutual/joint request of the parties or by the Court in cases where the number and scope of the motions (including cross-motions) and issues to be argued, the number of parties to be heard, and the reasonable and necessary accommodation of all parties, justify that scheduling arrangement.

Temporary Restraining Orders, where possible, will require notice to the opposing attorney in accordance with Uniform Rule 202.8-e. TROs on cases assigned to another Justice will only be granted upon the prior approval of the IAS Justice or his/her Law Clerk.

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 on the same date and time as the original proposed Order.

CONFERENCES:

Court conferences are conducted virtually by a Microsoft Teams appearance unless directed by the Court for an in-person conference. Attorneys are to appear on video and dressed professionally. Adjournment requests are to be made upon consent of all parties. The party requesting the adjournment shall call LaNeesha Eve for available time slots then confirm the adjourned date among the parties and LaNeesha Eve. Preliminary conferences may only be adjourned upon consent of all counsel and to a date within 45 days from the filing of the RJL. All parties are to submit a brief summary and position statement (not to exceed one page) prior to the preliminary conference.

MATRIMONIAL ACTIONS/MOTIONS/PRE AND POST-JUDGEMENT

Both parties are required to have their statements of net worth [236(b)] filed prior to the preliminary conference in a matrimonial action. Requests for *pendente lite* relief must be substantiated by tax statements or paycheck stubs. The parties are to be available in the Microsoft Teams link for the matrimonial preliminary conference. Party attendance at subsequent conferences will be directed by the court.

TRIALS

Trial dates are selected after the Note of Issue has been filed but may also be tentatively scheduled by the Court pre Note of Issue in accordance with any Scheduling Order or Directive given to complete discovery and the filing of a Note of Issue by a targeted date. An exhibit-marking conference will be conducted about three weeks before jury selection per Rule 202.34.. Expert disclosure shall be made thirty (30) days before trial. Proposed Jury Verdict Sheets and Requests to Charge and Witness Lists shall be submitted to chambers two weeks before jury selection. Rules 202.20-h (c) and 202.37. Motions *in limine* shall be served to

be argued before the start of trial on the Special Term preceding jury selection or as otherwise scheduled by the Court. The Court will advise on the submission of pre and post-trial memoranda for non-jury trials.

All parties intending to use the Court's video technology services during the trial (or any other proceeding) shall contact the Court Clerk (Wendy Haseley) and arrange a date and time at least three (3) days prior to trial to come to the courtroom to examine and coordinate the use and connection of its video devices (laptop, etc.) with the Court's video monitor and display technology.

Notice is given to all counsel and parties to read Uniform Rule 202.27 as it relates to conferences scheduled by the Court to discuss, implement and direct the scheduling of all pre-trial proceedings leading up to the conducting of trials and hearings in all cases.