

HON. DEBRA L. GIVENS

Part 23

25 Delaware Avenue

Buffalo, New York 14202

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Law Clerk:	Holly P. Tucker, Esq.	845-9373
Secretary:	Shawn A. Fagan	845-9372
Court Clerk:	Patricia Koenig	845-9413
Court Reporter:	Maria Pisarek	845-2141

CRIMINAL MATTERS

Assistant District Attorneys to provide copy of NYSIS to the Court prior to arraignments on indictments, bail motions, and SCI pleas. All SCI paperwork and Defendant Information Sheet is to be provided to the Court at least 48 hours in advance of the scheduled plea.

All motion papers (including responding papers) should be properly served upon counsel and the Court. Refer to time schedules and procedures set forth in the CPL. The Court must be in receipt of all papers at least three (3) days prior to the return date.

Superior Criminal Courts Adjournment Policy:

Requests for adjournments must be made in writing, on notice to opposing counsel, and the Court no later than 72 hours prior to the scheduled appearance. If the Court grants the adjournment, it is incumbent on the attorney seeking the adjournment to obtain a date that is mutually agreeable to the parties and the Court. No adjournment will be granted until a new date is secured with the Court that is within 10 days of the original scheduled appearance. Do not assume that an adjournment request has been granted until you receive confirmation from the Court.

CIVIL MATTERS

An initial conference will be automatically scheduled upon receipt of an RJI and/or calendar Note of Issue.

Conferences will be held virtually via MS Teams unless otherwise indicated.

E-FILING

All papers and exhibits subject to e-filing, including motions, proposed orders and proposed judgments shall be electronically filed. Papers in matters not subject to e-filing are to be provided to the Court simultaneously with service on all parties.

FORECLOSURES

After the RJl has been filed, the Court will schedule the case for a preliminary conference **only if requested by Plaintiff or Respondent**, otherwise the Court will keep the case on a 60-day diary. **All motions will be decided on papers only. No appearance is necessary.** Conferences may be adjourned if a motion has been filed. **There should be a separate motion for the Order of Reference. All default motions should be accompanied with an attorney affirmation setting forth the basis for the default.** 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.

Foreclosure scheduling are by email to: htucker@nycourts.gov and pkoenig@nycourts.gov and sfagan@nycourts.gov.

CIVIL TRIALS

Trial dates issued by the Court are considered to be "DATE CERTAIN". Disclosure of experts shall be made thirty (30) days prior to the commencement of jury selection. Pleadings, list of witnesses, proposed jury charge, and verdict sheets are required one (1) week prior to jury selection. Any motions *in limine* shall be heard the day prior to jury selection.

ADJOURNMENTS

Any request for an adjournment shall be made to the Judge's secretary, law clerk, or court clerk and must be obtained *in advance of* the scheduled court date.

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.

Adjournments will only be granted upon consent of counsel, except in cases of emergency.