

HON. LYNN W. KEANE

92 Franklin St. - 3rd Floor-Part 2
Buffalo, NY 14202
Fax: (716) 845-7510

Law Clerk: dglascot@nycourts.gov

Court Clerk: ajackson@nycourts.gov

Secretary: hpark@nycourts.gov

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|--------------|--------------------------|----------------|
| LAW CLERK: | DENNIS P. GLASCOTT, ESQ. | (716) 845-9448 |
| SECRETARY: | HOLLY PARK | (716) 845-9447 |
| COURT CLERK: | AMY JACKSON | (716) 845-9346 |

PRELIMINARY CONFERENCES

Preliminary conferences will be scheduled within 45 days of the Court's receipt of a filed RJI, as required by 22 NYCRR §202.12(b). The first preliminary conference will be scheduled with Judge Keane or Law Clerk. Pleadings and a brief summary of the case in letter form are required in advance of the initial conference. The brief summary must be emailed to hpark@nycourts.gov one week prior to the conference. Prior to the conference, the parties are expected to comply with 202.70(g) Rule 8. At the conference, the Court will issue a Scheduling/Trial Order and where appropriate an ADR referral.

All other conferences per the Scheduling Order or upon request.

Adjournments granted with the consent of all parties, subject to the Court's approval by contacting the Court's Secretary.

MOTIONS - Special Term Day

Motions: 2nd and 4th Wednesdays at 10:00 a.m. on submission, unless counsel request oral argument or directed by the Court.

Attorneys shall contact the Court Clerk to schedule a motion.

- Counsel is to provide chambers hard copies of all motion papers one week prior to oral argument. ¹
- All submissions, including replies, must be received by the Court no later than the Friday prior to the return date. Motions may be adjourned by the Court if any papers are filed after the Friday prior to the return date.
- 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 (MS Teams) testimony of the moving party may be required prior to signing an order to show cause containing temporary injunctive relief. 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 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 resorting 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.

ORDERS

Orders are to be submitted within 30 days by the party who brought the motion. 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 for at least 7 days. Proof of opposing counsel's consent by letter or email is preferred. If there is no objection or consent received after ten days, the Court will sign the order.

******Please notify email the Court Clerk with a cc to the Secretary when an Order is uploaded to NYSCEF for review.***

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- ¹ **During the covid-19 pandemic, the requirement that a courtesy copy be provided to chambers is hereby waived.**

CIVIL TRIALS

Motions in limine will be held one week before jury selection. Expert disclosure is to be made at least 30 days prior to the commencement of trial, unless ordered otherwise by the court. Requests to charge, proposed verdict sheets, witness lists, pre-marked exhibits and pleadings are to be submitted two weeks prior to jury selection (*in Word format*).

MATRIMONIALS

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, depending on where the conference is scheduled. It is required that counsel complete the Request for Adjournment document and obtain new dates from opposing counsel (see adjournment request link). If consent is denied, the Court has a liberal adjournment policy for motions, especially when a motion is 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.

Mat Trials

Counsel shall provide the Court with statements of proposed disposition, updated net worth statements with the last three years tax returns, and child support worksheets when applicable. Chambers shall be notified by all sides immediately if the action is resolved prior to the scheduled trial date. The following, if applicable, shall be provided 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 new 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 will stipulate into evidence:
- g) A written copy of any issues of facts to which the parties can stipulate before trial, to be read into the record at the commencement of trial.

There will be no adjournments of the trial date without express Court permission. Failure to proceed may result in a judgment of default or dismissal of the action.

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 with clients or may schedule a trial, if it appears the parties are unable to reach resolution. If there is no appearance, the Court may move to dismiss such action.

**STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE**

Plaintiff

**REQUEST FOR ADJOURNMENT
Matrimonial
Index No.**

v.

Defendant

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

Pursuant to the rules of Part 20, the undersigned request an adjournment of the appearance in the above-captioned matter currently scheduled for _____, 20__ 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: _____ | Attorney for Defendant: _____ |
| Phone/Fax _____ | Phone/Fax _____ |
| E-Mail _____ | E-Mail _____ |

Attorney for Child(ren): _____
 Phone/Fax _____
 E-Mail _____

Approval by Court Granted Denied

By: _____ On: _____

NEW DATE _____ at _____AM/PM

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

Plaintiff

REQUEST FOR ADJOURNMENT
Index No.

v.

Defendant

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

The undersigned requests an adjournment of the appearance in the above-captioned matter currently scheduled for _____, 2020 at _____ AM/PM

The reason for the adjournment request is _____

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 _____ : _____
Phone/Fax _____
E-Mail _____

Approval by Court Granted Denied

By: _____
NEW DATE _____

On: _____ at _____ AM/PM