

Hon. Amy C. Martoche
25 Delaware Avenue, Part 21
(Judicial Chambers on Fifth Floor)
Buffalo, New York 14202
716.845.9486
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Secretary: Mary Kohlbacher mkohlbac@nycourts.gov 716.845.9486

Law clerk: Michael Pastrick, Esq. mpastric@nycourts.gov 716.845.9487

Court clerk: Lori Motak lmotak@nycourts.gov 716.845.9416

GENERAL MATTERS

APPEARANCES: Until further notice and unless otherwise scheduled, report-back conferences will be conducted by telephone. The court and its law clerk will establish contact using the primary telephone number furnished by counsel.

MOTIONS: Generally, motions are returnable every other Tuesday at a time to be made in consultation with Lori Motak. Sometimes, for efficiency, motions may be scheduled to coincide with an already-scheduled conference. All submissions will be reviewed using the NYSCEF platform; however, as a courtesy to the court, please also email PDF copies of all submissions to Justice Martoche, Michael Pastrick, and Mary Kohlbacher. The court will not accept papers via fax. All papers regarding any motions (with the exception of orders to show cause and temporary restraining orders) should be e-mailed to chambers at least three business days prior to the return date.

Applications with respect to discovery disputes must be supported by an affidavit or affirmation of good faith attempt at resolution (*see* 22 NYCRR 202.7 [a]-[c]). Applications lacking the affidavit or affirmation of good faith effort may be rejected. Parties are encouraged to discuss discovery issues during conferences to minimize such motion practice.

Oral argument may be requested. It remains within the court's discretion whether oral argument will be permitted. If oral argument is requested, but the court decides to hear the matter on submission, then the attorneys will be notified not later than the business day before the motion is to be heard.

Cross motions will be heard in accordance with the CPLR. But, if a cross motion is filed fewer than three business days before the motion is returnable, then the cross motion will not be heard on that return date for the initial motion.

ADJOURNMENTS: Adjournments are granted with the approval of the court. Consent of opposing counsel or counsels is preferred, but not mandatory. It is the responsibility of counsel seeking the adjournment to arrange the request with opposing counsel or counsels. It also is the responsibility of counsels to furnish to the court (preferably by email) three dates and times at which the matter may be rescheduled.

MATRIMONIAL ACTIONS

PRELIMINARY INFORMATION SHEET: Please complete the preliminary matrimonial information sheet contained in Appendix A to these rules and return a PDF copy of that document to the court in advance of the preliminary conference.

PRELIMINARY CONFERENCE: Pursuant to 22 NYCRR 202.12 (b), the preliminary conference must be held within 45 days of the filing of a request for judicial intervention. Please email the completed preliminary matrimonial information sheet to the court (through Mary Kohlbacher, at mkohlbac@nycourts.gov) in advance of that conference. Please also upload a retainer agreement, summons, affidavit of service, and Domestic Relations Law § 236 part B affidavit to NYSCEF in advance of that conference.

FINAL JUDGMENT ROLL: Please complete and submit to Michael Pastrick the judgment roll checklist contained in Appendix B to these rules in conjunction with the tender of a proposed judgment for judicial signature. Submission of a PDF copy of a completed judgment roll checklist will facilitate the review and execution of a proposed judgment.

DEFAULT: To the extent a default is taken in the absence of any prior appearance by the defaulting party, please serve a courtesy copy of the motion for default judgment upon that party through the same means by which service of the summons and complaint was effectuated and include an affidavit of service in your motion papers.

APPENDIX A



NEW YORK STATE SUPREME COURT
Expedited Matrimonial Program
25 Delaware Avenue, Fifth Floor
Buffalo, New York 14202
716.845.9486

PRELIMINARY MATRIMONIAL INFORMATION SHEET

Submitted to Hon. Amy C. Martoche, J.S.C.
on Behalf of Plaintiff/Defendant (Select One)

I. PARTIES

Plaintiff:	
Defendant:	
Index No.:	

II. ATTORNEYS

A. Plaintiff's Attorney(s):

Attorney(s):	
Preferred Phone #:	
Alternate Phone#:	
Email:	

B. Defendant's Attorney(s):

Attorney(s):	
Preferred Phone #:	
Alternate Phone #:	
Email:	

C. Attorney for the Child/Children (if known):

Attorney:	
Preferred Phone #:	
Alternate Phone #:	
Email:	

III. BACKGROUND INFORMATION OF PARTIES

	Plaintiff (Husband/Wife)	Defendant (Husband/Wife)
Age:		
Health:		
Occupation:		
Current Address:		
Email:		
Phone:		
Cell Phone:		
D/O Marriage:		
Years Married:		
D/O Commencement:		
D/O Separation:		

IV. ORDER OF PROTECTION

Party Imposed Against:	
Issuing Court:	
Date of Issuance:	
Expiration Date:	
Type/Provisions:	

V. RELATED PROCEEDINGS

Please note any related proceeding or proceedings pending in any court (e.g., Family Court or City Court). To the extent there is a related proceeding or proceedings, please note the index number of such proceeding, the judge or justice before whom such proceeding is pending, the attorneys involved in such proceeding, and the subject matter of such proceeding.

VI. CHILDREN

Name	Age (d/o/b)	School	Special Needs (Y/N) ¹

Custody/Access: Are custodial and access issues resolved? (Y/N)

If custodial and/or access questions are not resolved, then please note the main issues with respect to those questions.

¹ If the child has special needs, then please briefly describe those needs.

VII. INCOME, ASSETS, AND LIABILITIES

A. Income:

Plaintiff/ Defendant	Employer/Source	Annual Income

B. Real Property:

i. Property #1:

Address:	
City/Town:	
Titled Owner:	
FMV:	
Lien(s):	
Separate Property Claim (SPC) (P/D):	

ii. Property #2²:

Address:	
City/Town:	
Titled Owner:	
FMV:	
Lien(s):	
SPC (P/D):	

² Please note any additional real property holdings in an appendix to this information statement.

C. Pension(s):

Plan/Administrator	Owner (P/D)	SPC (P/D)

D. Securities (401k/403b/Deferred Compensation/IRA/Investments):

Company/Type	Owner (P/D)	Current Balance	SPC (P/D)

E. Motor Vehicles:

Year/Make/Model	FMV	Lien	Title (P/D)	Primary User	SPC (P/D)

F. Bank Accounts:

Bank	Checking/Savings	Owner (P/D/JT)	Current Balance	SPC (P/D)

G. Business Entities:

Entity	Nature of Business	Owner (P/D)	SPC (P/D)

H. Debts (excluding mortgage and auto loans):

Debt Holder	Nature of Debt	Balance	Debtor (P/D/JT)	SPC (P/D)

I. Life Insurance:

Company	Type	Face Amount	Cash Value (if any)	SPC (P/D)

J. Personal Property/Household Furnishings:

Please list personal property and household furnishings with respect to which there is a significant issue or dispute:

K. Other Significant Issues/Assets/Liabilities:

Please briefly note other assets, liabilities, or issues of significance.

APPENDIX B

JUDGMENT ROLL CHECKLIST

Case Name _____ Index No. SF _____

Plaintiff's Attorney _____ Defendant's Attorney _____

- Written proof that opposing counsel has reviewed and approved the proposed Judgment and Findings of Fact & Conclusions of Law.
- Withdrawal of appearance, if not in the agreement or transcript.
- Court exhibits.
- Copy of fully-executed agreement or Written Ratification and complete transcript.
- Copy of Summons & Affidavit of Service (that has been filed in the ECCO).
- Copy of Complaint (that has been filed in the ECCO).
- Affidavit in Lieu of Testimony (if on papers).
- Removal of Barriers Language (if on papers).
- Non-Military Affidavit (if on papers).
- DRL § 236 (B) Affidavit Plaintiff Defendant
- Retainer Agreement Plaintiff Defendant

If there are minor children, also submit the following:

- Parenting Agreement, if not included in the Property Settlement Agreement.
- Written proof that the Attorney for the Child has reviewed and approved the Parenting Agreement, the Judgment and the Findings of Fact & Conclusions of Law.
- UCS 111
- STATE CASE REGISTRY FILING FORM, if Child Support is not paid through a Child Support Collection Unit.**