

HON. MATTHEW J. MURPHY
Niagara County Courthouse
175 Hawley Street
Lockport, New York 14094
PHONE: (716) 280-6483

Law Clerk: Mary Mikan (civil matters) **280-6401**
(mmikan@nycourts.gov)
Kelly Vacco (criminal matters)
(kvacco@nycourts.gov)

Secretary: Debbie A. Fotia **280-6483**

Court Clerk: None at this time

CONFERENCES:

Preliminary conferences will be scheduled within 45 days of the filing of the RJI and are mandatory. Pleadings, including Summons, Complaint, Answer and Bill of Particulars, must be submitted seven (7) days prior to the preliminary conference. Adjournments will be granted only with consent of all attorneys and subject to Court approval. At that preliminary conference, a scheduling order will be issued. Any subsequent requests to modify the scheduling order must be presented in the form of a proposed modified scheduling order, with opposing counsel's consent indicated thereon. No modifications of the original scheduling order will be permitted unless approved by the Judge.

A compliance/settlement conference will be held 180+/- days from filing the RJI; and a pretrial conference will be held 60+/- days before the scheduled trial date. Pretrial conferences will be scheduled upon completion of discovery. All conferences held before IAS Judge.

A final pretrial conference will be held with the Judge approximately one week before jury selection.

ADJOURNMENTS:

Adjournments are granted by the judge, secretary or law clerk only; with notice to, and consent of, opposing counsel. Such consent shall not be unreasonably withheld. If counsel cannot agree to an adjournment of a motion, all counsel must appear on the return date to request an adjournment, which will be liberally granted in the absence of prejudice.

No general adjournments will be granted; all matters must have a return date for further proceedings.

Any attorney who will be late for a scheduled appearance must notify the Judge's Secretary at (716) 280-6483 prior to the scheduled time of appearance.

No same day adjournments permitted except in extraordinary circumstances and upon consent of the Court.

Consent of all parties is required prior to requesting an adjournment of a trial.

PAPERS:

All moving papers, answering papers, reply affidavits, memoranda and paid Special Term Notes of Issue are to be received in Chambers by 3:00 p.m. at least two (2) business days before the return date, notwithstanding CPLR 2214(b). Papers submitted after such time may be rejected by the court, or the offending attorney otherwise penalized as deemed appropriate.

Original papers, with Affidavits of Service, are to be supplied to the Court. Oral argument is required unless written consent by all attorney to submit on papers is received or the Court directs otherwise. TROs handled on a case-by-case basis. TROs must be on notice to other attorney if known or where a governmental entity is involved. Motions cannot be adjourned generally.

ORDERS:

Must be submitted within thirty (30) days. There must be a written indication that the order has been sent to all opposing counsel or *pro se* litigants and that no objection has been received. Orders will not be signed unless opposing counsel has had an opportunity to review for at least seven (7) days. However, if no objections are received after ten (10) days, the Order will be signed without further delay.

DISCOVERY:

Motions to resolve discovery disputes shall be accompanied by an affidavit of good faith attempt at resolution. Letters between counsel are insufficient. There must have been a conversation between counsel to attempt to resolve discovery disputes.

SUBPOENAS:

Any subpoena requesting healthcare records must be accompanied by a valid authorization and contain appropriate HIPAA language in bold on the front of the subpoena. Such subpoenas must be made returnable only directly to the Court Chambers, and not to the attorney's office or personnel.

MOTIONS:

Summary judgment motions must be timely made pursuant to CPLR 3212(a).

TRIALS:

Trial dates are considered "dates certain." Trial adjournments are granted only upon exceptional circumstances and by permission of the Judge. Pleadings, vanilla statement of facts, list of witnesses, proposed jury charges, proposed verdict sheet, and papers on motions *in limine* are required to be served and received in Chambers at least one (1) week in advance of jury selection.

Attorneys should present proposed jury charges and the verdict sheet in both written form and in digital form. The digital submission should be in MS Word, any version. In both instances, the digital versions should be sent to the Law Clerk, whose email address is: MMikan@nycourts.gov. The jury charges should be completely written out, in the form you desire the Court to read to the jury, rather than merely reciting "PJI 1:90," etc. Each separate charge requested should begin on a separate page, rather than combining multiple charges on the same page.

Expert disclosures, without good cause shown, are to be exchanged not less than thirty (30) days before the commencement of jury selection.

Jury Selection and trial days begin at 9:30 a.m. sharp.