

HON. CATHERINE NUGENT PANEPINTO

92 Franklin Street -Third Floor, Part 5

Buffalo, New York 14202

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Law Clerk:	Charles P. Cercone	716-845-2597
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Secretary:	Jonica B. DiMartino	716-845-2693
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Court Clerk:	Joanne Pritchard	716-845-9422
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MOTIONS: **Please be informed The Court has returned to its pre-COVID practice regarding motions. Oral arguments are heard in person, unless requested otherwise. Upon request, the Court will use attorney emails as listed in NYSCEF to email invitations/instructions for virtual oral argument. Please make sure to update your emails in NYSCEF and if necessary, forward emailed invitations/instructions to the lawyer prepared to argue a motion virtually, if so requested. Out of town attorneys shall retain local counsel to argue motions and/or travel to the great city of Buffalo, New York.

All papers must be e-filed to be considered by the Court. Paper copies are not required. Exceptions may be made for good cause shown.

Civil & Matrimonial: Biweekly on Thursdays at 9:30 a.m. (Except with prior arrangement) Please call Court Clerk for exact dates prior to scheduling motions. Cases will be heard in the order counsel for all parties on each matter are present and ready for oral argument.

Infant Settlements: Contact Court Clerk to schedule.

Motions for Summary Judgement shall be made no later than one hundred twenty (120) days after the filing of the note of issue, except with leave of Court on good cause shown. Parties are not required to comply with NY Civil Uniform Rule §202.8-g (Statement of Material Facts).

All moving and answering papers shall be e-filed before 12:00 noon on the Tuesday before the motion return date. If motion papers are not timely served, motions may be adjourned by the Court. TROs must be made on notice. There are no general adjournments, but they may be granted with consent of parties, subject to Court's approval, by contacting the Court Clerk. Orders for signature must be filed on Notice via NYSCEF.

CONSUMER CREDIT FAIRNESS ACT:

Plaintiffs are hereby reminded to comply with all requirements of the Consumer Credit Fairness Act. In particular, Plaintiffs are reminded CPLR §3212 was amended to require, among other things, additional notice to collect a debt where a consumer is a defendant. Pursuant to the amendment, a Plaintiff shall submit to the court clerk a “stamped, unsealed envelope addressed to the defendant” together with the notice as described in the Act. Absent such compliance, summary judgment motions to collect a debt may be denied.

Foreclosure matters are e-filed on notice.

Fax submissions are not permitted. The appropriate NYSCEF Confirmation Notice must be e-filed.

CONFERENCES:

Civil:

Preliminary conference will be held within forty-five (45) days of the Court’s receipt of filed RJL. All conferences before Judge or Law Clerk. Adjournments may be granted with consent of all parties, subject to Court’s approval, by contacting secretary.

The Court may issue a scheduling order outlining the discovery obligations of the parties. The parties shall strictly comply with discovery obligations set forth in all case scheduling order. Applications for all discovery deadlines shall be made to the Court’s confidential law clerk as soon as practicable and prior to the expiration of such deadline (Civil Rules for Supreme and County Courts § 202.20-e).

Matrimonial:

Referred to Law Clerk to hear and report on divorces on stipulation, contested economics, post-divorce arrears and post-divorce modifications.

Judgments and findings of fact shall be submitted on notice to opposing counsel within four (4) weeks of prove-up or decision.

If no objections to final papers are received after ten (10) days, submitted papers and/or Orders will be signed without further delay.

Preliminary conferences to settle required and will be scheduled upon assignment. Pleadings, discovery demands, 236-B affidavits, motions, responses, prior orders, settlement proposals, proposed stipulations or agreements shall be submitted to the Court as far in advance as possible. Adjournments granted with consent of parties, subject to Court’s approval, by contacting secretary.

Requests for attorney fees shall be made on motion and/or alert the Court Clerk they have been filed.

TRIALS:

Trial dates are considered to be “date certain” and will only be scheduled after a Note of Issue

has been e-filed. Adjournments granted under certain circumstances. All motions in limine shall be made returnable prior to jury selection.

Expert disclosure, without good cause shown, shall be exchanged thirty (30) days before the commencement date of trial. Any motions regarding the adequacy of expert disclosure shall be made within ten (10) days of receipt of such disclosure.

Marked pleadings, requests to charge, proposed verdict sheets and papers for motions in limine shall be submitted one (1) week prior to beginning of trial. Exceptions made, upon good cause shown. Conference with Judge upon completion of jury selection. Proposed verdict sheets and requests to charge, may be e-mailed in Word Perfect format, to Judge's Law Clerk at cconerone@nycourts.gov or Confidential Secretary at jbdimart@nycourts.gov

A week before the first day of trial, counsel shall submit an indexed binder or notebook, or the electronic equivalent, of trial exhibits for the Court's use. Plaintiff's exhibits shall be numerically tabbed, and defendant's exhibits shall be tabbed alphabetically (Civil Rules for Supreme and County Courts § 292.20-h). In addition, a week before the commencement of trial, each party shall identify in writing for the court the witnesses it intends to call and the estimated length of their testimony, and shall provide a copy of such witness list to opposing counsel (Civil Rules for Supreme and County Courts § 202.37).

Charge conference with the Judge after proof completed with results put on record upon request.

SPECIAL REQUIREMENTS ON POLICY LIMITS CASES:

If a case with a value in excess of the policy limits is being settled or tried for available insurance coverage, counsel shall submit as soon as possible an affidavit from the insureds detailing all existing insurance coverage; an affidavit from counsel offering the policy limits detailing their activities in ascertaining the existence of all available insurance coverage, and an affidavit from a principal with the insurance company swearing as to all existing insurance coverage.