

HON. E. JEANNETTE OGDEN

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MOTIONS: Most alternating Tuesdays starting at 9:30 a.m.

Contact the Court Clerk to confirm exact dates before scheduling motions.

Special term motions are called by the order in which attorneys check in. Kindly report to the Court Clerk immediately upon arrival.

Motion practice pursuant to the CPLR and original papers (including affidavits of service) are to be provided to the Court simultaneously. Dispositive motions require the filing of a note of issue or permission of the judge prior to filing. Summary Judgment motions must be made **within one hundred twenty (120) days of the filing of the Note of Issue**, except with leave of court for good cause shown.

All moving papers, responsive pleadings, answering papers, affidavits of service, memoranda and paid notes of issue **must be received in chambers at least two (2) full business days before the return date** (or on the Thursday immediately preceding the return dates at 12:00 pm, whichever is applicable). **No fax submissions are permitted.** Receipt of untimely motion papers may result in an adjournment of the matter, at the Court’s discretion, or refusal by the Court to consider the untimely submission.

Infant Settlements must be scheduled by the Court Clerk and will be heard at 11:30 am or during the afternoon court calendar. All requests for TRO’s must comply with 22 NYCRR §202.7(f) and will be handled on a case by case basis, on notice to the other attorney, if known. No TRO’s will be granted where a government entity is involved. TRO’s and Orders to Show Cause on cases assigned to another judge will be signed only upon prior written approval of the IAS judge or his/her law clerk, except in cases where both are unavailable.

Motions will not be adjourned generally. Same day adjournments are not permitted except in extraordinary circumstances, upon consent of the Court. Motions with opposition and other matters may be adjourned upon consent of all counsel, by contacting the Court Clerk at least twenty-four (24) hours prior to the return date. Following the second adjournment, Court permission is required. Correspondence (preferably via email) confirming the adjournment and providing the new date must be provided to all counsel and the Court. Counsel must notify the Court, as soon as practicable, by conference call followed by e-mail confirmation or letter, of any resolution of pending motions. If Counsel cannot agree to an adjournment, all Counsel must

appear on the return date and request an adjournment, which will be liberally granted in the absence of prejudice. The filing of an Affirmation of Good Faith pursuant to 22 NYCRR §202.7 (a) and (c) is expected on motions relating to disclosure.

Oral argument of motions is anticipated however, Counsel may stipulate to submit on papers, upon prior written notice to the Court and all Counsel.

E-FILED CASES:

A working copy of any and all motions, responsive pleadings, answering papers, reply affidavits, memoranda and cross motions must be submitted to the Court's chambers, with the appropriate e-file confirmation notice form attached, within one (1) business day of the e-filing.

ORDERS

Orders must be submitted to the Court within thirty (30) days of oral argument with approved by all counsel/parties and notice that the proposed Order has been sent out to all Counsel or pro se litigant and no objection has been received, prior to submission to the Court of the Order for signature. Orders will not be signed unless opposing counsel has had an opportunity to review for at least seven (7) days. If no objections are received after ten (10) days, the order will be signed without further delay. Any objection to an Order must be settled pursuant to 22 NYCRR §202.48.

CONFERENCES

Civil:

Preliminary conferences must be held within forty-five (45) days of the Court's receipt of a filed RJI and/or paid Note of Issue. All conferences will be held with the IAS Judge or Law Clerk. Original pleadings (unless e-filed) and a summary of the case in letter form are requested in advance of the preliminary conference. Adjournments will be granted upon consent of parties, subject to Court's approval, by contacting the secretary.

Matrimonial:

Preliminary conferences will be scheduled upon assignment. **Clients must be present at all preliminary conferences.** Pleadings and DRL § 236-b affidavits, prior Orders, settlement proposals, proposed stipulations and agreements should be submitted to the Court as far in advance as possible, but no less than 48 hours prior to the conference. Adjournments granted with consent of parties, subject to the Court's approval, by contacting Court's Secretary.

References will be made to the Law Clerk to hear and report on contested economics, post-divorce arrears and post-divorce modifications. References to the Law Clerk or Court Attorney Referee's to hear and determine on any issue shall be at the discretion of the Judge on consent by written stipulation of all parties. Judgments and findings of fact to be submitted on notice to opposing counsel within four (4) weeks of prove-up or decision.

TRIALS

Trial dates may only be adjourned by the Judge. No testimony is taken on the Court's special term day. Stays pending appeals will generally not be granted, except upon good cause.

Trial dates are provided at final pre-trial conferences conducted after the Note of Issue and Statement of Readiness has been filed. The court adheres strictly to its trial schedule and adjournments are discouraged. Motions *in limine* will be returnable on date(s) set by the Court. Expert witness disclosure shall be simultaneous and shall be made by all parties at least 30 days before jury selection or as otherwise directed by the court. Marked pleadings, lay and expert witness lists and preliminary Request to Charge, must be submitted pursuant to the trial scheduling order or at least 5 business days before jury selection. Final Requests to Charge and proposed verdict sheets are required prior to the close of proof.

A list of all Requests to Charge to be included in the final jury charge, by section number only, from the most current volume of the PJI, provided the Request does not call for any characterization of the evidence or contentions of the parties, must be electronically submitted to the Court. If the PJI section requires a characterization or description of the evidence or contentions of the parties, Counsel must supply such description of evidence or contention in writing. Proposed language, not based on the PJI, must also be submitted in writing, along with the appropriate citations and copies of case law relied upon by Counsel in support of the requested charge language, to the Court.

A conference with the Judge will be held upon completion of jury selection. A charge conference will be held at/near the close of proof.

Pre-trial memoranda for matrimonial and other non-jury trials should be served upon the Court ten (10) business days before the first day of trial.

Counsel must notify the Court, as soon as practicable, by conference call followed by written confirmation (by e-mail, fax or letter), of any settlement or resolution of matters scheduled for trial, in order to avoid the unnecessary use of Court resources on matters that are resolved or will imminently be resolved. [See 22 NYCRR 202.7, Rule 2]

SPECIAL REQUIREMENTS ON POLICY LIMITS CASES:

If a case with a value in excess of the insurance policy limits is being settled for available insurance coverage, be prepared to submit an affidavit from the insured detailing their knowledge of insurance coverage; an affidavit from counsel offering the policy limits and detailing their efforts to ascertain the existence of all available insurance coverage, and an affidavit from a principal with the insurance company swearing they have no knowledge of any other insurance coverage.