

# HON. CATHERINE NUGENT PANEPINTO

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## **MOTIONS:**

Civil & Matrimonial: Thursdays at 9:30 a.m. (Except with prior arrangement) Please call Court Clerk for exact dates prior to scheduling motion. Infant Settlements: Contact Court Clerk to schedule. Motions, cross-motions and orders to show cause cannot be scheduled until there is a paid stamped note of issue showing the original was filed with the Erie County Clerk. Motions for Summary Judgement should 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.

Foreclosure matters are e-filed on notice. Working copies of papers need not be provided, other than the proposed Order, which must be provided.

On e-filed cases, counsel need not supply working copies and may rely on e-filed papers, unless advised otherwise.

All original moving papers, answering papers, memoranda and special term notes of issue should be e-filed and or sent to chambers before 12:00 noon on the Tuesday before the motion return date. If motion papers are not timely served, motion may be adjourned by the court. TROs on notice if other attorney known. No general adjournments. Adjournments granted with consent of parties, subject to Court's approval, by contacting court clerk. Only stipulated or initialed Orders with consent of opposing counsel should be submitted to the Court for signature. If not stipulated by all parties, requests to rely on submissions will be considered on a case by case basis.

**Fax submissions are not permitted.** The appropriate NYSCE-file Confirmation Notice must be submitted with copy(ies)

## **CONFERENCES:**

### **Civil:**

Preliminary conference will be held within forty-five (45) days of the Court's receipt of filed RJI. All conferences before Judge or law clerk. Adjournments granted with consent of all parties, subject to Court's approval, by contacting secretary. At the conference, a scheduling order may be issued.

### **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 should 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.

### **IAS Matrimonials:**

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 should 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.

## **TRIALS:**

Trial dates are considered to be "date certain". Adjournments granted under certain circumstances. All motions in limine should be made returnable prior to jury selection.

Expert disclosure, without good cause shown, should be exchanged thirty (30) days before the commencement date of trial. Any motions regarding the adequacy of expert disclosure should 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 should 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 [kwolf@nycourts.gov](mailto:kwolf@nycourts.gov) or secretary at [kmccrack@nycourts.gov](mailto:kmccrack@nycourts.gov)

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 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.

