

HON. J. DAVID SAMPSON
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Secretary:	Lisa Rivera	(716) 515-4820	lrivera@nycourts.gov
Court Clerk:	Mary Pazik	(716) 845-9417	mpazik@nycourts.gov

CORRESPONDENCE:

The Court will not accept, receive notice of or review correspondence that is filed on NYSCEF. Correspondence is to be addressed to the Court and either attached to an email to the Court’s Secretary, Lisa Rivera or mailed a hard copy.

SPECIAL TERM:

Special Term shall be held on the second and fourth Thursday of each month at 9:30 a.m., or on another date as designated by the Court.

MOTIONS:

All motions, cross-motions, opposing papers and replies are to be e-filed on NYSCEF. No motion papers may be faxed. All motion papers must be e-filed at least ten (10) days prior to the return date. Answering papers and/or cross-motions must be received no later than at least three (3) days prior to the return date. Reply papers must be e-filed by no later than noon (12:00 p.m.) on the day prior to the return date.

The Court requests a working copy of all e-filed motion documents (e.g., motion papers, answering papers, memoranda and special term notes of issue). All such working copies must include a copy of the NYSCEF Confirmation Notice firmly fastened as the front page of the submission and comply with other requirements set forth in the Joint Protocols for Erie County Supreme Court cases. Working copies without the Confirmation Notice will not be accepted. In addition, this Court will reject any “hard copy” submissions (See definition contained in Uniform Rule § 202.5-b(a)(2)(vi)) in e-filed cases unless those submissions bear the Notice of Hard Copy Submission - E-Filed Case required by Uniform Rules § 202.5-b(d)(1) and are unbound as required by the Joint Protocols for Erie County Supreme Court cases.

For summary judgment motions a “Statement of Material Facts” is **NOT** required (see 22 NYCRR 202.8-g). If a Statement of Material Facts is filed, the opposing party need not respond, and the failure to do so will not result in the statements being deemed admitted.

Pursuant to 22 NYCRR § 202.8-f, all motions will be decided on submission. Oral argument may be requested in advance of the return date and will be determined by the Court on a case-by-case. Alternatively, counsel may submit on papers. Upon agreement by all parties, appearance for oral argument via Microsoft Teams may

also be requested. Any such request must be made to the Court at least three (3) business days in advance of the return date.

DISCOVERY MOTIONS:

Pursuant to 22 NYCRR §202.20-f (b), counsel shall meet and confer with one another on all discovery motions in a good faith effort to resolve discovery disputes before motion practice. Discovery motions may be subject to a conference with the Law Clerk, Jennifer Noah, prior to oral argument on the return date. Affidavits of good faith are required with all discovery motions.

All requests for TRO's must comply with Uniform Rules for Trial Court § 202.7(f). Requests for TROs on cases assigned to another Judge will be considered only upon prior approval of the IAS Judge or his/her Law Clerk.

Motions cannot be adjourned generally. Adjournments will be granted only with the consent of all parties, subject to the consent of the Court. Counsel are to seek an adjournment no later than the day prior to the return date. No adjournments on the return date will be permitted, except in extraordinary circumstances and only upon consent of the Court.

ORDERS:

Orders are to be submitted within 30 days by the party who brought the motion. All orders (except Orders to Show Cause) are to be approved by all attorneys/parties prior to submission to the Court for signature, with notice to the Court of such approval. Orders will not be signed without proof of submission to opposing counsel or pro se party to review and a reasonable time period for review. Otherwise, orders are to be settled pursuant to 22 NYCRR 202.48.

CONFERENCES:

Pursuant to 22 NYCRR §202.12 (b), a preliminary conference will be held within forty-five (45) days of the Court's receipt of a filed RJI. Unless otherwise indicated, preliminary and pretrial conferences will be held virtually via Microsoft Teams, and conference rules are included in the Teams invitation. Notification of conference dates will be sent via email only. At the preliminary conference, a scheduling order will be issued by the Court. Future dates for a conference will be set forth in the scheduling order or scheduled upon receipt of the Note of Issue and Certificate of Readiness. Adjournments will be granted with prior consent of all parties, subject to the consent of the Court. Counsel must bring their calendars to all conferences to determine applicable dates for the scheduling order and trial availability. Trial counsel are required to attend the final pretrial conference.

TRIALS AND REFERENCES:

Trial dates will be provided at the pretrial conference, which will be conducted after the filing of the Note of Issue and Certificate of Readiness. The Court will adhere strictly to its trial schedule and adjournments will only be granted in exceptional circumstances. Marked pleadings, requests to charge, proposed verdict sheets, motions *in limine* and a proposed paragraph statement of the case to be submitted with the jury order are required two (2) weeks prior to jury selection or trial. All motions *in limine* shall be made returnable no later than one (1) week prior to jury selection. Unless the trial order states otherwise, all expert witness disclosures are to be served no later than thirty (30) days prior to the date of jury selection or if no jury, thirty (30) days

prior to the trial. Charge conferences will be held prior to summations.

SPECIAL REQUIREMENTS ON POLICY LIMIT CASES:

If a case with a value in excess of the policy limits is being settled for available insurance coverage, be prepared to submit the following: an affidavit from the insured detailing their knowledge of insurance coverage; an affidavit from counsel offering 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 that they have no knowledge of any other available insurance coverage.

