

HON. KELLY A. VACCO, J.S.C.
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SPECIAL TERM MATTERS:

All *Summary Judgment Motions* shall be made returnable on **Thursdays at 9:30 a.m.**

All other special term Motions, Petitions, and Orders to Show Cause shall be made returnable on **Tuesdays at 9:30 a.m.**

Courtesy copies of all motions and responding papers, with exhibits, shall be sent to the Court simultaneously with e-filing. Unless otherwise notified by the Court, **strict** adherence to deadlines set forth in CPLR 2214 (b) is required. No sur-reply papers will be considered.

Oral Argument: In-person oral argument is required for all *contested* special term motions, petitions, and orders to show cause **UNLESS:** (1) otherwise directed by the Court; (2) there's no opposition to the requested relief; or (3) the motion/OSC has been properly brought *ex parte*. The Court may notify counsel as least 24 hours in advance of a return date if a motion/petition/order to show cause will be heard via Microsoft Teams or if the Court has decided to rule on the papers without argument.

Motions to Compel: all **FIRST** return dates shall be conducted via Microsoft Teams with the Confidential Law Clerk (please make sure the Court has the email address of the handling attorney). A 22 NYCRR 202.7 affidavit of good faith, showing that the parties have made prior efforts—including a phone call—to resolve any discovery dispute **SHALL** be filed with every motion to compel, or the motion may be dismissed.

TROs: will be handled on a case-by-case basis. TROs must be on notice to Defendant/Respondent's counsel (if known) or to any government entity involved.

A Statement of Material Facts pursuant to 22 NYCRR 202.8-g is **NOT** required, but may be submitted if all parties consent to same. Motions may be adjourned only a limited number of times upon permission of the Court, unless all parties file a stipulation to adjourn at least 24 hours in advance of the return date, at which time a new motion return date will be provided by the Court via email. Please send any adjournment requests via email to all counsel, the Confidential Law Clerk, and the Court Clerk. **DO NOT FAX** or leave voicemails requesting adjournments.

ORDERS:

Proposed orders following motion decisions must be filed via NYCEF by the prevailing party within **ten (10) days** of the Judge's ruling, regardless of whether the ruling was provided orally or in writing. If directed by the Court, a copy of the decision portion of the transcript must be attached to the proposed order. Any objections to a proposed order must be sent via email to the Court Clerk and Confidential Law Clerk within seven (7) days of the proposed order having been filed, and all counsel must be copied on the email. If unable to be resolved after a conference, then any objection to a proposed order shall be settled pursuant to Uniform Rules for the New York State Trial Courts § 202.48.

CONFERENCES:

First case conferences will be scheduled via Microsoft Teams within forty-five (45) days of the Court receiving the RJJ. Further compliance/status conferences will be scheduled as needed or upon request. All conferences will be with the Judge or Confidential Law Clerk and typically will be held via Microsoft Teams, but the Court may require an in-person conference. As with motions, conferences can only be adjourned a limited number of times upon Court permission (even with consent of all parties). To request an adjournment, counsel must email all other counsel, the Confidential Law Clerk, and the Secretary. If granted, the conference shall immediately be rescheduled.

TRIALS & HEARINGS:

Trials may be adjourned by the Judge only. Hearings may be adjourned by the Judge or Confidential Law Clerk. Motions in Limine will be scheduled a reasonable period of time in advance of trial, typically about a week before jury selection begins. Proposed Jury Instructions and Verdict Sheet must be emailed to the Secretary and Confidential Law Clerk **two (2) weeks** prior to the start of Jury Selection, and current PJI numbers must be used. Expert disclosure shall be made thirty (30) days before trial, absent good cause shown.

IN CAMERA PROCEDURE:

In the event that the Court orders an in camera review of records, the following procedure shall be employed:

1. The party seeking to limit disclosure shall subpoena to Court the records for in camera review.
2. The party seeking to limit disclosure must simultaneously subpoena those records to their office.
3. Once the party seeking to limit disclosure has received a copy of the records, they shall submit a privilege log consistent with CPLR §3122(b) and a copy of the Bill of Particulars on notice to opposing counsel within 14 days.
4. The party seeking disclosure shall have fourteen (14) days from receipt of the privilege log and Bill of Particulars to submit any additional argument to the court that the records referenced in the privilege log are subject to disclosure.