

**Hon. Raymond W. Walter, J.S.C.**

New York State Supreme Court  
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All Motions\* shall be made returnable during scheduled Special Term dates. All trials, hearings, settlement conferences, and oral arguments shall be conducted **IN PERSON** unless otherwise scheduled by the Court upon request.

**Special Term:**

2024: Special Term shall be held at 9:30 a.m., or at another time as scheduled by the Court, pursuant to the following schedule:

**2024 SPECIAL TERM DATES**

JANUARY:	1/11 & 1/25	JULY:	7/18
FEBRUARY:	2/15	AUGUST:	8/15
MARCH:	3/7 & 3/21	SEPTEMBER:	9/5 & 9/19
APRIL:	4/11 & 4/25	OCTOBER:	10/10 & 10/31
MAY:	5/9 & 5/23	NOVEMBER:	11/14
JUNE:	6/6 & 6/20	DECEMBER:	12/5 & 12/19

(This schedule is subject to change by the Court.)

\*Motions relative to Asbestos litigation shall be returnable on the day and time of a NYS EJDAL Calendar Call, oral argument shall be conducted **IN PERSON**.

### **Motions and Orders to Show Cause:**

**Motions** shall be scheduled on the above Special Term Dates. Papers must be e-filed through NYSCEF to be considered by the Court or, for matters **not** recorded in NYSCEF, by emailing the papers to the Court Secretary and the Law Clerk.

Pursuant to 22 NYCRR 202.7, counsel bringing the motion must affirm that they have conferred with counsel for the opposing party in a good faith effort to resolve the issues raised in the motion. The deadline for filing papers is to be in compliance with the CPLR, unless specifically authorized by the Court with consent of opposing counsel.

**Oral Arguments** may be granted upon request pursuant to 22 NYCRR 202.8-f.

**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. Parties are **not** required to comply with NY Civil Uniform Rule §202.8-g (Statement of Material Facts).

Prior to filing an **Order to Show Cause**, counsel should contact the Court's Confidential Law Clerk. Pursuant to 22 NYCRR 202.8-d, Orders to Show Cause will only be granted when there is a genuine urgency, a stay is required or an Order to Show Cause is required by statute. Also pursuant to 22 NYCRR 202.8-d, reply papers shall not be submitted on Orders to Show Cause absent advance permission of the Court.

### **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.

### **Adjournments:**

Except for trials, adjournments will be granted with consent of the parties, subject to approval by the Court, by contacting the Court Secretary or Law Clerk. When contacting the Court Secretary or Law Clerk for an adjournment, please provide **three (3) alternative dates** where both parties are available from which the Court can choose to reschedule the matter.

## **Conferences:**

A preliminary conference will be held within forty-five (45) days of the Court's receipt of a filed RJI. All conferences will be held with the Judge or Law Clerk. Appearances will be conducted virtually via *Microsoft Teams* unless otherwise directed by the Court. Appearances by telephone are not permitted without explicit permission of the Court.

Commercial/Civil Conferences: A brief summary (no more than 2 pages) of the case is required at least one week prior to the initial conference. This can be provided via email to the Court Secretary and/or Law Clerk.

Asbestos Cases: Compliance with the above conference rules, the CMO, and the most current scheduling order is required.

Matrimonial Conferences: Pursuant to 22 NYCRR 202.12(b), the preliminary conference must be held within forty-five (45) days of the filing of a request for judicial intervention. Attendance by counsel and the parties/clients is mandatory. In order to facilitate a productive Preliminary Conference, at least one (1) week prior, the Court must receive the following:

### *Plaintiff:*

1. A letter stating what issues are resolve and unresolved;
2. A 236b financial affidavit;
3. A copy of the current year W-2;
4. A copy of the signed retainer agreement;
5. A copy of the date-stamped summons;
6. A copy of the affidavit of service.

### *Defendant:*

1. A letter stating what issues are resolved and unresolved;
2. A 236b financial affidavit;
3. A copy of the current year W-2;
4. A copy of the signed retainer agreement.

Orders to Show Cause, Motions, and/or stipulated agreements for Pendente Lite Relief will be heard and considered during the Preliminary Conference. Pursuant to 22 NYCRR 202.7 counsel bringing the motion must affirm that they have conferred with counsel for the opposing party in a good faith effort to resolve the issues raised in the motion.

If all parties complete and sign the preliminary conference stipulation/order and return it to chambers no later that three (3) business days prior to the scheduled

preliminary conference, such form will likely be so ordered by the Court and upon receipt of all other required documentation listed above the preliminary conference will be waived and appearances cancelled by notice from the Court.

**Orders:**

1. **Orders** following motion argument must be submitted by the prevailing party within three (3) weeks of the Judge's ruling, whether oral or in writing. There must be an indication that the order has been sent to all opposing counsel or *pro se* litigant and that no objection has been received. If no objection has been received within seven (7) days, the Order will be signed without further delay.
2. **Orders of Protection** should be personally presented to the Court Clerk. Applications for an order should include police and/or medical reports, if available, as well as the Protective Registry Information Sheet.
3. **Temporary Restraining Orders** will only be granted where assets are in jeopardy or by consent. TROs must be on notice to opposing counsel, if known. TROs for other Justices will be signed only with the approval of that Justice or Justice's Law Clerk.

**Trials/Hearings:**

The Court adheres strictly to its trial calendar; adjournments of a trial require a showing of compelling circumstances. No adjournments of a scheduled trial will be granted other than by the Judge during a pretrial conference convened to address that specific issue. Chambers shall be notified immediately by all parties if the action is resolved prior to the scheduled trial date.

*Motions in Limine* will be scheduled one (1) week before jury selection.

Additionally, the following items are to be submitted to the Court at least one (1) week prior to jury selection (if not previously provided to the Court):

- proposed jury instructions,
- witness list,
- exhibit list,
- written copy of all proposed stipulations,
- proposed verdict sheet

### **Matrimonial Trials/Hearings:**

The Court adheres strictly to its trial calendar; adjournments of a trial require a showing of compelling circumstances. No adjournments of a scheduled hearing/trial will be granted other than by the Judge.

The Court will open a Virtual Evidence Courtroom through NYSCEF at least two weeks prior to the trial/hearing where parties shall upload any proposed exhibits. The Court requires that the parties submit the following (if applicable) at least one (1) week prior to the scheduled date:

1. Updated Affidavits of Net Worth
2. Statement of Proposed Dispositions
3. Proposed Parenting Plan
4. Child Support Worksheets
5. Witness List
6. Pre-trial Memorandum
7. Expert Reports (if any)
8. A list of all proposed exhibits uploaded into the VEC

### **NYS EJDAL Asbestos Litigation:**

Preliminary Conferences will be scheduled for the next available NYS EJDAL Calendar Call and will take place via Microsoft Teams.

Motions shall be made returnable on the day and time of a NYS EJDAL Calendar Call. Motion argument is heard IN PERSON, unless otherwise scheduled by the Court.

A final in-person pre-trial settlement conference will be scheduled approximately one week prior to jury selection/trial dates.

Proposed Orders shall be filed in NYSCEF as “Order (Proposed)” or a Motion exhibit, and not filed as a letter/correspondence.

Courtesy Copies: Courtesy emails with proposed orders and hardcopies of Motion papers are not necessary for Erie and Niagara County matters. Courtesy email copies of proposed Orders and Motions are encouraged for Allegany, Cattaraugus, Chautauqua, Genesee, Orleans and Wyoming County matters.