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| LAW CLERK: | DEBRA A. NORTON, ESQ. | (716) 845-2108 |
| SECRETARY: | FAITH MEYERS | (716) 845-2107 |
| COURT CLERK: | KRISTINE MELLERSKI | (716) 845-9402 |

MOTIONS:

Motions may be made returnable on any Wednesday at 9:30 a.m. or by appointment through the secretary. Argued motions will be given a return day and time by the court clerk. Adjournments should be arranged through stipulation. Counsel are asked to observe the Rules of Civility regarding reasonable requests for adjournment. Default applications shall include an affidavit of service showing a mailed copy of the papers, with the return date, was served on the defendant, together with the Court Notice, which advises the parties how to appear virtually. All motions and report back conferences are virtual unless otherwise arranged.

Motions to resolve discovery disputes shall be accompanied by an affidavit of good faith attempt at resolution; parties are encouraged to discuss discovery issues during conferences in order to minimize motion practice. Orders and other papers for signature (except orders to show cause) must be circulated to opposing counsel on five business days' notice. Requests for temporary injunctive relief will generally not be granted in the absence of prior notice to the opposing party, as required by 22 NYCRR §202.7(f).

SETTLEMENT CONFERENCES & TRIALS:

Trial dates are firm, and adjournments are granted only in exceptional circumstances. A final, in-person, settlement conference will be set for a date at least 60 days before trial.

Expert disclosure pursuant to CPLR 3101 is required 30 days before trial. Summary judgment motions are to be filed within 30 days of the note of issue date set forth in the Trial Letter unless another date is specified. All discovery must be completed by the date set by the court for the filing of the note of issue. Any discovery not completed by the note of issue date set forth in the Trial Letter is presumptively waived, whether or not the note of issue is filed.

Motions *in limine* should be noticed for argument the week prior to the week of jury selection. A charge conference will be conducted prior to summations. Requests to charge and a verdict sheet are due at the time of jury selection.

Exhibits for trial should be marked by the court reporter prior to openings. Counsel shall supply a courtesy copy of each exhibit to opposing counsel and the court. For lengthy exhibits, only the relevant pages need be copied. The parties will be asked to stipulate as many exhibits as possible into evidence prior to the start of trial in order to promote the flow of testimony.

MATRIMONIAL ACTIONS:

Parties must serve pleadings (complaint and answer) and 236B affidavits prior to the first conference. Parties must produce at the first conference the following items: the prior year's income tax statement; current pay stub; a copy of his or her lifetime Social Security earnings statement; an executed retainer agreement; and a completed copy of the court's Preliminary Matrimonial Information Sheet (available through the Chambers). If custody and access are at issue, the Court will designate an Attorney for Children (AFC), and the parties will be asked to work out a Parenting Plan, to be drafted by the AFC. The parties will also be encouraged to enter into a Property Settlement Agreement (either full or partial) regarding finances.

If any issues remain unresolved, the court will set a trial date, to be preceded by a final settlement conference. Counsel for the plaintiff must circulate a proposed settlement agreement and e-mail it to Chambers at least one week prior to the settlement conference, so that any negotiated modifications can be inserted and the document printed and signed. Parties must be present for the settlement conference. If the case does not settle, a Statement of Proposed Disposition, pursuant to 22 NYCRR 202.16(h), is required one week prior to trial. At the close of proof, each counsel is required to provide a post-trial submission summarizing the issues to be judicially determined and his/her client's position on those issues.

MORTGAGE FORECLOSURES:

After the RJI has been filed, the court will schedule the case for a preliminary conference (if no motion has been filed), and thereafter keep the case on a 60-day diary. Conferences may be adjourned if a motion has been filed. There should be a separate motion for the Order of Reference. The first motion should include proof of compliance with the 90-day pre-foreclosure notice, where required by RPAPL §1304. Where the premises are occupied, notice of any motions should be mailed to the defendant(s), regardless of whether they are in default in answering the complaint. Requests for costs and/or attorney fees must be accompanied by a bill of costs and an affidavit indicating the basis for the award requested.