

HON. CHARLES N. ZAMBITO
GENESEE COUNTY AND SUPREME COURT
Genesee County Courts Facility
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Batavia, New York 14202
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Secretary:	Sarah Kingdon	585-201-5725
Chief Clerk:	Nicole Desmond	585-201-5727
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CALENDAR

Special Term will be held on the first and third Fridays with all motions scheduled at 9:30 a.m. (Please see schedule of dates assigned) Special Term motions **settlement and pre-trial conferences** will be held on Special Term dates, or other dates as necessary before the Judge, JHO, or Court Attorney/Referee. **Trials** will begin the next business day following jury selection at 9:30 a.m. **IDV** cases will be held on the second and fourth Wednesdays starting at 9:30 a.m.

The Court will use email to schedule conferences and for other general correspondence as often as possible. Counsel should submit an email address to facilitate communication.

MOTIONS

Pursuant to applicable provisions of CPLR, the original motion papers and appropriate fee must be filed with the County Clerk at least 16 days in advance of the return date (21 days if service is by mail) and include a 7-day demand for responding papers in the notice motion. Duly demanded responding papers not timely filed will not be considered by the Court absent good cause for the delay. Affirmations of good faith are required for motions regarding discovery or particulars. Orders prepared by for comment unless approval as to form is endorsed thereon or submitted by letter from opposing counsel. Adjournments will be granted with consent of the parties, subject to the Court's approval.

E-filed cases: A working copy of all motions, answering papers, reply affidavits, memoranda and correspondence to the Court is required to be submitted to the Court's Chambers with the appropriate E-file confirmation notice form attached. All other submissions intended to be reviewed by the Court which are E-filed without a working copy sent to chambers will not be considered.

CONFERENCES

A **Preliminary Conference** will be scheduled by the Court upon filing of an **RJI**. Conferences may be held with the Judge or Law Clerk. Appearances by telephone are not permitted without prior permission of the Court. Conferences cannot be adjourned without the permission of the Judge. A brief summary (no more than a page) of the case is required one week prior to the initial conference from each party.

Matrimonial conferences must be scheduled within forty-five (45) days of the Court's receipt of the **RJI**. A scheduling order will be issued at the first conference. Clients must be present at the first court conference. At least one (1) week prior to the preliminary conference, the Court must receive the following:

Plaintiff's Counsel will be asked to produce:

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;
5. A copy of the date-stamped summons;
6. A copy of the affidavit of service.

Defendant's Counsel will be asked to produce:

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.

Adjournments will be granted with consent of the parties, subject to the Court's approval, by contacting the Court Secretary or Law Clerk.

Matrimonial Stipulations will require a transcript of oral stipulation and the Affidavit of Appearance and Adoption of Oral Stipulation which must be submitted with the proposed Judgment, which must be endorsed as to form by the opposing counsel.

UNCONTESTED/DEFAULT MATRIMONIALS

Shall be submitted on papers unless special circumstances require an inquest and are assigned to Eric R. Adams, Acting Supreme Court Justice. Only one set of papers should be submitted. The pertinent statutory factors should be addressed in the party's affidavit and enumerated in the proposed findings of fact. If the parties opt out of the CSSA, the agreement and proposed judgment must comply with DRL 240(1-b)(h).

TRIALS AND HEARINGS

Counsel are expected to engage in vigorous efforts to reach settlement in advance of the trial date so that the County jury pool will not be unnecessarily expended. A pre-trial conference will be scheduled ten to fourteen (10-14) days prior to jury selection.

Adjournments are only with the permission of the Judge. No proof will be taken on Wednesday mornings, except for infant settlements. Copies of pleadings, particulars, requests to charge and proposed verdict sheets, and original in limine motions, shall be filed 5 business days, and responding papers filed 2 business days, in advance of the trial conference. Requests to charge should be made by PJI number only unless significant additional language is requested (with cited authorities. Prior to jury selection, counsel are required to exchange names and addresses of witnesses, including expert witnesses. Prior to the commencement of proof, all exhibits are to be marked for identification. Jury selection shall be by the "struck method" (22NYCRR §202.33[f][2], Appendix E[C]).

Matrimonial hearings may be referred to a JHO or Court Attorney/Referee to hear contested issues and post judgment applications for modification or arrears.