

**HON. J. DAVID SAMPSON**  
**130 South Elmwood Avenue**  
**Suite 300**  
**Buffalo, New York 14202**  
**Telephone: (716) 515-4820**  
**Fax: (716) 515-4823**

**Law Clerk:** Mary K. Knauf, Esq., 515-4822  
**Secretary:** Lisa Maggio 515-4820  
**Court Clerk:**  
**Court Reporter:**

**SPECIAL TERM:**

Motions: The second and fourth Thursday of each month at 9:30 a.m.

E-Files: The Court requests a courtesy hard copy of all e-filed documents (e.g., motion papers, answering papers, memoranda and special term notes of issue).

**Civil and Matrimonial:**

**All motion papers must be received before 3:00 p.m. on the Monday prior to the return date.** In the event that motion papers are not timely served, the motion may be adjourned by the court to the next return date. Answering papers and/or cross-motions must be received no later than two (2) days prior to the return date. Reply papers must be received by no later than noon (12:00 p.m.) on the day prior to the return date. Motion papers, including cross-motions must bear the County Clerk's "Paid" stamp pursuant to CPLR 8020(a).

Oral argument is anticipated but not required. Counsel may submit on papers. Appearance by telephone on motions is not permitted.

No motion papers may be sent by fax or email without prior consent of the Court.

Discovery motions may be subject to a conference with the Law Clerk prior to oral argument on the return date. Affidavits of good faith are required with all discovery motions.

TROs are to be on notice to the other attorney(s), if known. 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. No same day adjournments are permitted except in extraordinary circumstances and only upon consent of the Court. An email confirming any adjournments approved by the Court

Orders are to be approved by all attorneys/parties prior to submission to the Court for signature, with notice to the Court of such approval. Otherwise, orders are to be settled pursuant to 22 NYCRR 202.48.

## **CONFERENCES:**

### **Civil:**

A preliminary conference will be held within forty-five (45) days of the Court's receipt of a filed RJI. 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 pretrial conference will be set forth in the scheduling order or scheduled upon receipt of the Note of Issue and Certificate of Readiness. Adjournments granted with 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.

### **Matrimonial:**

Preliminary conferences to settle are permitted and encouraged. The preliminary conference will be scheduled by the Court upon assignment. The parties must be present with counsel at all conferences, unless instructed otherwise by the Court. Pleadings, discovery demands, 236B Affidavits, motions, responses, prior Orders, settlement proposals, proposed stipulations and agreements should be submitted to the Court as far in advance as possible. Adjournments granted with consent of all parties, subject to the consent of the Court. Trials will be scheduled at the preliminary conference.

## **TRIALS AND REFERENCES:**

### **Civil:**

Trial dates will be provided at the final 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 under 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 one (1) week prior to jury selection or trial. All motions *in limine* shall be made returnable no later than one (1) day prior to jury selection. 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.

### **Matrimonial:**

References to Law Clerk to hear and report may be ordered in cases involving divorces on stipulation and contested economics, post-divorce arrears and post-divorce modification. Default papers must be submitted to the Court in advance. Signed and granted judgments of divorce and referee's reports will be held by the Court pending receipt of the filed notice of issue.