

**Rules of the Justices of the Supreme Court
8th Judicial District
for
Civil and Matrimonial Cases**

2010 EDITION



<http://www.nycourts.gov/courts/8jd/rules.shtml>

**Rules of the Justices of the Supreme Court
8th Judicial District
For
Civil and Matrimonial Cases**

We thank the individual Justices and their Law Clerks and Secretaries who submitted the information contained herein. Hopefully it will provide a service to the bench and the practicing bar. Please feel free to submit any suggestions or questions to the undersigned.

**Hon. Paula L. Feroletto
Administrative Judge
8th Judicial District**

**Andrew B. Isenberg, Esq.
District Executive
8th Judicial District**

Rules of Justices of the Supreme Court
8th Judicial District
for Civil and Matrimonial Cases
2010 Edition

Justice	Page No.
Hon. Tracey A. Bannister	1
Hon. M. William Boller	3
Hon. Ralph A. Boniello, III	4
Hon. Christopher J. Burns	8
Hon. Russell P. Buscaglia	10
Hon. Frank Caruso	11
Hon. Stephen W. Cass	13
Hon. John M. Curran	18
Hon. Diane Y. Devlin	20
Hon. Kevin M. Dillon	22
Hon. Timothy J. Drury	24
Hon. Paula L. Feroletto	26
Hon. Joseph R. Glownia	29
Hon. Deborah A. Haendiges	31
Hon. Richard C. Kloch, Sr.	34
Hon. Frederick J. Marshall	36
Hon. John A. Michalek	39
Hon. Patrick H. NeMoyer	42
Hon. Robert C. Noonan	44
Hon. John F. O'Donnell	46
Hon. Janice M. Rosa	47
Hon. Frank A. Sedita, Jr.	49
Hon. Donna M. Siwek	51
Hon. Shirley Troutman	53
Hon. Timothy J. Walker	55
Hon. Gerald J. Whalen	60
Hon. Penny M. Wolfgang	62
Oliver C. Young, Esq. (Supreme Court Legal Staff)	64

HON. TRACEY A. BANNISTER

**Part 30 - Eighth Floor
50 Delaware Avenue
Buffalo, New York 14202
PHONE: (716) 845-9492**

NO MOTION PAPERS VIA FACSIMILE

Law Clerk: Catherine Nugent Panepinto (716) 845-9493

Secretary: Trish Coppola (716) 845-9492

Court Clerk Karen Falzone

**MOTIONS: Civil & Matrimonial: Alternating Thursdays in Part 30 at 9:30 a.m.
Please call for exact dates prior to scheduling motion.**

Civil and Matrimonial matters

All original moving papers, answering papers, memoranda and special term notes of issue to be sent to chambers before 12:00 noon on the Tuesday before the motion return date. No fax submissions are permitted. If motion papers are not timely served, motion may be adjourned by the court. TROs on notice if other attorney known. No general adjournments. Adjournments granted with consent of parties, subject to Court's approval, by contacting secretary or court clerk. Only stipulated or initialed Orders with consent of opposing counsel should be submitted to the Court for signature.

CONFERENCES

Civil

Preliminary conference will be held within forty-five (45) days of the Court's receipt of filed RJI. All conferences before IAS Judge or law clerk. Adjournments granted with consent of all parties, subject to Court's approval, by contacting secretary.

IAS Matrimonials

Preliminary conferences will be scheduled upon assignment. Pleadings, discovery demands, 236B Affidavits, motions, responses, prior orders, settlement proposals, proposed stipulations or agreements should be submitted to the Court as far in advance as possible. Adjournments granted with consent of parties, subject to Court's approval, by contacting secretary.

HON. TRACEY A. BANNISTER

TRIALS

Trial dates considered to be “date certain”. Adjournments granted only in the most exceptional circumstances. All motions in limine shall be made returnable prior to jury selection. Expert disclosure deadlines per court’s trial order.

MATRIMONIAL

References to law clerk to hear and report on contested economics, post-divorce arrears and post-divorce modifications. Judgments and findings of fact to be submitted on notice to opposing counsel within four weeks of prove-up or decision.

HON. M. WILLIAM BOLLER

**Part 13 - Second Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: (716) 845-9357 / FAX: (716) 851-3327**

Law Clerk:	Frederick J. Platek, Esq.	(716) 845-9358
Secretary:	Susan Kuberka	(716) 845-9357
Court Clerk	Christine Ryder	(716) 845-9410
Court Reporter:	Mary Jo Dean	(716) 845-2147

MOTIONS, HEARINGS, PLEAS, SENTENCINGS

Fridays at 9:30 AM or as otherwise scheduled by the Court

Cases called by order of readiness of parties. Advise Court Clerk when all parties present.

All moving papers, responding papers, etc. must be delivered to chambers at least 5 days prior to the return date. Please follow the time schedules and procedures set forth in the CPL for Demands, Motions, Responding Papers, etc.

CONFERENCES

Pre-trial conferences on indicted cases will be scheduled upon assignment of an indictment to the Part.

ADJOURNMENTS

Adjournments are granted by the judge, secretary or law clerk only, with notice to opposing counsel. No general adjournments will be granted; all matters must have a return date for further proceedings.

Any attorney who will be late for a scheduled appearance must notify the Court Clerk at 845-9410 prior to the scheduled time of appearance.

HON. RALPH A. BONIELLO, III

**Angelo A. DelSignore Civic Building
775 Third Street - Part I
Niagara Falls, New York 14302
PHONE: 278-1840 / FAX: 278-1827**

Law Clerk: John C. Fiorella, Esq. 278-1841 (legal issues)
Secretary: Deborah Holody 278-1840 (scheduling/adjournments)
Court Clerk: Cynthia Warren 278-1805 (motions/orders)
Court Reporter: Amy Coghlan 278-1818 (transcripts)

MOTIONS

CIVIL MOTIONS AND MATRIMONIAL MOTIONS WILL BE HEARD ON WEDNESDAYS AT 9:30 A.M. INFANT SETTLEMENTS WILL BE HEARD AT 1:30 P.M. IN THE JUDGE'S CHAMBERS. SPECIAL TERM MOTIONS ARE CALLED BY THE ORDER IN WHICH ATTORNEYS CHECK IN. KINDLY REPORT WITH THE COURT CLERK IMMEDIATELY UPON ARRIVAL. ARTICLE 81 PROCEEDINGS AND MENTAL HYGIENE HEARINGS WILL BE HELD ON WEDNESDAYS AT 2:00 P.M.

MOTIONS, CROSS-MOTIONS AND ORDERS TO SHOW CAUSE WILL NOT BE SCHEDULED UNTIL AND UNLESS CHAMBERS RECEIVES A **PAID, STAMPED NOTE OF ISSUE** SHOWING THE ORIGINAL WAS FILED WITH THE NIAGARA COUNTY CLERK.

CIVIL

All moving papers, answering papers, reply affidavits, memoranda and paid Special Term Notes of Issue, are to be received in Chambers by 3:00 p.m. the Wednesday before the return date, notwithstanding CPLR 2214(b), any papers submitted after 3:00 p.m. on Thursday may result in an adjournment, at the Court's discretion. Affirmation of good faith required for discovery motions. Original papers **with Affidavits of Service** to be supplied to the Court. Oral argument required unless written consent by all attorneys to submit papers is received or the Court directs otherwise. TROs handled on a case-by-case basis. TROs must be on notice to other attorney if known or where a government entity is involved. Orders to Show Cause/TROs on a case assigned to another judge will be signed only upon prior written approval of IAS judge or his/her law clerk. Motions cannot be adjourned generally. The first adjournment can be obtained without Court permission, on consent of all counsel, by informing the court clerk at least twenty-four (24) hours prior to return date.

HON. RALPH A. BONIELLO, III

MATRIMONIAL

All moving papers, answering papers, reply affidavits, memoranda and paid Special Term Notes of Issue, are to be received in Chambers by 3:00 p.m. the Wednesday before the return date, notwithstanding CPLR 2214(b), any papers submitted after 3:00 p.m. on Thursday may result in an adjournment, at the Court's discretion.

However, initial motions in matrimonial actions may be returnable at the preliminary conference, rather than matrimonial special term. In such case, the papers must be received in Chambers **at least seventy-two (72) hours prior to the return date.** Original papers **with Affidavits of Service** to be supplied to the Court. **Any request for financial relief will not be considered unless a 236(b) Financial Affidavit is attached to the motion.** TROs rarely granted if not mutual; if granted a quick return date is required and only where assets are in jeopardy or in extreme circumstances, supported by objective evidence (police or medical report). TROs on notice to other attorney, if known. Orders to Show Cause/TROs on a case assigned to another judge will be signed only upon prior approval of IAS judge or his/her law clerk. Oral argument required unless written consent by all attorneys to submit papers is received or the Court directs otherwise. Motions cannot be adjourned generally. The first adjournment can be obtained without Court permission on consent of all counsel by informing the court clerk at least twenty-four (24) hours prior to return date.

Late Submissions: All motion papers, including cross-motions, answering affidavits, and reply affidavits must be submitted to the Court within the time periods prescribed herein and the CPLR, unless the Court directs otherwise. **Failure to comply with the filing deadline will result either an adjournment of the motion or refusal by the Court to consider the untimely submission.**

Matrimonial Defaults: On submission only except for Pro Se applications which may require a hearing to be determined by the Court.

ORDERS

Must be submitted within thirty (30) days. 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. Orders will not be signed unless opposing counsel has had an opportunity to review for at least seven (7) days. However, if no objections are received after ten (10) days, the Order will be signed without further delay.

HON. RALPH A. BONIELLO, III

CONFERENCES

Civil

Preliminary conferences will be scheduled within 45 days of the filing of the RJI and are mandatory. At the conference, a scheduling order will be issued. Pretrial conferences will be scheduled upon completion of discovery. All conferences before IAS judge or designated Court attorney. **Pleadings, including Summons, Complaint, Answer and Bill of Particulars, must be submitted seven (7) days prior to the preliminary conference.** Adjournments will be granted only with consent of all attorneys and subject to Court approval.

Matrimonial

Preliminary conferences are scheduled within 45 days of filing of the RJI and are mandatory. At the conference a scheduling order will be issued. Clients must be present. **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 must 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.

Adjournments are granted by consent of the Judge's secretary, but never beyond the 45 day requirement. **No adjournments will be granted on the date of the scheduled conference, except for extreme emergency and by consent of the judge.**

HON. RALPH A. BONIELLO, III

TRIALS and REFERENCES

Civil

Adjournments granted by the Judge only. Pleadings, list of witnesses, proposed jury charge and verdict sheets and papers on motions *in limine* required **one (1) week in advance**. **Deadline on expert disclosure**, without good cause shown, are to be exchanged thirty (30) days before the commencement date of trial. Jury Selection begins at 9:30 a.m. on Tuesday, with trial to commence at 9:30 a.m. on Thursday. Charge conference with the Judge after proof completed with results put on record upon request.

Matrimonial

Adjournment granted by the Judge only. References to law clerk to hear and report on divorces on stipulation for contested economic issues and post-divorce matters. References to JHOs to hear and determine or hear and report on any issue upon consent of both sides. **Judgments must specifically recite the terms of custody, visitation, child support and maintenance**. Complete transcript and original affidavit of appearance and adoption of oral stipulation must be submitted with judgment. Bifurcation when proof may be complex and it appears that testimony may be lengthy. **The parties must file a statement of proposed disposition at least five (5) days prior to the hearing/trial.**

Facsimilies: (orders, subpoenas, etc.) will not be signed as originals.

HON. CHRISTOPHER J. BURNS

**Part 19 - Third Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE 845-9381 / FAX 851-3321**

Law Clerk:	David C. Caywood, Esq.	845-9382
Secretary:	Mary Kay Walker	845-9381
Court Clerk:	Bob Adamski	845-9406
Court Reporter:	Marilyn Shimskey	845-2142

MOTIONS

**Thursdays in Part 19 at 9:30 a.m. (Alternate)
25 Delaware Avenue - 3rd Floor**

Civil

All moving papers, answering papers, reply papers and memoranda to be received by chambers **by 2 p.m. on the Tuesday preceding the return date. If papers are not timely delivered, motions will be adjourned.** Oral argument expected on all cases, unless, 1) the motion is known in advance to be uncontested or 2) a letter requesting the motion be decided on the papers is received by the Court prior to the return date. Discovery motions may be subject to a conference with the Law Clerk prior to argument on the return date. Original papers must be supplied to the Court on an Order to Show Cause, on all other motions copies are acceptable. TRO's on notice to other side, if known. TROs in case assigned to other Judge upon approval of IAS Judge or his/her Law Clerk. Motions cannot be adjourned generally, and should only be adjourned upon good cause after obtaining the consent of Chambers.

Matrimonial

All moving papers, answering papers, reply papers and memoranda to be sent to chambers **by 2 p.m. on the Tuesday preceding the return date. If papers are not timely delivered, motions will be adjourned.** Original papers must be supplied to the Court. TRO's on notice to other side, if known. TROs in case assigned to other Judge upon approval of IAS Judge or his/her Law Clerk. Motions cannot be adjourned generally, and should only be adjourned upon good cause after obtaining the consent of Chambers.

HON CHRISTOPHER J. BURNS

CONFERENCES

Civil

Preliminary and Pre-trial conferences are automatically scheduled upon court's receipt of RJI or calendar note of issue, otherwise, a preliminary conference may be scheduled upon request. Conference before IAS Judge or Law Clerk. Adjournments granted upon agreement of all parties and after obtaining the consent of Chambers.

Matrimonial

Preliminary conferences for settlement permitted and encouraged. Pleadings and 236-b affidavits in advance. Adjournments granted upon agreement of all parties and after obtaining the consent of Chambers.

TRIAL and REFERENCES

Civil

Court adheres strictly to trial schedule. Papers for motion *in limine* required prior to commencement of trial. Conference with IAS Judge upon completion of jury selection. Jury Selection Forms to be submitted at least one (1) month before jury selection date. **Formal Requests to Charge and proposed Verdict Sheets required prior to jury selection.** Charge conference held prior to summations. Deadline on expert disclosure, without good cause shown, thirty (30) days before the scheduled commencement date of jury selection.

Matrimonial

References to Law Clerk to hear and report on divorces on stipulation, contested economics, post-divorce arrears and post-divorce modification.

HON. RUSSELL P. BUSCAGLIA

**Part 14 - Second Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9435 / FAX: 851-3316**

Law Clerk:	Paul B. Wojtaszek, Esq.	845-9436
Secretary:	Cheryl A. Martin	845-9435
Court Clerk:	Diane Smith	845-9408
Court Reporters:	Lori Strong	845-2131

MOTIONS Wednesdays at 2:00 p.m.

Cases called by order of appearance of counsel, not by Index Number. Report to Court Clerk.

All moving papers, answering papers, memoranda and special term note of issue to be sent to chambers **at least five (5) days prior to the return date**. Original papers not required. Discovery motions upon affirmation of good faith. TRO's on notice to opposing attorney. TRO's on cases assigned to other judges, only if prior approval by IAS judge or his or her law clerk. Motions cannot be adjourned generally and can only be adjourned by consent of all parties **and** with court permission.

CONFERENCES

Preliminary and pretrial conferences scheduled within 10 days of court's receipt of RJI or calendar note of issue. Conferences before IAS judge or law clerk. Prior to the conferences, each party must forward a letter setting forth their respective positions and any other matter that should be brought to the attention of the court. Adjournments only by consent of all parties **and** with court permission.

TRIALS AND REFERENCES

Adjournments are granted by permission of the judge only. No proof taken on motion days. Pleadings and papers for motions *in limine* required one (1) day prior to beginning of trial. Conference with IAS judge upon completion of jury selection. Formal requests to charge required prior to summations. Charge conference after proof completed.

HON. FRANK CARUSO

**Angelo A. Delsignore Civic Building
775 Third Street-Part II
Niagara Falls, New York 14302
Phone: 278-1815 Fax: 278-1822**

Law Clerk: Robert N. Richardson, Esq. 278-1816 (legal issues)
Secretary: Michelle Hammerschmidt 278-1815 (scheduling)
Court Clerk: Nicole Schug 278-1807 (motions/orders)
Court Reporter: Cindy Williams 278-1819 (transcripts)

MOTIONS

CIVIL MOTIONS WILL BE HEARD ON THURSDAYS AT 9:30 A.M.

INFANT SETTLEMENTS WILL BE HEARD AT 9:15 A.M. IN THE JUDGE'S CHAMBERS.

SPECIAL TERM MOTIONS ARE CALLED BY THE ORDER IN WHICH ATTORNEYS CHECK IN. KINDLY REPORT WITH THE COURT CLERK IMMEDIATELY UPON ARRIVAL.

MOTIONS, CROSS-MOTIONS AND ORDERS TO SHOW CAUSE WILL NOT BE SCHEDULED UNTIL AND UNLESS CHAMBERS RECEIVES A PAID, STAMPED SPECIAL TERM NOTE OF ISSUE SHOWING THE ORIGINAL WAS FILED WITH THE NIAGARA COUNTY CLERK.

CIVIL

All moving papers, answering papers, reply affidavits, memoranda and paid Special Term Notes of Issue, are to be received in Chambers by 3:00 p.m. the Friday before the return date, notwithstanding CPLR 2214(b), any papers submitted after 3:00 p.m. on Friday may result in an adjournment, at the Court's discretion.

Affirmation of good faith required for discovery motions. Original papers **with Affidavits of Service** to be supplied to the Court. Oral argument required unless written consent by all attorneys to submit papers is received or the Court directs otherwise. TROs handled on a case-by-case basis. TROs must be on notice to other attorney if known or where a government entity is involved. Orders to Show Cause/TROs on a case assigned to another judge will be signed only upon prior written approval of IAS judge or his/her law clerk. Motions cannot be adjourned generally. The first adjournment can be obtained without Court permission, on consent of all counsel, by informing the court clerk at least twenty-four (24) hours prior to return date.

HON. FRANK CARUSO

Late Submissions: All motion papers, including cross-motions, answering affidavits, and reply affidavits must be submitted to the Court within the time periods prescribed herein and the CPLR, unless the Court directs otherwise. **Failure to comply with the filing deadline will result either in an adjournment of the motion or refusal by the Court to consider the untimely submission.**

ORDERS

Must be submitted within thirty (30) days with indication that the order has been sent out to all opposing counsel or pro se litigant and that no objection has been received. Orders will not be signed unless opposing counsel has had an opportunity to review for at least seven (7) days. However, if no objections are received after ten (10) days, the Order will be signed without further delay.

CONFERENCES

Civil

Preliminary conferences will be scheduled within 45 days of the filing of the RJI and are mandatory. At the conference, a scheduling order may be issued. Pretrial conferences will be scheduled upon completion of discovery. All conferences before IAS judge or designated Court attorney. **Pleadings, including Summons, Complaint, Answer and Bill of Particulars, must be submitted seven (7) days prior to the preliminary conference.** Adjournments will be granted only with consent of all attorneys and subject to Court approval.

TRIALS and REFERENCES

Civil

Adjournments granted by the Judge only. Pleadings, list of witnesses, proposed jury charge and verdict sheets and papers on motions *in limine* required **one (1) week in advance.** **Deadline on expert disclosure,** without good cause shown, are to be exchanged thirty (30) days before the commencement date of trial. Jury selection begins at 9:30 a.m. on Tuesday. Charge conference with the Judge after proof completed with results put on record upon request.

HON. STEPHEN W. CASS

**Acting Supreme Court Justice
Gerace Office Building, 2nd Floor
P.O. Box C**

Mayville, New York 14757

PHONE: (716) 753-4337 / CHAMBERS FAX: (716) 753-4730

Principal Court Attorney:	Thomas W. White, Esq.	753-4678
Associate Court Attorney:	Marlene T. Sirianno, Esq.	753-4748
Court Clerk - Contested:	Lissa Wilson	753-4497
Court Clerk - Uncontested:	Judith M. Helman	753-4838
Secretary:	Cynthia Basinait	753-4337

MOTIONS/OTSC:

Mondays, beginning at 1:30 p.m. in Judge Cass' Courtroom; scheduled at one-half hour intervals with the time scheduled by Chambers. Emergency matters may be heard at other times specifically arranged with Chambers.

Orders to Show Cause must be presented by movant's attorney to one of the Court Attorneys for review prior to scheduling and signature. To schedule a motion date and time, contact Chambers. An original and copy must be submitted to the Court for scheduling and signature. Motions and Orders to Show Cause **will not** be placed on the Court's calendar unless and until the required motion fee is paid to the County Clerk's Office.

All answering papers and any other moving papers must be received by chambers by Thursday at 5:00 p.m. or a least one day prior to the return date and should include an original and copy.

Requests for TRO's should be on notice to opposing counsel and the Law Guardian, if known, except for rare circumstances.

Motions/OTSC's may not be adjourned without prior Chamber and opposing counsel approval. This can be done by calling chambers and securing a rescheduled date at least 24 hours in advance of the scheduled time. Motions must be adjourned to a specific date and time, and will not be adjourned generally. The party requesting the adjournment must send written confirmation of the adjournment and the rescheduled date to all parties and the Court.

HON. STEPHEN W. CASS

SUBMISSION OF PROPOSED ORDERS/JUDGMENTS AND DIVORCE PACKETS:

1. Proposed orders should be sent directly to Chambers at P.O. Box C, Mayville, New York 14757 for review by one of the Court Attorneys prior to presentation for signature.
2. Proposed orders/judgments must be submitted with indication that the order or judgment has been sent to all opposing counsel, Law Guardian or pro se litigant and no objection has been received. Orders/judgments will not be signed without proof of opportunity of opposing counsel, Law Guardian or pro se litigant to review.
3. Divorce Packets - All divorce packets, whether contested, uncontested and/or affidavit divorce packets should be sent directly to the County Clerk's Office. If the divorce is submitted on affidavit, please note the same in your cover letter.

MATRIMONIAL CASES:

1. Preliminary Conferences: 22 NYCRR 202.12(b) requires that a Preliminary Conference be held within 45 days of the filing of the RJI for a matrimonial action. Remember this time frame when requesting adjournments. Financial Affidavits (236B) and Retainer Agreements **MUST** be submitted to Chambers at least 48 hours prior to the Preliminary Conference.
2. Pre-Trial Conferences: Statements of Proposed Disposition must be submitted to the Court at least 48 hours prior to the Pre-Trial Conference.
3. If a case is resolved by stipulation of the parties, the matter **WILL NOT** be taken off the calendar until the Court receives a signed copy of the stipulation. Since this usually occurs on the eve of trial, stipulations may be faxed directly to chambers at 753-4730.
4. When Judgments of Divorce provide for the full continuation of Family Court orders (custody/visitation or child support), the Judgment must reference the Docket number(s) and Date(s) of Family Court orders, in separate decretal paragraphs and have copies of the orders attached.
5. When an oral default is put on the record, the transcript of the default must be filed in the County Clerk's office with the record; however, **DO NOT** attach the default transcript to the Judgment of Divorce.
6. When a stipulation of settlement is placed on the record or if the case is settled by written stipulation of the parties, a transcript of the oral stipulation or the written stipulation **MUST** be attached to the judgment of divorce. Where the case has been settled by oral stipulation, the Affidavit of Appearance and Adoption of Oral Stipulation **MUST ALSO** be attached to the Judgment.

HON. STEPHEN W. CASS

7. When the court has rendered a written decision or bench decision, the written decision or transcript of the bench decision **MUST** be attached to the Findings of Fact and Conclusions of Law; and, directives of the Court must be detailed in decretal paragraphs in the Judgment of Divorce.

8. When a divorce is settled by stipulation which is incorporated into the Judgment of Divorce, the decretal paragraphs need not specify the provisions concerning equitable distribution. However, separate decretal paragraphs must specify provisions regarding custody, visitation, child support and maintenance.

9. CPLR 306-b: Where service of the Summons with Notice or Summons and Complaint has not been effected within 120 days of filing with the County Clerk's Office, you must obtain the Court's permission to extend the time for service for "good cause shown". This can be done on the papers without the necessity of counsel's appearance, on ex parte notice of motion and payment of the necessary motion filed fee.

10. UCS-111 Forms: 202 NYCRR 202.50c requires that judgments submitted to the court **shall** be accompanied by a completed form.

11. Effective date of Child Support and/or maintenance in judgments and/or orders: Every proposed judgment of divorce or temporary order containing an order of support or maintenance **MUST** specify the effective date. If the parties entered into an oral stipulation placed on the record in court and the stipulation does not specify the effective date of any child support and/or maintenance orders, the effective date to be inserted in the proposed judgment or order will be the date the stipulation was placed on the record. If the matter is resolved by a written stipulation and there is no date specified in the stipulation, the effective date to be inserted in the proposed judgment or order will be effective the date the stipulation is fully signed by both parties. The best practice would be to specify the effective date in any stipulation, written or oral. If the child support and/or maintenance order is by decision of the Court, the decision will indicate the effective date and this date must be inserted in the proposed judgment. If orders are payable through the Support Enforcement Unit and the effective date is not specified in the Judgment, the Support Enforcement Unit will adhere to the dates specified in this paragraph.

12. Prior Family Court Orders: In some judgments, the language continues a prior Family Court order but with changes. This causes confusion in the future to have two orders in effect. In this case, attorneys should either specify that the Family Court order will continue in its entirety or set forth a new, complete order in the Judgment and specify the effective date of the new order, and terminating the prior family court order.

HON. STEPHEN W. CASS

13. Direct Pay orders or through Support Enforcement Unit: Any proposed judgment of divorce should state whether child support is by way of direct pay or through the Support Enforcement Unit. If the order is by direct pay, counsel must file the necessary form with the State Case Registry in Albany, and provide the Court with a copy of the form and letter of filing. If payments are to be made through the Support Enforcement Unit, the proposed judgment must contain a provision directing the filing of a copy of the judgment with the Support Enforcement Unit.

14. Social Security Numbers: Every proposed Judgment of Divorce must contain the social security numbers of parties. In addition, pursuant to DRL 240-b, any proposed judgment with an order for child support, must contain the social security numbers of the minor children.

15. DRL Section 177 (health insurance notification) will be enforced. All stipulations after November 1, 2007 must contain a provision and Judgments of Divorce must contain a decretal paragraph in accordance with the statute.

TEMPORARY ORDERS OF PROTECTION:

1. If one form of relief requested in an Order to Show Cause is an order of protection **PRIOR** to the return date of the Order to Show Cause, counsel should have the client available at the time the Court signs the Order To Show Cause to present testimony on the issue. If the Order to Show Cause seeks an order of protection upon the return date of the Order to Show Cause, counsel should have the client available on the return date to present testimony on the issue. As a matter of course, mutual orders of protection will not be granted.

2. If there is a pending criminal charge involving the same parties and domestic violence allegations arising in any of the local courts and/or county court the divorce action may be transferred to the IDV Court. Proceedings will continue in the matrimonial court until the case is accepted and transferred.

STATEMENT OF NEW WORTH:

1. **MUST** be in substantial compliance with the Statement of New Worth form contained in appendix A of the uniform rules. 22 NYCRR 202.16(b).

2. **MUST** complete all categories, marking “NONE”, “INAPPLICABLE” or “UNKNOWN” if necessary.

3. **MUST** attach pay stubs (3 pay periods), W-2 statements or previous year’s tax return.

HON. STEPHEN W. CASS

QUALIFIED DOMESTIC RELATIONS ORDERS:

1. Those QDRO's (or DRO's) submitted with the Judgment of Divorce or within one year after entry **do not** require a motion. However, they do require either the opposing counsel's approval (or litigant's approval if pro se) or proper notice and default, with proof provided to the Court of same. Those presented greater than one year after entry require a formal motion, on notice, to the opposing party and his/her former attorney, with proof provided to the Court. A motion fee **is not** required.

HON. JOHN M. CURRAN

**Part 4, Third Floor
92 Franklin Street
Buffalo, New York 14202
Phone: (716) 845-9471
Fax: (716) 851-3227**

Law Clerk:	Melissa H. Nickson, Esq.	(716) 845-9472
Secretary:	Cynthia Perry	(716) 845-9471
Court Clerk:	Patricia Aiello	(716) 845-9430
Court Reporter:	Sally Frizzell	(716) 845-3624
Court Attorney	Anne S. Rutland, Esq.	(716) 845-9345

SPECIAL TERM

Alternating Thursdays starting at 9:30 a.m.

Motion papers must be received no later than one (1) week in advance of the return date, together with a special term note of issue. Answering papers and/or cross-motions must be received no later than two (2) days before the return date. Reply papers must be received by no later than noon (12:00 p.m.) on the day before the return date. Motion papers, including cross-motions, must bear the County Clerk's "Paid" stamp pursuant to CPLR § 8020(a). Please do not send motion papers by fax without prior consent of the Court.

CONFERENCES

Preliminary conferences are scheduled upon receipt of the filed RJI from the County Clerk. At the conference, a scheduling order will be issued. Pre-trial conferences will be set forth in the scheduling order or scheduled upon receipt of a calendar note of issue. Counsel must bring their calendars, including trial availability, to all conferences.

ADJOURNMENTS

1. No same day adjournments permitted except in extraordinary circumstances and upon consent of the Court.
2. Adjournments of conferences granted only with consent of all attorneys, subject to Court approval.

HON. JOHN M. CURRAN

3. If counsel cannot agree to an adjournment of a motion, all counsel must appear on the return date to request an adjournment which will be liberally granted in the absence of prejudice.
4. Motions will not be adjourned generally. The first and second adjournments can be obtained without Court permission, on consent of all counsel, by informing the Court Clerk at least twenty-four (24) hours prior to the return date. Letters confirming the adjournment must be provided to all counsel and the Court.
5. Consent of all parties required prior to requesting an adjournment of a trial.

MOTIONS

1. Oral argument is anticipated but counsel may stipulate to submit on papers. Appearance on motions by telephone will not be permitted.
2. 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, they are to be settled pursuant to 22 NYCRR § 202.48.

TRO'S

TRO's on a case-by-case basis. TRO's must be on notice to opposing counsel if known. TRO's for other Justices will be signed only with approval of that Justice or Justice's Law Clerk.

TRIALS AND REFERENCES

Trial dates are provided at final pre-trial conferences conducted after the Note of Issue and Statement of Readiness has been filed. Court adheres strictly to its trial schedule and adjournments are discouraged. Marked pleadings, requests to charge, proposed verdict sheets and papers for motions *in limine* required one (1) week prior to beginning of jury selection or trial.

HON. DIANE Y. DEVLIN

**Part 32 - Ninth Floor
50 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9483 / FAX: 851-3325**

Law Clerk:	Timothy J. Kane, Esq.	845-9484
Secretary:	Marianne Vara	845-9483
Court Clerk:	Gregory Joseph	845-9420
Court Reporter:	Charles Pizzolanti	845-2136

MOTIONS

Every Thursday, Part 32 at 9:30 a.m.

CIVIL

All motions, except motions *in limine*, shall be made with a first return date not less than sixty (60) days prior to any trial date. Motions made returnable within sixty (60) days of a trial date shall only be made by Order to Show Cause. Dispositive Motions (Summary Judgment Motions) shall be made within 60 days from the filing of the Note of Issue. All moving papers, memoranda and a Special Term Note of Issue are to be delivered to the Part 32 Court Clerk not less than noon on the Friday prior to the return date of the motion. Original papers are not required. Answering papers are to be delivered to the Part 32 Court Clerk not later than Tuesday at noon. Oral arguments are required except on permission of judge or law clerk. TRO's, where possible, will require notice to the opposing attorney. TRO's on cases assigned to another Justice will only be granted upon the prior approval of the IAS Justice or his/her Law Clerk. Motions shall not be adjourned generally. Motions can only be adjourned upon consent of all parties and with notice to the Court. Orders based upon a decision of this court shall be submitted to all counsel for approval prior to submission to the court. If the parties are unable to agree to a proposed order, the proposed order and notice of settlement shall be served in accordance with Uniform Rule §202.48 which provides for ten days mailed notice or five days notice if by personal service and made returnable before the court at 9:30 a.m. in Part 32. Proposed counter-orders shall be made returnable on the same date and time as the original proposed order.

HON. DIANE Y. DEVLIN

CONFERENCES

Preliminary and Pre-trial conferences are scheduled upon the court's receipt of an RJI and/or Calendar Note of Issue. A scheduling order will be issued after the Uniform Rule 202.12 preliminary conference. Rule 202.12 preliminary conference may only be adjourned upon consent of all counsel and only to a date within the 45 days from the filing of the RJI. Adjournments of compliance conferences or pre-trials to a day certain will be granted upon consent of all parties. Confirmation of any adjournment together with its rescheduled date must be made in writing to all parties and to the court by counsel seeking the adjournment.

TRIALS

Trial dates may only be adjourned by the Court. No testimony is taken on the court's special term day. Stays pending appeals will only be granted upon good cause shown and will generally not be granted. Lists of witnesses, lay and expert, to be called at trial must be filed with the court one month before jury selection. Jury selection form is to be completed and submitted at least one month before jury selection date. Motions *in limine* and requests to charge and proposed verdict sheet shall be submitted to the court at least one week before the jury selection date. Expert Disclosure shall be simultaneous and shall be made by all parties not less than 60 days before the jury selection date.

HON. KEVIN M. DILLON

**92 Franklin Street
Part 3 - Third Floor
Buffalo, New York 14202
Phone: 845-9441 / Fax: 851-3223**

Law Clerk:	Therese R. Wincott, Esq.	845-9442
Secretary:	Maureen L. Cordova	845-9441
Court Clerk:	Mary Pazik	845-9431
Court Reporter:	Michele M. Moore	845-3610

Motions:

Every Thursday in Part 3 - 9:30 A.M.

Motions can be made returnable every Thursday at 9:30 A.M. with the exception of Summary Judgment motions which are limited to 3 being scheduled on each Special Term date. The return date for Summary Judgment motions will be scheduled by the secretary once the motion has been filed in the Clerk's office and then received in chambers. Return dates on Summary Judgment motions will be given in the order received with the date stamp at the Clerk's office. Infant settlements, Article 81 matters and hearings are heard at 2:00 P.M. on the 1st and 3rd Thursday of the month.

All moving papers including hard copies of those filed electronically, must be received by the Court Clerk and chambers no later than ten days in advance of the return date, together with a Special Term Note of Issue. All answering papers are to be received by chambers no later than 4:00 P.M. on the Friday immediately preceding the return date, unless earlier service is required by the CPLR. Reply papers are accepted from the moving party up until 4:00 P.M. on the Monday immediately preceding the return date. No service accepted by FAX.

Affidavits of good faith are required for discovery motions. TRO's on a case-by-case basis, on notice to opposing counsel. Motions cannot be adjourned generally and can be adjourned by contacting the secretary or court clerk. Consent of opposing counsel is necessary for all adjournments unless court directs otherwise. Orders are to be initialed by both attorneys prior to submission to the court.

HON. KEVIN M. DILLON

Conferences:

Preliminary conference scheduled upon court receipt of RJI. Pre-trial conferences scheduled upon court's receipt of calendar Note of Issue. All conferences before IAS Judge or Law Clerk. Adjournments granted with consent of parties, subject to court approval by speaking directly to the secretary or law clerk in Justice Dillon's chambers.

Trials and References:

Adjournments generally by Judge only. Any motions regarding the adequacy of expert disclosure are to be made within 10 days of receipt of such disclosure. Pleadings, expert disclosure, list of witnesses, and papers for motions *in limine* required one (1) week prior to jury selection. Motions *in limine* are heard at 9:15 A.M. the morning of jury selection. Parties are to report to the court upon completion of jury selection.

Trials will be down each Thursday morning as well as the 1st and 3rd Thursday afternoon of the month.

Requests to charge and proposed verdict sheets are to be submitted at least 1 day prior to the close of proof. Charge conference by informal discussion with results placed on the record upon request.

HON. TIMOTHY J. DRURY

**Part 8 - Second Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9372 / FAX: 851-3335
E-Mail: tdrury@courts.state.ny.us**

Law Clerk:	Peter J. Crotty, Esq. E-Mail: pcrotty@courts.state.ny.us	845-9373
Secretary:	Susan Biller	845-9372
Court Clerk:	Carol M. Williams	845-9405
Court Reporter:	Jill R. Draszkievicz	845-3617

MOTIONS

Motions heard daily at 10:00 A.M. or 2:00 P.M. Please check with Court personnel for exact dates.

Motion practice pursuant to CPLR and original papers (including affidavits of service) to be provided to the Court simultaneously. All papers must be received by the Court at least two (2) business days before the return date. Late submissions may result in an adjournment at the Court's discretion or refusal by the Court to consider the untimely submission.

Adjournments will be granted upon consent of opposing counsel. The Court may also grant an adjournment without consent if good cause is shown. This is especially true if the papers were hand delivered to opposing counsel before a weekend or before a holiday and for summary judgment motions. Counsel should keep in mind the rules of civility. Motions must be adjourned to a specific date; **general adjournments will not be permitted**. Requests for adjournment of motions where opposing counsel does not consent should be made by conference call to the Court.

Motions to resolve discovery disputes shall be accompanied by an affidavit of good faith attempt at resolution. Summary judgment motions must be timely made pursuant to CPLR 3212 (a).

All orders must be submitted with an indication that the order has been sent to all opposing counsel or pro se litigant. Orders will not be signed without proof of opportunity of opposing counsel or pro se party to review.

HON. TIMOTHY J. DRURY

All requests for TROs must comply with Uniform Rules for Trial Courts §202.7(f). Requests for TROs on cases assigned to another judge will be considered only upon approval of the IAS judge or his/her law clerk.

CONFERENCES

Civil

Pretrial conferences will be scheduled upon the Court's receipt of an RJI and/or calendar Note of Issue. Pleadings and a brief summary of the case in letter form are required in advance of the conference. Any request for an adjournment shall be made to the Judge's secretary and confirmation of all adjournments and notice of rescheduled dates must be made in writing to all parties and the Court.

TRIALS and REFERENCES

Adjournments are granted by permission of the Judge only. Deadlines on expert disclosure shall be set by the Judge on a case by case basis. Pleadings and list of witnesses (both expert and lay) should be sent to the Court one (1) week in advance of jury selection. Motions in limine shall be submitted prior to jury selection and heard thereafter as scheduled by the Court. Proposed requests to charge and verdict sheets shall be submitted on the first day of proof. The Court's preference is to receive these by e-mail with the requests attached. They may be supplemented upon the conclusion of proof. A charge conference by informal discussion shall be held at or near the close of proof with results put on the record upon request.

Pre-trial memoranda for matrimonial and other non-jury trials are to be served and submitted to the Court two (2) weeks before the first day of trial.

HON. PAULA L. FEROLETO

**Part 12 - Second Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9438 / FAX: 851-4696
E-Mail: pferolet@courts.state.ny.us**

Law Clerk:	Daniel J. Marren, Esq.	845-9439
	E-Mail: dmarren@courts.state.ny.us	
Secretary:	Linda M. Carr	845-9438
Court Clerk:	Molly Redmond	845-9407
Court Reporter:	Colleen Shea	845-3605

MOTIONS

Most Wednesdays at 9:00 a.m. but, check with Court Clerk for exact dates.

Motion practice pursuant to CPLR and original papers (including affidavits of service) to be provided to the Court simultaneously. All papers must be received by the Court at least two (2) business days before the return date. Late submissions may result in an adjournment at the Court's discretion or refusal by the Court to consider the untimely submission.

Adjournments are granted upon consent of opposing counsel, but if counsel refuses, the Court has a liberal adjournment policy of motions made within the minimum time limits of the CPLR and will grant an adjournment upon request even if opposed. This is especially true if the papers were hand delivered to opposing counsel before a weekend or before a holiday and for summary judgment motions. Counsel should keep in mind the rules of civility. Motions must be adjourned to a specific date; general adjournments will not be permitted. Requests for adjournment of motions where opposing counsel does not consent should be made by conference call to the Court.

Motions to resolve discovery disputes shall be accompanied by an affidavit of good faith attempt at resolution. **Letters between counsel are insufficient.** There must have been a conversation between counsel to attempt to resolve discovery disputes. Summary judgment motions must be timely made pursuant to CPLR 3212 (a).

All orders must be submitted with an indication that the order has been sent to all opposing counsel or pro se litigant. Orders will not be signed without proof of opportunity of opposing counsel or pro se party to review.

HON. PAULA L. FEROLETO

All requests for TROs must comply with Uniform Rules for Trial Courts §202.7(f). Requests for TROs on cases assigned to another judge will be considered only upon approval of the IAS judge or his/her law clerk except in cases where both are unavailable.

CONFERENCES

Civil

Pretrial conferences will be scheduled upon the Court's receipt of an RJI and/or calendar Note of Issue. Pleadings and a brief summary of the case in letter form are required in advance of the conference. Any request for an adjournment shall be made to the Judge's secretary and confirmation of all adjournments and notice of rescheduled dates must be made in writing to all parties and the Court.

Matrimonial

Preliminary conferences scheduled pursuant to Matrimonial Rules. One adjournment without Court permission; thereafter, prior consent of the Court required.

TRIALS and REFERENCES

Adjournments are granted by permission of the Judge only. Deadlines on expert disclosure shall be set by the Judge on a case by case basis. Pleadings and list of witnesses (both expert and lay) should be sent to the Court one (1) week in advance of jury selection. (Exception in medical malpractice cases for expert name disclosure.) Motions in limine to be submitted prior to jury selection and heard thereafter as scheduled by the Court. Proposed requests to charge and verdict sheets shall be submitted on the first day of proof. The Court's preference is to receive these by e-mail with the requests attached. They may be supplemented upon the conclusion of proof. Charge conference by informal discussion to be held at or near close of proof with results put on the record upon request.

Pre-trial memoranda for matrimonial and other non-jury trials to be served and submitted to the Court two (2) weeks before the first day of trial.

References will be made to the Law Clerk to hear and report in matrimonial actions on stipulation regarding contested economics, post-divorce arrears and post-divorce modifications. References to JHO's to hear and determine or hear and report on any issue upon consent of all parties.

HON. PAULA L. FEROLETO

SPECIAL REQUIREMENTS ON POLICY LIMITS CASES:

If a case with a value in excess of the policy limits is being settled for available insurance coverage be prepared to submit an affidavit from the insured detailing their knowledge of insurance coverage, an affidavit from counsel offering the policy limits detailing their activities in ascertaining the existence of all available insurance coverage, and an affidavit from a principal with the insurance company swearing they have no knowledge of any other insurance coverage.

HON. JOSEPH R. GLOWNIA

**Part 6 - Third Floor
92 Franklin Street
Buffalo, New York 14202
PHONE: 845-9450 / FAX: 851-3320**

Law Clerk:	Kurt T. Sajda, Esq.	845-9451
Secretary:	Joyce Siebert	845-9450
Court Clerk:	Mary Lou Enser	845-9418
Court Reporter:	Phyllis Senick	845-3604

MOTIONS **Alternate Fridays in Part 6
9:30 AM**

CIVIL

All moving papers, answering papers, memoranda and special term note of issue to be sent to chambers **at least 48 hours prior to return date.** Court requires strict adherence to CPLR 2214(b). Originals supplied to the court or filed prior to return date. Oral argument not required in all cases. TROs on notice if other attorney is known. Motions cannot be adjourned generally and can be adjourned without court permission a limited number of times by informing the law clerk or secretary.

MATRIMONIAL

All moving papers, answering papers, memoranda and special term note of issue to be sent to chambers **at least 48 hours prior to return date.** Original papers to be supplied to the court or filed prior to return date. Will not sign TROS in a case assigned to another judge, without prior approval of IAS judge or his/her law clerk. Oral argument not required in all cases. Motions cannot be adjourned generally and can be adjourned without court permission a limited number of times by informing the law clerk or secretary.

CONFERENCES

Civil

Pretrial conferences scheduled upon court's receipt of calendar note of issue. Preliminary conferences upon request. All conferences before IAS judge or law clerk. Pleadings required. Adjournments flexible; court will accommodate attorneys' schedules within reason.

HON. JOSEPH R. GLOWNIA

Matrimonial

Preliminary conferences to settle permitted; and divorce proven without prior filing of a calendar note of issue. Court's pretrial form required. Adjournments flexible; court will accommodate attorneys' schedules within reason.

TRIALS and REFERENCES

Civil

Adjournments by judge or law clerk, if judge not available. Pleadings and papers for motions *in limine* required a reasonable period in advance. Conference with IAS judge immediately preceding jury selection. Requests to charge required as directed on a case-by-case basis.

Matrimonial

References to law clerk to hear and report on divorces on stipulation, contested economics, contested visitation, post-divorce arrears and post-divorce modification. Court prefers not to bifurcate.

HON. DEBORAH A. HAENDIGES

**Part 9 - First Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-2762 / FAX: 851-3222**

Law Clerk:	Ann M. Boland, Esq.	845-2761
Court Attorney Referees:	Sheila W. Schwanekamp, Esq.	845-9330
	Suzanne M. Maxwell, Esq.	845-3628
Secretary:	Patrice A. Violanti Castanza	845-2762
Court Clerks:	Margaret McMahon	845-2176
	Melanie Ruszaj	845-9301
	Lynne Borrelli	845-9301
Court Reporter:	Sally Schneider	845-2133
Court Analyst:	Kathy Higgins Greeley	845-9331
Resource Coordinator:	Colleen Gibbons	845-9383
NYS Court Officer:	Richard Kobis	

ADJOURNMENTS

Due to our unique calendar involving matters of both civil and criminal cases and multiple necessary parties, the ADJOURNMENT REQUESTS ARE RARELY GRANTED, PLEASE REFER TO OUR STRICT ADJOURNMENT POLICY.

PROCEDURES TO ADJOURN CASES SCHEDULED BEFORE IDV COURT

Adjournments will not be granted in IDV Court unless the following applies:

A. First Appearance Only:

1. All adjournment requests must be in writing and on notice to the opposing party, and all counsel participating in any portion of the IDV Litigation still pending (Criminal, Matrimonial, and Family).
2. All adjournment requests require Court approval and **three suggested** dates that you **and** all other counsel (including the Law Guardian, D.A. or *pro se* litigants) are available.

HON. DEBORAH A. HAENDIGES

3. Adjournment requests are to be mailed or hand delivered to the IDV Court at 25 Delaware, Buffalo, NY, 14202 or sent by fax to 716-851-3222 four business days prior to the scheduled Court date.
4. The party or attorney requesting the adjournment **and** the opposing parties or attorneys must call the Court at 716-845-2762 at least two business days prior to the scheduled court date to confirm whether or not the adjournment was granted. Do **not** assume that the adjournment will be granted. The Court is **not** responsible for this confirming telephone call.
5. If the adjournment is granted:
 - a. The Court will send reschedule notices only if the request was made by a **party who is not represented by an attorney.**
 - b. If an attorney requested the adjournment, the attorney will be required to forward a confirming letter to the Court with copies to all parties and/or attorneys (This includes the District Attorney and Law Guardian). The adjournment will not be considered in effect unless such correspondence is timely received.

B. Emergency situations will be handled on a case by case basis.

MOTIONS

Criminal

Bail motions heard daily upon notice to the court and your opponent. All bail motions must be made in writing. All other motions are heard Monday through Thursday on scheduled return date of matter.

Civil

Motions are heard Monday through Friday on scheduled return date of matter. *(Contact chambers if an order to show cause requires a dates earlier than next return date for matter.)*

All motion papers must be received to chambers 48 hours in advance of date.

Submit Special Term Note of Issue with proof of payment for Supreme Court motions. Counsel to file original and one copy of motion/order to show cause to be conformed and returned to counsel for service. Unless the court directs otherwise, **ALL REQUESTS FOR TEMPORARY RELIEF (TRO's)** must be upon notice to opposing counsel, if known, or after good faith attempt to discover and contact opposing counsel.

HON. DEBORAH A. HAENDIGES

Matrimonial

All matters require strict compliance with court rules. Scheduling orders will be issued during conferences. Proposed disposition statements must be submitted for all trials and or hearings.

Reference to Law Clerk or County Attorney Referee to hear and report on divorces upon stipulation and upon contested economics.

HON. RICHARD C. KLOCH, SR.

**Niagara County Courthouse
175 Hawley Street
Lockport, New York 14094
PHONE: 716-439-7055 / FAX: 716-439-7039**

Law Clerk:	Ronald J. Winter, Esq.	716-439-7054
Secretary:	Beverly Maziarz	716-439-7055
Court Clerk:	Nicole Schug	716-439-7057
Court Reporter:	Lisa Mullane	716-439-7056

MOTIONS 2nd and 4th Thursdays at 9:30 a.m.

Special Term motions are not called by Index Number but by the order in which all the attorneys are present and checked in with the Court Clerk.

Civil

All moving papers answering papers, memoranda and special term note of issue to be received by Lockport chambers at least seventy-two [72] hours prior to return date. (i.e. close of business the Monday before Special Term.) Court requires strict adherence to CPLR 2214 (b). Affirmation of good faith required for discovery motions. Original papers to be supplied to the Court. Oral argument required unless written consent by all attorneys to submit papers is received or the Court directs otherwise. TROs handled on a case-by-case basis. TROs must be on notice to other attorney if known or where a government entity is involved. Orders to show cause/TROs on a case assigned to another judge will be signed only upon prior approval of IAS judge or law clerk. Motions cannot be adjourned generally. An adjournment can be obtained without court permission, on consent of all counsel, by informing the court clerk at least twenty-four [24] hours prior to return date. The Court follows prevailing rules that motions must be heard within 60 days. Any motion exceeding 60 days will be dismissed. Orders must be approved by opposing counsel prior to submission to the Court by initialing each page or submitting a letter indicating approval.

CONFERENCE

Civil

Preliminary conferences are scheduled upon filing of the RJI and assignment. At this conference a scheduling order will be issued. Pretrial conferences will be scheduled upon Court's receipt of a calendar note of issue. All conferences before IAS judge or law clerk. Pleadings required in advance of conference.

HON. RICHARD C. KLOCH, SR.

Adjournments granted only with consent of all attorneys, subject to Court approval.
Adjournments granted on consent of the secretary, but never beyond the 45 day requirement.

No adjournments will be granted on date of the scheduled conference except in extreme emergency and by consent of the judge.

TRIALS and REFERENCES

Civil

Adjournments by judge only. Pleadings, list of witnesses, proposed jury charge and verdict sheet and papers for motions *in limine* required two [2] weeks in advance. Jury selection begins at 9:30 a.m., Mondays, with trial to follow immediately. Conference with the IAS judge upon completion of jury selection. Counsel are required to comply with trial practice rules of Court which will be provided to attorneys.

CORRESPONDENCE

All correspondence to the Court should be sent to the Lockport chambers, not the Buffalo chambers.

HON. FREDERICK J. MARSHALL

**Part 33 - Ninth Floor
50 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9468 / FAX: 851-3315**

Law Clerk:	Amy J. Ziegler, Esq.	845-9469
Secretary:	Kathi Walek	845-9468
Court Clerk:	Peggy Morgan	845-9422
Court Reporter:	Marcia Langer	845-3620

**MOTIONS 1st and 3rd Tuesday of each month, 9:30 AM
Part 33 - 50 Delaware Avenue**

Civil:

Motions will be heard on the first and third Tuesday of the month. All moving papers with a Special Term note of issue must be delivered to the Court at least one week prior to the return date. All answering papers and memoranda to be sent to Chambers at least three days prior to return date. Original papers must be supplied to Court. No oral argument unless requested and papers are received by the Court as set forth above. All requests for TROs must be on notice if other attorney is 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 must be adjourned to a specific date and will not be adjourned generally. Motions will not be adjourned more than three (3) times without the Judge's permission, granted at least 48 hours prior to the scheduled date. Confirmation of all adjournments and notice of rescheduled dates must be made in writing to all parties and the Court. Summary judgment motions must be made within 120 days of the filing of the calendar note of issue, or on such earlier date as set by the Court. All Orders submitted for signature must be accompanied by notice to opposing counsel. Counsel shall appear on time and check in with the Clerk.

Matrimonial:

Motions and Orders to Show Cause will be heard as scheduled. All moving papers, answering papers, memoranda and special term note of issue to be sent to Chambers at least two [2] days prior to return date. Original papers must be supplied to the Court. TROs will be granted, if not mutual, where assets are in jeopardy and there is an expeditious return date. Police and/or medical record/reports are required for an Order of protection. Requests for TROs on cases assigned to another judge will be considered

HON. FREDERICK J. MARSHALL

only upon prior approval of the IAS judge or his/her Law Clerk. Oral argument on request. Motions must be adjourned to a specific date and will not be adjourned generally. Motions will not be adjourned more than three (3) times without Court permission granted at least 48 hours prior to the scheduled date. Confirmation of all adjournments and notice of rescheduled dates must be made in writing to all parties and the Court. Counsel shall appear on time and check in with the Clerk. All Orders, including Qualified Domestic Relations Orders submitted for signature must be accompanied by notice to opposing counsel.

CONFERENCES:

Civil:

Pretrial conferences will be scheduled upon the Court's receipt of an RJI and/or calendar note of issue. Preliminary conferences will also be scheduled on request. Counsel are to provide copies of all relevant pleadings, bills of particulars, narrative medical reports, independent medical examination reports and police reports in advance of the conference. All conferences will be held before the IAS judge or law clerk. Any request for an adjournment shall be made to the judge's secretary and confirmation of all adjournments and notice of rescheduled dates must be made in writing to all parties and the Court.

Matrimonial:

Preliminary conferences to settle permitted, with divorce proven without prior filing of a calendar note of issue. Pleadings, 236-B affidavit and settlement proposal to be delivered to Court at least 72 hours prior to conference. Request for adjournments granted only on consent of all parties and the Court. No adjournments will be granted on the date of the scheduled conference absent exigent circumstances and consent of the Judge. One week prior to the date of the final report back before trial, counsel shall deliver memoranda of law, updated 236-B affidavits, current W-2s, rulings request, proof of acquisition of calendar number and statements of proposed disposition pursuant to 22NYCRR 202.16[h], to the Court.

TRIALS and REFERENCES:

Civil:

Adjournments only with approval of the Judge. List of witnesses, both lay and expert must be delivered to the Court thirty [30] days before jury selection, and exchanged among counsel. Motions *in limine* to be returnable on such date as set by the Court. Requests to charge and proposed verdict sheets required prior to the close of proof. Conference with IAS judge upon completion of jury selection. Charge conference will be held at/near close of proof.

HON. FREDERICK J. MARSHALL

Matrimonial:

Adjournments only with the approval of the judge. References to law clerk to hear and report on divorces on stipulation, contested economics, post divorce arrears and post divorce modification. References to JHOs to hear and determine on any issue on consent. Bifurcation whenever practicable or requested. Proposed findings of fact and conclusions of law and trial briefs to be filed at least five [5] days prior to commencement of trial. Judgments should contain decretal paragraphs relating to custody, visitation, maintenance and support, where appropriate and if made pursuant to an agreement or stipulation should so reflect. Judgments must reflect whether child support is based on CSSA or if the parties have opted out.

HON. JOHN A. MICHALEK

**Part 26 - Fourth Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9474 / FAX: 851-3323**

Confidential Law Clerk:	Lynn A. Clarke, Esq. (laclarke@courts.state.ny.us)	845-9475
Commercial Division Law Clerk:	Anne S. Rutland, Esq. (arutland@courts.state.ny.us)	845-9345
Secretaries:	Shannon L. Palczynski (spalczyn@courts.state.ny.us) Stacey Delmont (sademon@courts.state.ny.us)	845-9474 845-9474
Court Clerk:	Richard Brown (rfbrown@courts.state.ny.us)	845-9416
Court Reporter:	Sandra Lelito	845-3622

SPECIAL TERM

Every other Thursday. All discovery motions are heard at 9:30 a.m. All other motions are heard according to plaintiff's name as follows:

A - O at 10:00 a.m.

P - Z at 11:00 a.m.

When Scheduling Motions - contact the Court Clerk who will assign a date and time.

Motion papers must be received no later than one (1) week in advance of the return date, together with a special term note of issue. Answering papers and/or cross-motions must be received no later than 48 hours prior to the return date. Motion papers, including cross-motions, must bear the County Clerk's "Paid" stamp pursuant to CPLR § 8020(a). Please do not send motion papers by fax without prior consent of the Court.

RULES OF THE COMMERCIAL DIVISION OF THE SUPREME COURT

Except as noted herein, the practice in the Commercial Division, Erie County is governed by Section 202.70(g) of the Uniform Rules for the New York State Trial Courts (22 NYCRR 202.70[g]).

HON. JOHN A. MICHALEK

CONFERENCES

Preliminary conferences are scheduled upon receipt of the filed RJI from the County Clerk. At the conference, a scheduling order will be issued. At the preliminary conference, the Court will indicate whether or not a stay of disclosure will be employed pursuant to CPLR § 3214(b). Pre-trial conferences will be set forth in the scheduling order or scheduled upon receipt of a calendar note of issue. Counsel must bring their calendars, including trial availability, to all conferences.

ADJOURNMENTS

1. No same day adjournments permitted except in extraordinary circumstances and upon consent of the Court.
2. Adjournments of conferences granted only with consent of all attorneys, subject to Court approval.
3. If counsel cannot agree to an adjournment of a motion, all counsel must appear on the return date to request an adjournment which will be liberally granted in the absence of prejudice.
4. Motions will not be adjourned generally. The first and second adjournments can be obtained without Court permission, on consent of all counsel, by informing the Court Clerk at least twenty-four (24) hours prior to the return date. Letters confirming the adjournment must be provided to all counsel and the Court.
5. Consent of all parties required prior to requesting an adjournment of a trial will be necessary.
6. **Please contact Richard Brown at 845-9416 for a new Motion date.**

MOTIONS

1. Statements of material facts for summary judgment motions are not required.
2. Oral argument is anticipated but counsel may stipulate to submit on papers. Appearance on motions by telephone will not be permitted.
3. Pre-motion conferences are to be requested by telephone contact with Chambers.
4. 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, they are to be settled pursuant to 22 NYCRR § 202.48.

HON. JOHN A. MICHALEK

TRO's

TRO's on a case-by-case basis. TRO's must be on notice to opposing counsel if known. TRO's for other Justices will be signed only with approval of that Justice or Justice's Law Clerk.

TRIALS AND REFERENCES

Trial dates are provided at pre-trial conferences conducted after the Note of Issue and Statement of Readiness has been filed. Court adheres strictly to its trial schedule and adjournments are discouraged. Marked pleadings, requests to charge, proposed verdict sheets and papers for motions *in limine* required one (1) week prior to beginning of jury selection or trial.

HON. PATRICK H. NeMOYER

**Part 34 - Ninth Floor
50 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9480 / FAX: 851-3345**

Law Clerk:	Daniel C. Murphy, Esq.	845-9481
Secretary:	Nancy J. Schwendler	845-9480
Court Clerk:	Kevin O'Connor	845-9429
Court Reporter:	Valerie Antos	845-2146

MOTIONS Dates and times as scheduled by the Court. Please call secretary to schedule.

Civil

All moving papers, answering papers, memoranda and special term notes of issue to be sent to chambers **at least two [2] days prior to return date.** Original papers not required. Oral argument required in all cases, except with permission of the Court. Discovery motions upon affirmation of good faith. TROs on notice to opposing attorney. TROs on cases assigned to other judge, only with prior approval by IAS judge or his/her law clerk. Motions cannot be adjourned generally nor can they be adjourned without the permission of the court. Consent of opposing counsel is necessary for all adjournment requests prior to contacting the Court.

Matrimonial

All moving papers, answering papers, memoranda and special term notes of issue are to be sent to chambers **as soon as possible after service on opponent, but at least two [2] days prior to return date.** Original papers not required. TROs on a case-by-case basis. Oral argument not required if attorneys agree to submit. Motions cannot be adjourned generally and can only be adjourned with permission of the Court by requesting an adjournment with the secretary. Consent of opposing counsel is necessary for all adjournments, unless court directs otherwise. Information sheets are required on all motions. If motion is for omnibus relief, motion will be converted to a conference within one [1] week of return date.

HON. PATRICK H. NeMOYER

CONFERENCES

Civil

Pretrial conferences scheduled upon court's receipt of calendar note of issue. Conferences before IAS judge or law clerk. No papers required. Adjournment by consent of all parties with permission from the Court.

Matrimonial

Preliminary conferences to settle are permitted and encouraged; divorces proven up but no judgment signed without filing calendar note of issue.

TRIALS AND REFERENCES

Civil

Court adheres strictly to trial schedule; adjournments are discouraged. Consent of all parties required prior to requesting adjournments. Adjournments by secretary are possible, but not likely. Pleadings and papers for motions *in limine* required one [1] day prior to beginning of trial. Conference with IAS judge upon completion of jury selection. Formal requests to charge required prior to summations. Charge conference held after proof is complete.

Matrimonial

References to law clerk to hear and report on divorces on stipulation and contested economics. Default papers required in advance. Signed and granted judgments of divorce and referee's report will be held by the court pending receipt of the filed note of issue.

HON. ROBERT C. NOONAN

GENESEE COUNTY AND SUPREME COURT

Genesee County Courts Facility

One West Main Street

Batavia, New York 14202

PHONE: (585) 344-2550 / FAX (585) 344-8517

Court Attorney:	Stephen D. Wieczorek, Esq.	Ext. 2427
Secretary:	Mary Lou Strathearn	Ext. 2236
Court Clerk	Linda A. von Kramer	Ext. 2239

CALENDAR

Special Term will be held on alternate Fridays, with all motions scheduled at 9:30 a.m. and conferences (including infant settlements) every 15 minutes beginning at 11:00 a.m. **Compliance, settlement and pre-trial conferences** with the Judge will be held on Special Term dates, or other dates, as necessary, before a JHO or Court Attorney/Referee. **Trials** will begin immediately after jury selection on Mondays, as necessary.

MOTIONS

Unless an order to show cause is granted based upon exigencies of time, 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 of motion (CPLR 2214 [b]). Failure to provide sufficient time will entail adjournment of the 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. Adjournment of motions cannot be more than four weeks in the aggregate without Court permission. Orders prepared by counsel should be submitted on notice to opposing counsel and will be held 7 days for comment unless approval as to form is endorsed thereon or submitted by letter from opposing counsel.

Default Matrimonial

Shall be submitted on papers unless special circumstances require an inquest. 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 judgement must comply with DRL 240 (1-b)(h).

HON. ROBERT C. NOONAN

CONFERENCES

Conferences cannot be adjourned without permission of the Judge. A **preliminary conference** will be scheduled by the Court upon filing an RJI. For matrimonials, the conference must be scheduled within 45 days of filing the RJI. Any requests to modify the **preliminary conference order** must be presented in the form of a proposed modified preliminary conference order, with opposing counsel's consent indicated thereon. A **compliance/settlement conference** will be held 180+/- days from filing the RJI; and a **pre-trial conference** 60+/-days before the scheduled trial date. A **trial conference** will be held with the Judge approximately one week before jury selection in non-matrimonial cases.

Matrimonial Stipulations

Transcripts of oral stipulations and the Affidavit of Appearance and Adoption of Oral Stipulations must be submitted with the proposed Judgement, which must be endorsed as to form by the opposing counsel.

TRIAL 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. The Court will contact counsel two weeks before the trial date to ascertain the status of negotiations.

Adjournments are only with the permission of the Judge. No proof will be taken on (Special Term) Fridays 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.

Matrimonial

References will made to a JHO or Court Attorney/Referee to hear contested issues and post-judgment applications for modification or arrears.

HON. JOHN F. O'DONNELL

**Part 21 - Third Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9486 / FAX: 851-3326**

Law Clerk:	Kevin Maley	845-9487
Secretary:	Patricia L. Resetarits	845-9486
Court Clerk:	Judith Insalaco	845-9411

MOTIONS **Every day in Part 21 - upon confirmation with chambers - 9:30 a.m.**

Civil

All moving papers, answering papers, memoranda and special term note of issue to be sent to chambers **at least five [5] days prior to return date.** Originals required. Oral argument not required when court determines. Motions may not be adjourned generally, but may be adjourned without court permission by informing the secretary.

Matrimonial

All moving papers, answering papers, memoranda and special term note of issue to be sent to chambers **at least five [5] days prior to return date.** Original papers to be supplied to the court. Oral argument not required when court deems it unnecessary. Motions may not be adjourned generally, but may be adjourned without court permission by informing the secretary.

CONFERENCES

Civil

Pretrial conferences are scheduled upon court's receipt of calendar note of issue or RJI. Conferences before law clerk or Judge. Pleadings required in advance. One adjournment without court permission; thereafter, prior written consent required.

Matrimonial

Preliminary conferences scheduled under Matrimonial Rules. Divorces proven and marked off without filing calendar note of issue. One adjournment without court permission; thereafter, prior consent required.

HON. JANICE M. ROSA

**Part 16 - Second Floor
25 Delaware Avenue
Buffalo, N Y 14202
PHONE 845-9490 / FAX CHAMBERS 851-3225**

Law Clerk:	Christine Saturnino	845-9489
Secretary:	Lisa Maggio	845-9490
Court Clerk:	James Kasprzak	845-9432
Court Reporters:	Nancy Jo Hunt	845-2129
	Barbara Louisos	845-2135

MOTIONS

Tuesdays beginning at 9:00 a.m. in Part 16, 2nd Floor, 25 Delaware Avenue, scheduled at one-half hour intervals with time scheduled by Court Clerk. Emergency matters may be heard at other times specifically arranged with Chambers.

Orders to Show Cause and Motions should be filed in Part 16, 2nd Floor at 25 Delaware Avenue for review, scheduling and signature. Requests for TRO's should be on notice to opposing counsel, if known, except for certain circumstances (e.g. request for protective order). An **original and one copy** must be submitted to the court for scheduling and signature. The copy will be retained for court use. A **Matrimonial Term Note of Issue must be included** with the Order to Show Cause or Motion.

All answering papers and any other moving papers must be received by the Court at least **48 hours** prior to the return date. Late submissions may result in an adjournment at the Court's discretion or refusal by the Court to consider the untimely submission.

Motions may usually be adjourned upon consent of all attorneys without prior court approval by calling chambers and securing a rescheduled date at least 24 hours before the scheduled time. Motions must be adjourned to a specific date and will not be generally adjourned. The party requesting the adjournment must send written confirmation of the adjournment and the rescheduled date to all parties and the Court. At times, the Court may not grant approval for the adjournment.

ORDERS

All orders must be submitted with an indication that the order has been sent to all opposing counsel or self-represented litigant. Orders will not be signed without proof of opportunity of opposing counsel or self-represented party to review. Include an original and one copy. The copy will be retained for the court's use.

HON. JANICE M. ROSA

TRIALS:

Trial dates are considered to be “date certain”. Adjournments are granted only upon exceptional circumstances and by permission of the Court. Contact the Law Clerk to discuss. Compliance with trial letter scheduling order is expected, including timely submission of Statement of Proposed Disposition. References may be made to Law Clerk to hear and report on divorces and contested financial issues, upon stipulation of counsel.

HON. FRANK A. SEDITA, JR.

**Part 35 - Ninth Floor
50 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9351 / FAX: 851-3329**

Law Clerk:	Michael P. Daumen, Esq.	845-9352
Secretary:	Elizabeth Reinagel	845-9351
Court Clerk:	Denise Filosofos	845-9427
Court Reporter:	Barbara Cultrara	845-2140

MOTIONS Every other Tuesday in Part 35 at 9:30 AM

Please call Court Clerk regarding scheduling/adjourning Motions.

Civil

All moving papers, answering papers, memoranda and Special Term Note of Issue to be received by chambers **on Friday by 12:00 noon, prior to the Tuesday return date.** Originals are required. Oral argument required in all cases. TROs on notice if other attorney is known, if strong showing of meritorious claim and possibility of irreparable harm. TROs on cases assigned to other judge, only if prior approval by IAS judge or his/her law clerk. Motions cannot be adjourned generally and may only be adjourned with Court permission, consent of all parties and confirmation of the adjournment with the Court Clerk in writing. Orders must be submitted in duplicate, with copies provided to all attorneys, before submission to Court.

Matrimonial

All moving papers, memoranda, answering papers and special term note of issue to be delivered to chambers **at least three [3] days prior to return date.** Original papers to be supplied to the court. TROs on notice to other attorney, if possible, and on strong showing of a meritorious claim and possibility of irreparable damage. TROs in case assigned to another judge, only if prior approval by IAS judge or his/her law clerk. Oral argument required in all cases. Motions cannot be adjourned generally and can be adjourned without court permission. Orders to be submitted in duplicate.

CONFERENCES

Please call Secretary regarding scheduling/adjourning conferences.

HON. FRANK A. SEDITA, JR.

Civil

Pretrial conferences scheduled upon Court's receipt of Request for Judicial Intervention or Note of Issue. All conferences before Law Clerk. Pleadings required in advance of initial scheduling conference. Adjournments with Court permission and consent of all parties, with confirmation of the adjournment in writing to chambers, copies to all counsel.

Matrimonial

Preliminary conferences scheduled under Matrimonial Rules effective November 30, 1993. Divorce proven and marked off without filing calendar note of issue. Papers required under matrimonial rules should be filed with the court prior to or at date of preliminary conference. Conferences held before law clerk or Judge.

TRIALS AND REFERENCES

Civil

Adjournments by Judge only. No proof taken on Special Term days (every other Tuesday). Requests to charge, proposed verdict sheet and list of witnesses required prior to the first day of jury selection. Charge conference by informal discussion of Court's proposed charge and counsels' requests.

Matrimonial

References to law clerk to hear and report on divorces on stipulation, contested economics, contested visitation, post-divorce arrears and post-divorce modification. References to JHOs to hear and determine or hear and report on any issue. Copies of proposed judgments should be forwarded to opposing counsel at least three [3] days prior to submission to the court.

HON. DONNA M. SIWEK

**Part 29 - Eighth Floor
50 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9354 /No Motion Papers by Fax**

Law Clerk:	Katherine B. Roach, Esq.	845-9355
Secretary:	Ann M. Metz	845-9354
Court Clerk:	Rosemarie Garbo	845-9421
Court Reporter:	Lorianne Jasinski	845-3607

**MOTIONS Civil & Matrimonial: Alternating Thursdays in Part 29 at 9:30 a.m.
Infant Settlements: contact secretary/Court Clerk to schedule**

Civil, including Matrimonial

All original moving papers, answering papers, memoranda and special term notes of issue to be sent to chambers **before 12:00 noon on the Tuesday before the motion return date. No fax submissions are permitted.** If motion papers are not timely served, motion may be adjourned by the court. Adherence to CPLR 2214[b] expected. TROs on notice if other attorney known. No general adjournments. Adjournments granted with consent of parties, subject to Court's approval, by contacting secretary or court clerk. Only stipulated or initialed Orders with consent of opposing counsel should be submitted to the Court for signature. (Matrimonials only - Counsel are required to confer before oral argument to narrow issues.)

CONFERENCES

Civil

Preliminary conferences must be held within forty-five (45) days of the Court's receipt of filed RJI. All conferences before IAS Judge or law clerk. Adjournments granted with consent of parties, subject to Court's approval, by contacting secretary.

IAS Matrimonials

Preliminary conferences to settle required. Pleadings, discovery demands, 236B Affidavits, motions, responses, prior orders, settlement proposals, proposed stipulations or agreements should be submitted to the Court as far in advance as possible, but no less than 48 hours prior to conference. Adjournments granted with consent of parties, subject to Court's approval, by contacting secretary.

TRIALS AND REFERENCES

Civil, Including Matrimonial

Trial dates considered to be “date certain.” Adjournments granted only in the most exceptional circumstances, not upon consent of counsel. All motions in limine shall be made returnable prior to jury selection. Expert disclosure deadlines per court’s trial order. Summary jury trial rules available upon request.

MATRIMONIAL

References to law clerk to hear and report on contested economics, post-divorce arrears and post-divorce modifications. Judgments and findings of fact to be submitted on notice to opposing counsel within four weeks of prove-up or decision.

HON. SHIRLEY TROUTMAN

**Part 11 - First Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9378 / FAX: 851-3224**

Law Clerk:	Regan Ihde	845-9379
Secretary:	Cindy O’Bara	845-9378
Court Clerk:	Celeste Marino	845-9404
Court Reporters:	Danielle Daigler	845-2137
	Bridget Marszalkowski	845-3615

MOTIONS

Motions will be heard on Tuesdays and Thursdays commencing at 9:30 a.m. and 2:00 p.m. However, counsel should contact chambers to confirm the availability of a desired date. Clients are to appear with their attorneys unless excused by the court.

A time-stamped copy of a **Motion** and a special term note of issue should be delivered directly to Chambers, 25 Delaware Avenue, 5th Floor, after confirming return date with chambers. Motion papers, including cross-motions, must bear the County Clerk’s “Paid” stamp pursuant to CPLR § 8020(a).

An original and time-stamped copy of an **Order to Show Cause** and a special term note of issue, together with a time-stamped copy of an RJI showing judge assignment should be delivered directly to Chambers, 25 Delaware Avenue, 5th Floor, for review, scheduling and signature. Original will be returned upon granting. Copy will be retained for court use.

Requests for **TRO’s** should be on notice to opposing counsel, if know, except for certain circumstances (e.g. requests for protective order).

All answering papers and any other moving papers must be received in chambers **no later than 2 days prior to the return date by 4 p.m.** unless otherwise specified in the case of an Order to Show Cause.

Motions cannot be adjourned generally and can be adjourned only with consent of all counsel involved **and the court**. The party requesting the adjournment must send written confirmation of the adjournment and the rescheduled date to all parties and the Court.

HON. SHIRLEY TROUTMAN

ORDERS

Orders are to be **initialed by all attorneys** in the action prior to submission to the court.

SETTLEMENT/DISCONTINUANCE

The parties are to provide the court with written evidence of any settlements or discontinuance of a case within 10 days of said settlement or discontinuance. Otherwise the parties will be required to appear for a report back.

HON. TIMOTHY J. WALKER

Acting Supreme Court Justice
E-Mail: tjwalker@courts.state.ny.us
Part 20 - Third Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE 845-7479
FAX 851-3440

Law Clerk: Darryl J. Colosi, Esq. (716) 845-7480
E-Mail: dcolosi@courts.state.ny.us

Secretary: Cynthia A. Sardina (716) 845-7479
E-Mail: csardina@courts.state.ny.us

Court Clerk: Nancy Jeski (716) 845-9415
E-Mail: njeski@courts.state.ny.us

MOTIONS: Every Monday at 9:30 a.m.
Attorneys shall contact **Nancy Jeski** prior to scheduling same.

1. Courtesy copies of all moving papers, answering papers, memoranda and special term notes of issue must be **received** by chambers at least five (5) days prior to the return date, and before **2:00 p.m.** Reply papers and memoranda, if any, must be **received** at least one (1) day prior to the return date, and before **2:00 p.m.**, and shall not re-iterate previously filed pleadings. Cross-motions shall be governed by the CPLR, and the Court requires strict compliance with CPLR §2214(b). **Only papers served in accordance with the provisions of these rules will be read in connection with any such motion or cross-motion.** Except as noted below as to Orders to Show Cause, the originals of all papers shall be filed with the Office of the Clerk of the County in which the matter is commenced/pending. Oral argument is expected on all cases, unless a) the motion is known in advance to be uncontested or b) a letter requesting the motion be decided on the papers is received by the Court prior to the original return date. Discovery motions may be subject to a conference with the Law Clerk prior to argument on the return date. Discovery and motions for a Bill of Particulars must be accompanied by the affirmation of good faith required by 22 NYCRR § 202.7. Original papers must be supplied to Chambers on an Order to Show Cause; on all other motions copies are acceptable. **Counsel shall refrain from citing case law in affidavits and/or affirmations.**

2. Special Term Motions are called in the order in which attorneys check in. Kindly report with the Court Clerk immediately upon arrival.

HON. TIMOTHY J. WALKER

3. Motions, cross-motions and orders to show cause will not be scheduled until and unless chambers receives a paid, stamped Request For Judicial Intervention and/or a special term Note of Issue showing the original papers were filed with the office of the clerk of the county in which the matter is commenced/pending.

Orders: Must be submitted within ten (10) days with verification that the order has been served upon all opposing counsel (or pro se litigants), and that no objection has been received within three (3) days of service. **Orders will not be signed without verification of opportunity of opposing counsel to review.**

CONFERENCES:

Civil: Preliminary and Pre-trial conferences are automatically scheduled upon Court's receipt of filed RJI or calendar note of issue. Otherwise, a preliminary conference may be scheduled upon request. Prior to the initial conference, counsel shall provide the Court with copies of all pleadings, bills of particulars and a one (1) paragraph summary of the case. At the conference, a scheduling order will be issued. Counsel shall bring calendars, including trial availability, to all conferences. Conferences shall take place with the Law Clerk (or the Court, as matters dictate).

TRIALS AND REFERENCES:

Civil: The Court adheres strictly to trial schedules. Marked pleadings, requests to charge, witness lists, proposed verdict sheets and papers for motion in limine required two (2) weeks prior to commencement of trial. Motions in Limine shall be decided prior to commencement of trial. A conference with Court will be held upon completion of jury selection. A final charging conference will be held prior to summations. Deadline on expert disclosure, without good cause shown, is thirty (30) days before the scheduled commencement date of jury selection.

MORTGAGE FORECLOSURES:

1. The caption of all Orders Appointing Referee to Compute and proposed Judgments of Foreclosure shall include the address of the property being foreclosed upon in the caption;
2. All exhibits shall be separately tabbed for easy location by the Court, including the bill of costs, the note and mortgage, and any written assignments thereof;
3. In order to receive an award of attorneys fees, the submitted copy of the mortgage shall have highlighted the language allegedly entitling the party to such an award;

HON. TIMOTHY J. WALKER

4. 90-Day Pre-Foreclosure Notice - Enforcement. For actions requiring a 90-day pre-foreclosure notice pursuant to RPAPL § 1304:
 - (a) Plaintiff shall file proof of service of such notice and a true copy of such notice and attachments simultaneous with the filing of a summons and complaint. Failure to comply with this section shall result in the Clerk refusing to accept any papers; and
 - (b) Plaintiff shall bring a copy of the specialized request for judicial intervention required by Uniform Civil Rule § 202.12-a(b) (RJI), the 90-day pre-foreclosure notice, and proof of service of the 90-day pre-foreclosure notice to any settlement conference. Failure to comply with this section shall result in the dismissal of the action.

5. Documentation to Bring to Settlement Conference.
 - (a) Defendant homeowners are strongly encouraged to bring copies of loan documents (Note and Mortgage); closing documents (HUD-1 Settlement Statement, all documents disclosing broker fees and other closing costs); home improvement/repair contracts; list of payments and proof of payments made towards mortgage, real estate taxes, and homeowner's insurance. Defendants also are encouraged to bring copies of pay stubs and/or other documentation of income or benefits received. Defendants may not be prohibited from proceeding with the conference if they do not have documents because they were never provided, are missing, or are lost.
 - (b) Plaintiff shall bring the entire loan file, including the Note and Mortgage, any allonge to the Note, and subsequent assignments; copies of all loan applications, including those completed by the borrower and the lender's final copy; copies of all Good Faith Estimates and Truth in Lending disclosures; the HUD-1 Settlement Statement; a detailed payment history; and explanation of all charges; and a reinstatement figure including a breakdown of all fees, costs and other charges that are allegedly due and owing.
 - (c) The Court may adjourn the settlement conference if Plaintiff fails to bring the entire loan file to the conference.

HON. TIMOTHY J. WALKER

6. The Court will not consider or decide any pending (or new) motions until after the settlement conference process is concluded.
7. At the initial settlement conference, if the Defendant has not filed a written answer, the Court may consider a request by Defendant to submit a late answer.
8. The Court will have the discretion to calendar a follow-up conference with the parties to track and encourage any potential resolution.
9. Adjournment of a settlement conference shall be granted for good cause shown by any party.
10. The Court shall adjourn the first settlement conference if the Defendant homeowner is seeking an attorney and/or if the Court appoints counsel pursuant to CPLR § 1102(a). Subsequent adjournments shall be at the discretion of the Court.
11. A representative of Plaintiff (with authority) shall be available by telephone and shall be up to speed on the file.
12. Plaintiff's counsel shall have conferred with a representative of Plaintiff (with authority and up to speed on the file) prior to the initial conference (and any subsequent conference scheduled by the Court).
13. Failure to comply with this section may result in the dismissal of the action.

GENERAL RULES:

Adjournments:

1. No same day adjournments shall be permitted, except in extraordinary circumstances and only upon consent of the Court.
2. Motions shall not be adjourned generally. The first and second adjournments may be obtained without Court permission, on consent of all counsel, by informing the Court at least twenty-four (24) hours prior to the return date. **Letters confirming the adjournment shall be provided to all counsel and the Court.**
3. Adjournments of conferences shall be granted only with consent of all attorneys, but remain subject to Court approval.

HON. TIMOTHY J. WALKER

TROs:

Issued on a case-by-case basis. TROs shall be on notice to opposing counsel, if known. TROs in cases assigned to another Judge will be granted only upon approval of that Judge or his/her Law Clerk.

Discontinuance:

In any discontinued action, the attorney for the defendant shall file a stipulation or statement of discontinuance with the appropriate County Clerk within twenty (20) days of such discontinuance and shall provide the Court with a date-stamped copy of same. If the action has been noticed for judicial activity within twenty (20) days of such discontinuance, the stipulation or statement shall be filed before the date scheduled for such activity.

HON. GERALD J. WHALEN

**Part 22 - Fourth Floor
25 Delaware Avenue
Buffalo, New York 14202
Phone: 845-2750 Fax: 851-3221**

Law Clerk:	Jonathan G. Gorman, Esq.	845-2749
Secretary:	Jennifer Castiglia	845-2750
Court Clerk:	Susan Monan	845-9409

**MOTIONS Thursdays, Part 22 -9:30A.M.
2:00 P.M. Summary judgment motions and
Infant settlements**

Civil

All moving papers, answering papers, memoranda and special term note of issue to be sent to chambers **by 5:00 p.m. on Monday prior to return date.** Strict adherence to CPLR 2214(b) required. Originals are required. Oral argument required on all cases, except on permission of judge or law clerk. Discovery motions on affirmation of good faith. TROs on notice if other attorney is known. TROs on cases assigned to other judge, only if prior approval by IAS judge or his/her law clerk. Motions cannot be adjourned generally. Adjournments without court permission not permitted. Orders must be approved by opposing counsel before submission. Any subpoena requesting healthcare records must be accompanied by a valid authorization and contain appropriate HIPAA language in bold on the front of the subpoena. Summary judgment motions must be made within thirty days following filing of the note of issue. Article 81 proceedings held Fridays at 9:30a.m.

CONFERENCES

Civil

Preliminary conferences must be held within forty-five (45) days of the Court's receipt of filed RJI. All conferences before IAS Judge or law clerk. Adjournments granted with consent of parties, subject to Court's approval, by contacting secretary. Pleadings required in advance.

HON. GERALD J. WHALEN

TRIALS AND REFERENCES

Civil

Adjournments by Judge only. Marked pleadings, requests to charge, proposed verdict sheets and papers for motions *in limine* required one (1) week prior to beginning of trial. Conference with IAS judge upon completion of jury selection. Requests to charge and charge conferences on case-by-case basis. E-mailing of proposed verdict sheets and requests to charge, in Word Perfect format, to Judge's law clerk is requested:

jgorman@courts.state.ny.us.

HON. PENNY M. WOLFGANG

**Part 24 - Fourth Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9363 / FAX: 851-3331**

Law Clerk:	Daniel J. Weinstein, Esq.	845-9364
Secretary:	Virginia Mohr	845-9363
Court Clerk:	Patricia Hall	845-9412
Court Reporter:	JoAnne Wratney	845-3621

MOTIONS Thursdays in Part 24 at 9:30 AM

Civil

All moving papers, answering papers, memoranda and special term note of issue to be **received by the court two (2) days prior to return date**. Originals not required. Oral argument not required at attorneys' option. TROs on notice if other attorney is known. TROs in a case assigned to another judge, upon prior approval of IAS judge or his/her law clerk. Motions cannot be adjourned generally and **cannot** be adjourned without court permission.

Matrimonial

All moving papers, answering papers, memoranda and special term note of issue to be received by the court **two [2] days prior to return date**. Originals not required. TROs not granted if not mutual. Will not sign TROS in a case assigned to another judge, without prior approval of IAS judge or his/her law clerk. Oral argument not required at attorneys' option. Motions cannot be adjourned generally and can be adjourned without court permission by informing the court clerk.

CONFERENCES

Civil

Pretrial conferences scheduled upon court's receipt of calendar note of issue. Preliminary conferences upon request. All conferences before law clerk. Scheduling for trial does require a conference. No papers required. Adjournments handled on a case by case basis.

HON. PENNY M. WOLFGANG

Matrimonial

Preliminary conferences to settle permitted; and divorce proven without prior filing of a calendar note of issue. Adjournments handled on a case by case basis.

TRIALS and REFERENCES

Civil

Pleadings and papers for motions *in limine* required on day of commencement of trial. Requests to charge required mid-trial.

Matrimonial

References to law clerk to hear and report on divorces on stipulation, contested economics, post-divorce arrears and post-divorce modification. References to JHOs to hear and determine on any issue within jurisdiction. References to JHOs to hear and report on any issue within jurisdiction. Bifurcation where parties request or law applies.

SUPREME COURT LEGAL STAFF
92 Franklin Street, 2nd Floor
Buffalo, New York 14202
Phone: 845-9328 / Fax: 851-3423

Principal Court Attorney/Referee:	Oliver C. Young, Esq.	845-9327
Associate Court Attorney/Referee:	David A. Bernsohn, Esq.	845-9326
Court Attorney/Referee:	Mary T. Kosmerl, Esq.	845-2660
Management Analyst:	Michael P. Clohessy	845-9339
Senior Court Analyst:	Veronica Rucker	845-9329
Principal Office Stenographer:	Cathy Spina	845-9328

UNCONTESTED DIVORCES/ANNULMENTS

All uncontested matrimonial actions will be considered on papers only. (Inquests are available if special circumstances warrant oral testimony.) After obtaining calendar number, file all required papers with the Supreme Court Calendar/Matrimonial Office (845-9301). The list of required papers is available in the Calendar/Matrimonial Office. For a status check of a particular action, call the Calendar/Matrimonial Office first before calling the Referee.

APPEALS TO ERIE COUNTY COURT

Effective April 22, 2002, civil and criminal appeals to Erie County Court will be subject to an individual assignment system. Accordingly, with respect to matters in which a Notice of Appeal is filed with the Court on or after that date, the Chief Clerk's Office will randomly assign each such action to a Judge of the County Court. Inquiries relative to appeals taken prior to April 22, 2002 should be directed to the Court's legal staff at 845-9329.

SEARCH WARRANTS

Law enforcement authorities are to contact Michael P. Clohessy for information and instructions.