

HON. JEREMIAH J. MORIARTY III

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Court Clerk Part 15 :

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Judge's Confidential Law Clerk:

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Asbestos Court Attorney Referee:

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Motions

Erie County: Motions will be heard on the 2nd and 4th Thursday of each month.

Times: Motions will be heard at 9:30 a.m. for General Civil motions; 10 and 10:30 a.m. for Summary Judgment Motions; Asbestos Motions will be heard at 2 p.m.

Out of County : Cattaraugus County Motions will be heard on the 3rd Thursday of the month in Cattaraugus County. Other Counties will be scheduled as needed. Motions involving all Buffalo counsel may request to have their motions heard in Erie County.

General Motion Practice:

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 other papers must follow CPLR rules, with the Court receiving any responsive papers contemporaneously with opposing counsel. All papers, including Reply papers, must be received by the court at least two(2) business days before the return date. Late submissions may result in adjournment at the Court's discretion or refusal by the Court to consider the untimely submission. In asbestos cases the court requests that a second copy of all papers be delivered to Ms. Hayden. No service accepted by FAX. TRO's on a case-by-case basis, on notice to opposing counsel. Motions cannot be adjourned generally and may be adjourned by contacting the secretary or court clerk. Consent of opposing counsel is necessary for all adjournments unless court directs otherwise.

Summary Judgment Motions: Such motions are limited to 3 cases on each Special Term date.

Disclosure Motions: A motion relating to discovery may not be made without first conferring with the Court. Counsel wishing to make a discovery motion must submit a written request to the Court for a pre-motion conference, explaining the nature of the dispute and the relief sought, on notice to all counsel. A conference with the Court or the Judge's Clerk will then be had in an effort to resolve the dispute, before such a motion may be made.

Motions in Limine: Motions *in limine* are heard at the special term immediately preceding jury selection.

Orders

Unless otherwise directed by the court, orders are to be submitted by the prevailing party. A copy of the decision portion of the motion transcript or the written decision, which ever is applicable, is to be attached to any order submitted. Orders submitted are to include an indication that the order has been sent to all opposing counsel prior to submission to the court. Orders may be picked up in the "OUT" basket of Part 15. Orders will be returned by mail if a self-addressed, stamped envelope is provided to the court.

Conferences

Conferences are generally held at any time on Monday or Tuesday, as well as on Friday mornings. A preliminary conference will be scheduled upon court receipt of an RJI. Pre-trial conferences are scheduled upon court's receipt of calendar Note of Issue. All conferences before IAS Judge or Law Clerk. Adjournments granted upon agreement of all parties and after obtaining the consent of Chambers. Out of area counsel may appear by phone at preliminary conferences upon prior arrangement with chambers. Trial counsel's personal appearance is required at pre-trial conferences.

Trials

Adjournments generally by Judge only. Any motions regarding the adequacy of expert disclosure are to be made within ten (10) days of receipt of such disclosure. Jury selection forms are to be submitted at least one (1) month prior to jury selection date. Pleadings, expert disclosure, list of witnesses, and papers for motions *in limine* required two (2) week prior to jury selection. Parties are to report to the court upon completion of jury selection.

Trials will generally be down on Thursdays for Special Term. The court operates on a 9:30 a.m. to 12:30 p.m. and 2:00 p.m. to 4:30 p.m. schedule. Counsel may contact chambers with any specific requests to accommodate expert witnesses.

Requests to charge and proposed verdict sheets are to be submitted at least 2 days prior to the close of proof. If a party wishes to submit proposed charges substantively different from PJI, such submissions must be on disc in Word Perfect format. Charge conference by informal discussion with results placed on the record upon request.