

**HON. ROBERT C. NOONAN**  
**GENESEE COUNTY AND SUPREME COURT**  
**Genesee County Courts Facility**  
**One West Main Street**  
**Batavia, New York 14202**  
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<b>Court Attorney:</b>	<b>Stephen D. Wieczorek, Esq.</b>	<b>Ext. 2427</b>
<b>Secretary:</b>	<b>Shelley M. DeVinney</b>	<b>Ext. 2236</b>
<b>Court Clerk</b>	<b>Linda A. von Kramer</b>	<b>Ext. 2239</b>

**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 the day following jury selection at 9:30 a.m.

**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 Matrimonials**

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).

**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.

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### **Matrimonial Stipulations**

Transcripts of oral stipulations and the Affidavit of Appearance and Adoption of Oral Stipulation 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. Jury selection shall be by the “struck method” (22NYCRR §202.33[f][2], Appendix E[C]).

### **Matrimonial**

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