

**COMMERCIAL DIVISION OF THE SUPREME COURT
ERIE COUNTY, STATE OF NEW YORK**

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

**IN RE APPLICATIONS ASSIGNED TO THE
COMMERCIAL DIVISION, EIGHTH JUDICIAL
DISTRICT, UNDER ARTICLE 7 OF THE REAL
PROPERTY TAX LAW**

STANDING ORDER # 1

Pursuant to the pilot program instituted by the Chief Administrative Judge in October 2005, there are pending in the Commercial Division, Eighth Judicial District, numerous proceedings under article 7 of the Real Property Tax Law (hereinafter "tax cert proceedings"), and given that, from the experience of the past three (3) years these matters have been pending in the Commercial Division, the vast majority of these tax cert proceedings settle without motion practice or trial, and with the advice and consent of Administrative Judge of the Eighth Judicial District, Hon. Sharon S. Townsend, and the Civil Division Alternative Dispute Resolution Coordinator William Gersten, it is hereby

ORDERED, that tax cert proceedings assigned to the Commercial Division for which a Note of Issue and Certificate of Readiness (hereinafter "NOI") have not been filed may be referred to the Alternative Dispute Resolution Division of the Eighth Judicial District (hereinafter "ADR Division") in accordance with the procedures described below for tax cert proceedings assigned to the Commercial Division after the date of this Order; and it is further

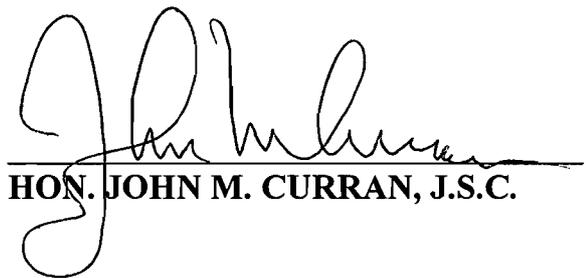
ORDERED, that all tax cert proceedings assigned to the Commercial Division after the date of this Order are hereby referred to the ADR Division in accordance with the following procedures:

- (A) Unless waived, petitioner shall comply with 22 NYCRR 202.59(b) within thirty (30) days after the first court appearance or conference date in the Commercial Division (subject to extensions of time agreed to by the parties);

- (B) Unless waived, the parties shall comply with 22 NYCRR 202.59(c), as applicable, within the time frame set forth therein or unless the Court, upon good cause shown, extends the time for such compliance (and also subject to extensions of time agreed to by the parties);
- (C) Tax cert proceedings may be referred back by the ADR Division to the Commercial Division for trial at the discretion of the ADR Division coordinator or upon request of any party; and
- (D) Upon receipt of the filed NOI required by 22 NYCRR 202.59(d), the Commercial Division shall schedule the pretrial conference required under 22 NYCRR 202.59(e); and it is further

ORDERED, that the parties in tax cert proceedings are at all times under the jurisdiction of the Commercial Division and may seek court-supervised relief with respect to deadlines for disclosure, disclosure disputes or any other matters requiring Court intervention.

Dated: October 1, 2008



HON. JOHN M. CURRAN, J.S.C.

GRANTED:

By: Patricia A. Aiello
Patricia A. Aiello
Court Clerk