

**HON. DIANE Y. DEVLIN**

**Erie County**

Part 6 - Third Floor

92 Franklin Street

Buffalo, New York 14202

PHONE: 716-845-9483 / FAX: 716-845-5157

**Genesee County**

One West Main Street

Batavia, New York 14020

PHONE: 585-201-5727

<b>Law Clerk:</b>	<b>Joseph H. Emminger, Jr.</b>	<b>716- 845-9484</b>
<b>Secretary:</b>	<b>Marianne Vara</b>	<b>716-845-9483</b>
<b>Court Clerk:</b>	<b>Celeste Pilecki (Erie)</b>	<b>716-845-9418</b>
	<b>Nicole Desmond(Genesee)</b>	<b>585-201-5727</b>

**MOTIONS:**    **Genesee County: First and Third Thursdays of every month.**  
**Erie County: Second and Fourth Thursdays of every month.**

**CIVIL:**

Dispositive Motions will be made within 120 days from the filing of the Note of Issue. Arguments are conducted in person. Hard copies are not required unless requested by the Court. Opposition papers are due to be uploaded one week before the return date, and replies are due by noon on Tuesday prior to the argument.

Temporary Restraining Orders, 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 will not be adjourned generally and can only be adjourned upon consent of all parties **and** with notice to the Court.

Orders based upon a Decision of this court will 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 will be served in accordance with Uniform Rule Section 202.48 which provides for ten (10) days mailed notice or five (5) days notice if by personal service and made returnable on the same date and time as the original proposed Order.

### **CONFERENCES:**

Currently Court conferences are conducted virtually by a Microsoft Teams appearance unless directed by the Court for an in-person conference. Attorneys are to appear on video and dressed professionally. Preliminary conferences may only be adjourned upon consent of all counsel and only to a date within the 45-days from 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 dates must be made in writing to all parties and to the Court by counsel seeking the adjournment.

### **TRIAL DEADLINES:**

Expert disclosure will be made thirty (30) days before trial. Proposed Jury Verdict Sheets and Requests to Charge will be submitted to chambers two (2) weeks before jury selection. Motions *in limine* will be served to be argued before the start of trial on the special term before proof or as otherwise scheduled by the Court.