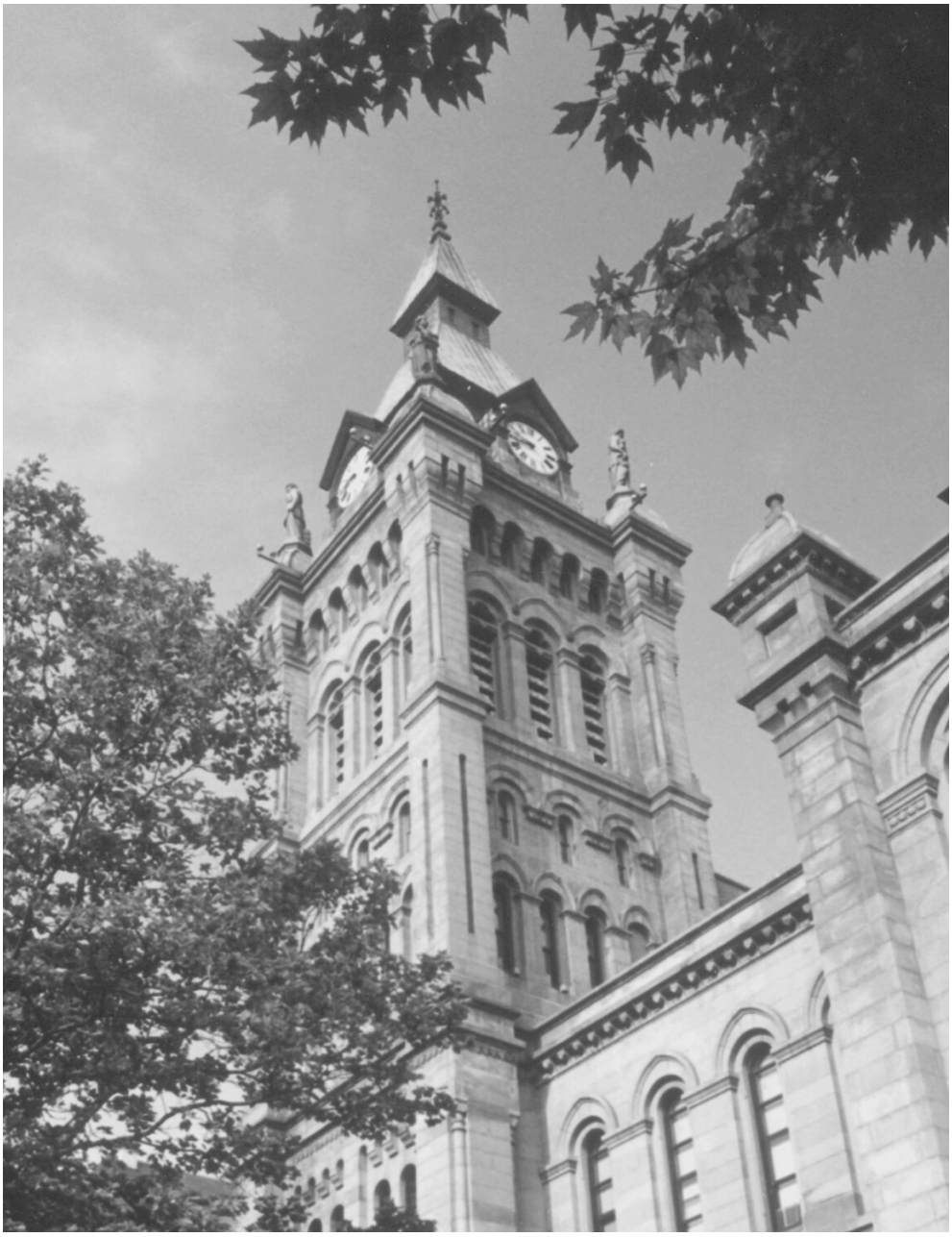
Rules of the Justices of the Supreme Court
8th Judicial District
for
Civil and Matrimonial Cases

2014 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. Feroleto
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
2013 Edition

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(Supreme Court Legal Staff)

HON. TRACEY A. BANNISTER
Part 31 - Eighth Floor
50 Delaware Avenue
Buffalo, New York 14202
PHONE: (716) 845-9492

NO MOTION PAPERS VIA FACSIMILE

Law Clerk:	**Mary L. Mikan, Esq.**	**845-9493**
Secretary:	**Trish Coppola**	**845-9492**
Court Clerk	**Erika Trueheart**	**845-2759**

MOTIONS: Civil & Matrimonial Thursdays, per schedule in Part 31. Please call for exact dates and times prior to scheduling motion, or at any other times the Court and counsel mutually arrange.

E-FILES: The Court requests a courtesy hard copy of all e-filed documents.

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.** 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.

CONFERENCES

Civil Actions:

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.

Matrimonial Actions:

Preliminary conferences will be scheduled upon assignments. 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. Parties must be present at all conferences unless instructed otherwise by the Court.

TRIALS

Trial dates considered to be "date certain" and adjournments will be 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.

HON. M. WILLIAM BOLLER
Part 13 - Second Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: (716) 845-9357 / FAX: (716) 845-5153

Law Clerk:	**Frederick J. Platek, Esq.**	**845-9358**
Secretary:	**Susan Kuberka**	**845-9357**
Court Clerk	**Christine Ryder**	**845-9410**
Court Reporter:	**Mary Jo Dean**	**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**	**278-1800 (motions/orders)**
Court Reporter:	**Amy Coghlan**	**278-1818 (transcripts)**

MOTIONS: WEDNESDAYS

CIVIL MOTIONS AND MATRIMONIAL MOTIONS AT 9:30 A.M.
INFANT SETTLEMENTS IN JUDGE'S CHAMBERS AT 1:30 P.M.
ARTICLE 81 PROCEEDINGS/MENTAL HYGIENE HEARINGS AT 2:00 P.M.
MOTIONS IN LIMINE RETURNABLE AT LEAST ONE (1) WEEK PRIOR TO JURY SELECTION ON A REGULAR SPECIAL TERM DATE AT 9:30 A.M.

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

NOTE: 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.

SPECIAL TERM 2013

JANUARY 16	**JANUARY 30**
FEBRUARY 6	
MARCH 7	**MARCH 20**
APRIL 10	**APRIL 24**
MAY 8	**MAY 22**
JUNE 5	**JUNE 19**
JULY 17	**JULY 31**
AUGUST 7	
SEPTEMBER 11	**SEPTEMBER 25**
OCTOBER 9	**OCTOBER 23**
NOVEMBER 20	
DECEMBER 11	**DECEMBER 18**

THE ABOVE DATES ARE SUBJECT TO CHANGE. IN SUCH EVENT, THE COURT WILL NOTIFY MOVING COUNSEL ONLY. IT IS THE RESPONSIBILITY OF MOVING COUNSEL TO NOTIFY ALL OPPOSING COUNSEL OF THE RESCHEDULED RETURN DATE.

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 Wednesday 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.

Adjournments: 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. All other adjournments must have consent of the Court. Further, no more than three adjournments will be granted. After three adjournments, the motion may be dismissed by the Court.

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 Wednesday 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.

Adjournments: 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. All other adjournments must have consent of the Court. Further, no more than three adjournments will be granted. After three adjournments, the motion may be dismissed by the Court.

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.**

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

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. All conferences before the IAS judge or designated Court attorney. **Pleadings, including Summons, Complaint, Answer and Bill of Particulars, must be submitted seven (7) days**

Adjournments will be granted only with consent of all attorneys and subject to Court approval.

Matrimonial: 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. 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: Granted only by consent of the Court, 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.**

<u>TRIALS and REFERENCES</u>

Civil: Adjournments granted by the Judge only. **Jury selection begins at 9:30 a.m. on Tuesday** with trial to commence at 9:30 a.m. on Wednesday, or Thursday (if Special Term that week).
Pleadings, list of witnesses, proposed jury charge and verdict sheets required **one (1) week prior to jury selection.** Charge conference by informal discussion with results placed on the record upon request.

Any motions regarding the adequacy of expert disclosure are to be made within ten (10) days of receipt of such disclosure. Deadline on expert disclosure at least thirty (30) days prior to commencement of trial, unless otherwise ordered by the Court.

Matrimonial: Adjournment granted by the Judge only. **The parties must file a statement of proposed disposition at least five (5) days prior to the hearing/trial.** References to law clerk to hear and report on divorces on stipulation for contested economic issues and post-divorce matters. 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. **Judgments must specifically recite grounds for divorce, state names and children's dates of birth and if children under 18 must have record check language, detail custody/visitation arrangement or reference to written agreement, contain child support provision and modification language DRL**

236B7d (includes all separation agreements executed on or after October 13, 2010), reference prior Court Orders with specificity, address maintenance and equitable distribution (or reference written agreement), state wife is allowed to resume maiden name or prior surname, if there is oral stipulation or agreement, include incorporation clause, and service upon opposing party within 30 days.

HON. CHRISTOPHER J. BURNS
Part 19 - Third Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE 845-9381 / FAX 845-5154

Law Clerk:	**David C. Caywood, Esq.**	**845-9382**
Secretary:	**Mary Kay Walker**	**845-9381**
Court Clerk:	**Bob Adamski**	**845-9406**
Court Reporter:	**Brigit Marszalkowski**	**845-3615**

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

E-Filing: Any party filing a motion through the E-Filing system must also supply a working copy of all papers submitted on the motion to the Court at the time of the filing.

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.

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.

HON. CHRISTOPHER J. BURNS

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: 845-5155

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.

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.**

HON. FRANK CARUSO

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.

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.

HON. STEPHEN W. CASS

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.

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 it's 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.

13. Direct Pay orders or though 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: Evry 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.

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. DEBORAH A. CHIMES
Supreme Court Justice

Chautauqua County Chambers:	**Buffalo Chambers:**
Chautauqua County Courthouse **P.O. Box 292** **1 North Erie Street** **Mayville, New York 14757**	**50 Delaware Avenue** **Part 30 - 8th Floor** **Buffalo, New York 14202**
Mayville Ph: (716) 753-4464 **Mayville Fx: (716) 753-4585**	**Buffalo Ph: (716) 845-7201** **Buffalo Fx: (716) 845-7545**

Law Clerk:	**Jill Tuholski**	**Mayville:**	**(716) 753-4943**
		Buffalo:	**(716) 845-7202**
Secretary:	**Elizabeth Jaeger**	**Mayville:**	**(716) 753-4463**
		Buffalo:	**(716) 845-7201**
Court Clerk:	**Stacey Caldwell**	**Mayville:**	**(716) 753-4357**
Court Reporter:	**Gerard Linnecke**	**Mayville:**	**(716) 753-4674**

MOTIONS: **Every Monday at 10:00 a.m.**

Civil and Matrimonial

CPLR service applies. **NOTE:** Motions will be automatically adjourned to the following special term if any papers are received after 12:00 p.m. on the Wednesday prior to the return date. No fax or e-mail submissions are permitted. Adjournment of motions may be granted on consent of parties, subject to approval by the Court. Only stipulated or initialed Orders, with consent of opposing counsel, should be submitted to the Court for signature. Motions cannot be adjourned generally. Confirmation of an adjournment, with notice of rescheduled dates, must be made in writing to the Court and all parties.

Discovery motions may be subject to a conference with the Law Clerk prior to argument on the return date. Affidavits of good faith are required on all discovery motions. TROs on notice, if other attorney 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.

All other hearings scheduled by calling the Court.

CONFERENCES:

Civil

A preliminary conference will be held within 45 (forty-five) days of the Court's receipt of a filed RJI. All conferences before the IAS Judge or Law Clerk. Pleadings and a brief summary of the case in letter form are required in advance of the initial conference via first class mail only. Adjournments granted with the consent of all parties, subject to the Court's approval by contacting the Court's Secretary.

HON. DEBORAH A. CHIMES

Matrimonial

Preliminary conferences will be scheduled upon assignment. Clients must be present at all conferences. Pleadings, discovery demands, 236B Affidavits, motions, responses, prior Orders, settlement proposals, proposed stipulations and agreements should be submitted to the Court as far in advance as possible. Adjournments granted with consent of parties, subject to the Court's approval, by contacting Court's Secretary. Trial will be scheduled at the preliminary conference.

TRIALS and REFERENCES:

Civil

Trial dates are considered to be "date certain." Adjournments granted by Judge only. Expert disclosure deadlines per the Court's scheduling and/or trial Order. Any motions regarding the adequacy of expert disclosure are to be made within fourteen (14) days of service of the expert disclosure. Motions *in limine*, pleadings, list of witnesses, expert disclosure are required to be filed with the Court one (1) week prior to jury selection. Motions *in limine* are heard at 9:15 a.m., the morning of jury selection. Conference with the Judge upon completion of jury selection. Requests to Charge and proposed Verdict Sheets required prior to jury selection. Charge conference held prior to summations, with results placed on the record upon request.

Matrimonial

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

HON. JOHN M. CURRAN
Part 4, Third Floor
92 Franklin Street
Buffalo, New York 14202
Phone: (716) 845-9471
Fax: (716) 845-5156

Law Clerk:	**Melissa H. Nickson, Esq.**	**845-9472**
Secretary:	**Cynthia Perry**	**845-9471**
Court Clerk:		**845-9430**
Court Reporter:	**Sally Frizzell**	**845-3624**

SPECIAL TERM

Alternating Thursdays starting at 9:15 a.m. Please call for exact dates prior to scheduling motion.

Summary judgment motions are generally heard on Fridays at 9:15 a.m. Moving papers are to be submitted without a date. Upon review, the Court will schedule a return date.

Moving 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 or email without prior consent of the Court.

Working copies of motion papers in e-filed cases **are not** required unless specifically requested by the Court.

CONFERENCES

Preliminary conferences are scheduled upon receipt of the filed RJI from the County Clerk. Notification of conference dates will be sent via email only. 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. Trial counsel must attend the final pretrial conference.

In medical malpractice actions, a mandatory settlement conference will be held within forty-five (45) days after the filing of the Note of Issue pursuant to CPLR 3409 and 22 NYCRR § 202.56(c). Counsel attending the conference shall be fully familiar with the action and authorized to dispose of the case, or shall be accompanied by a person empowered to act on behalf of the party represented.

ADJOURNMENTS

No same day adjournments permitted except in extraordinary circumstances and upon consent of the Court.

Adjournments of conferences granted only with consent of all attorneys, subject to Court approval.

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.

HON. JOHN M. CURRAN

Motions will not be adjourned generally. Adjournments can be obtained, on consent on all counsel, by contacting the Court Clerk at least twenty-four (24) hours prior to the return date. Following the third adjournment, Court permission is required. Correspondence (preferably via email) confirming the adjournment must be provided to all counsel and the Court.

Consent of all parties required prior to requesting an adjournment of a trial ordinarily will be necessary.

MOTIONS

Oral argument is anticipated but counsel may submit on papers. Appearance on motions by telephone will not be permitted.

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: 845-5157

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

MOTIONS

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

CIVIL

Dispositive Motions shall be made within 120 days from the filing of the Note of Issue. For non e-filed cases, all moving papers, memoranda and a Special Term Note of Issue are to be delivered to the Part 32 Court Clerk not later 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. NOTE - FOR E-FILED CASES, YOU ARE REQUIRED TO SEND A HARD COPY OF MOTION PAPERS AND RESPONDING PAPERS TO CHAMBERS. 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.

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.

HON. DIANE Y. DEVLIN

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 week before jury selection. Jury selection form is to be completed and submitted at least one week 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. JAMES H. DILLON
25 Delaware Avenue
Buffalo, New York 14202
PHONE 845-1800/ FAX 845-5158

Law Clerk:	**Walter R. Pacer, Jr., Esq.**	**845-1802**
Secretary:	**Siobhan H. McMahon**	**845-1800**
Court Clerk:	**Susan Monan**	**845-5417**
Court Reporter:	**Lisa Pazderski**	**845-3625**

MOTIONS : **Wednesdays in Part 23 at 9:30 a.m.**
(25 Delaware Avenue - 4rd Floor)

E-Filing: Any party filing a motion through the E-Filing system must also supply a working copy of all papers submitted on the motion to the Court at the time of the filing.

Civil : All moving papers, answering papers, reply papers and memoranda must be received by the Court **by 10:00 a.m. on the Monday preceding 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. Oral argument is 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. TROs 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 are to be sent to chambers **by 10:00 a.m. on the Monday preceding the return date**. **If papers are not timely delivered, motions will be adjourned.** Original papers must be supplied to the Court. TROs 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.

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. Adjournments granted upon agreement of all parties and after obtaining the consent of Chambers.

HON. JAMES H. DILLON

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. Motions in limine shall be submitted prior to jury selection and heard thereafter as scheduled by the Court. Jury Selection Forms must be submitted at least one (1) month before jury selection date. Pleadings and a list of witnesses(both expert and lay) should be sent to the Court one(1) week in advance of jury selection. **Formal Requests to Charge and proposed Verdict Sheets are required prior to jury selection.** Charge conference will be held prior to summations. Deadline on expert disclosure, without good cause shown, thirty (30) days before the scheduled commencement date of jury selection.

HON. TIMOTHY J. DRURY
Part 8 - First Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9372 / FAX: 845-5160
E-Mail: tdrury@courts.state.ny.us

Law Clerk:	**Peter J. Crotty, Esq.**	**845-9373**
	E-Mail: pcrotty@courts.state.ny.us	
Secretary:	**Diane Oak**	**845-9372**
Court Clerk:	**Margaret McMahon**	**845-9405**
Court Reporter:	**Jill R. Draszkiewicz**	**845-3617**

MOTIONS

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

E-FILES

Working copies from the Bar of electronically filed papers are required by this Court.

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.

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.

HON. TIMOTHY J. DRURY

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
92 Franklin Street - 2nd floor - Part 1 - Ceremonial Courtroom
Buffalo, New York 14202
E-Mail: pferolet@courts.state.ny.us
FAX: (716) 845-5151

LAW CLERK: DANIEL J. MARREN, ESQ.
E-Mail: dmarren@courts.state.ny.us **(716) 845-9439**

SECRETARY: KAREN A. SWARTWOOD **(716) 845-9438**
E-Mail: kswartwo@courts.state.ny.us

MOTIONS: Most Wednesdays at 1:00 p.m. but, check with Court Chambers for cases venued in Erie County. Please call Karen Swartwood for cases venued in Cattaraugus County.

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.

All requests for TROs must comply with Uniform Rules for Trial Court §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.

Cattaraugus County Motions: Contact Karen Swartwood for motion dates and location of oral argument. Most motions will be heard in Little Valley at the Courthouse located at 303 Court Street. Where appropriate, motions will be heard in Buffalo. Original motion papers must be filed in Cattaraugus County, copies to be provided to Judge Feroleto, preferably by e-mail. Hard copies will be accepted.

HON. PAULA L. FEROLETO

ELECTRONIC FILING for ERIE COUNTY CASES:

For all matters subject to mandatory e-filing assigned to this Court, all submissions, including motions, proposed orders and proposed judgments must be electronically filed. All parties should familiarize themselves with the statewide E-Filing Rules (Uniform Rules §§ 202.5-b and 202.5-bb available at www.nycourts.gov/efile) and the Joint Protocols for cases filed in Erie County Supreme Court (found at www.nycourts.gov/courts/8jd/Erie/eprotocols.shtml). General questions about E-Filing should be addressed to the E-Filing Resource Center at (646) 386-3033 or efile@courts.state.ny.us. Specific questions should be addressed to the Chief Clerk's Office at (716) 845-9301.

Concerning motions, this Court does not require working copies but may request working copies in specific instances (See Uniform Rule §202.5-b(d)(4)). Any working copies requested should be delivered or mailed directly to Chambers noted above. All such working copies must include a copy of the NYSCEF Confirmation Notice firmly fastened as the front page of the submission and comply with other requirements set forth in the Joint Protocols for Erie County Supreme Court cases. Working copies without the Confirmation Notice will not be accepted. In addition, this Court will reject any "hard copy" submissions (See definition contained in Uniform Rule §202.5-b(a)(2)(vi)) in e-filed cases unless those submissions bear the Notice of Hard Copy Submission - E-Filed Case required by Uniform Rule §202.5-b(d)(1) and are unbound as required by the Joint Protocols for Erie County Supreme Court cases. The form required by the Uniform Rule is available at www.nycourts.gov/efile.

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.

HON. PAULA L. FEROLETO

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 Court Attorney Referee's (CARS) to hear and report on any issue shall be at the discretion of the Judge or to hear and determine on consent of all parties.

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: 845-5161

Law Clerk:	**Daniel Furlong, Esq.**	**845-9451**
Secretary:	**Francine Jamison**	**845-9450**
Court Clerk:	**Wendy Haseley**	**845-9418**
Court Reporter:	**Sheila Thie**	**845-2145**

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.

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.

HON. JOSEPH R. GLOWNIA

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: 845-5162

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	**845-2176**
	Elaine Minton	**845-2176**
Court Reporter:	**Sally Schneider**	**845-2133**
Court Analyst:	**Barbara Reynolds**	**845-9331**
Resource Coordinator:	**Colleen Gibbons**	**845-9383**
Court Assistant:	**Catherine Hagner**	**845-2176**

ADJOURNMENTS

Due to our unique calender 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:

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 Attorney for the Child, D.A. or *pro se* litigants) are available.

3. Adjournment requests are to be made to chambers at least 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 Attorney for Child). 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 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.

ORDERS

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.

Family

All orders prepared by the court clerks will be provided to the litigants in person or via mail. Copies for attorneys are filed alphabetically by attorneys last name in vestibule cabinet for pick up.

HON. DEBORAH A. HAENDIGES

Order Assigning Counsel

All Orders Assigning Counsel Pursuant to Judiciary Law 35 (8) should be accompanied by a self-addressed, stamped envelope for prompt return, otherwise the Order will be filed alphabetically by attorneys last name in vestibule cabinet for pick up.

E-Files

The court requests a courtesy copy of all e-filed documents (except in foreclosure actions).

VOUCHERS

Attorney for Child Voucher

All Attorney for Child Vouchers should be submitted to the Court in duplicate form.

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.**	**439-7054**
Secretary:	**Beverly Maziarz**	**439-7055**
Court Clerk:	**Nicole Schug**	**439-7057**
Court Reporter:	**Lisa Mullane**	**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.

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.

HON. RICHARD C. KLOCH, SR.

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 5- Third Floor
92 Franklin Street
Buffalo, New York 14202
PHONE: 845-9468 / FAX: 845-5164

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

MOTIONS **1st and 3rd Tuesday of each month, 9:30 AM**
Part 5 - 92 Franklin Street

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 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.

HON. FREDERICK J. MARSHALL

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.

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 (Courtroom)
Fifth Floor (Chambers)
25 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9474 / FAX: 845-5165

Confidential Law Clerk:	**Lynn A. Clarke, Esq.** (**lclarke@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**)	**845-9474**
	Stacey Delmont (**sademon@courts.state.ny.us**)	**845-9474**
Court Clerk:	**Mary Lou Enser** (**menser@courts.state.ny.us)**	**845-9416**
Court Reporter:	**Sandra Lelito**	**845-3622**

MOTIONS:

Every Thursday starting on January 10, 2013 in Part 26 at 9:30, 10:00 and 10:30 a.m.

WHEN SCHEDULING OR ADJOURNING MOTIONS - CONTACT THE COURT CLERK WHO WILL ASSIGN A DATE AND TIME.

All moving papers, answering papers, reply papers, memoranda and special term notes of issue to be received by chambers **no later than 48 hours prior to return date. If papers are not timely received, motions will be adjourned.** Original papers must be supplied to the Court, but not in E-filed cases. TROs 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 by informing the law clerk, court clerk or secretary. Orders must be submitted in accordance with the time limits of the CPLR. 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. A reminder that Justice Michalek's rules require courtesy working copies of all E-filed documents. Please have them delivered ASAP to Part 26, at 25 Delaware Avenue, Buffalo, NY 14202. Be sure to attach the required Confirmation Notice from NYS Courts E-filing.**

CONFERENCES

Preliminary and Pre-trial conferences are scheduled upon court's receipt of RJI or calendar note of issue. Preliminary conferences upon request to Judge's secretary. At first pre-trial, a discovery schedule will be set up by the Court, which will include a trial date. Adjournments granted with consent of parties and by request to Court, with immediate rescheduling.

HON. JOHN A. MICHALEK

TRIALS AND REFERENCES

Adjournments only with the approval of the judge or law clerk. Jury Selection forms and list of witnesses, lay and expert, to be called at trial required one month before jury selection date. Papers for motions *in limine* require one (1) week prior to commencement of trial. Conference with IAS judge upon completion of jury selection. **With respect to Jury Trials, copies of pleadings, requests to charge, proposed verdict sheets, proposed contentions required two (2) weeks prior to the commencement date of trial. If attorneys are making substantial changes to standard PJI format, please submit proposed changes on a Word Perfect formatted disc or CD.** Deadline on expert disclosure thirty (30) days before the scheduled jury selection or thirty (30) days before the first day of a non-jury trial.

With respect to non-jury trials and hearings, pleadings, trial memoranda and marked exhibits must be submitted no later than one week prior to the trial or hearing. Following non-jury trial or hearing. Findings of Fact and Conclusions of Law must be submitted by counsel for all parties.

Orders

Orders following motion argument should be submitted by the prevailing party. Copy of Decision portion of transcript should be attached to Order and referenced therein if so directed by the Court. Transcript to be obtained by counsel from the Court Reporter. Except in E-filed cases, upon Court's review, execution and granting of the Order, Order may be picked up in the "OUT" basket in Part 26. The Court Clerk will advise when an Order is ready for pickup. Orders will be returned via mail if a self-addressed stamped envelope is provided to the Court. In E-filed cases, however, the signed and granted Order will be unloaded to the NYSEF.

HON. JEREMIAH J. MORIARTY III

25 Delaware Avenue
Part 15 - Second Floor
Buffalo, New York 14202
Phone: 845-7260 / FAX: 845-7586

Court Clerk Part 15 :
Peggy McMahon: 845-9409 / pmcmahon@courts.state.ny.us
Judge's Confidential Law Clerk:
Therese Rahill Wincott, Esq.: 845-7259 / twincott@courts.state.ny.us
Judge's Secretary:
Eileen Benjamin: 845-7260 / ebenjami@courts.state.ny.us
Asbestos Court Attorney Referee:
Mary Louise Hayden, Esq. : 845-9336 / mlhayden@courts.state.ny.us

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.

HON. MATTHEW J. MURPHY
2nd Floor Niagara County Courthouse
175 Hawley Street
Lockport, New York 14094
PHONE: (716) 439-7150

Law Clerk:	**Stephen P. Shierling (sshierli@courts.state.ny.us)**	**439-7261**
Secretary:	**Debbie A. Fotia**	**439-7150**
Court Clerk:	**Judy A. Vacanti**	**439-7153**

CONFERENCES

Preliminary conferences will be scheduled within 45 days of the filing of the RJI and are mandatory. 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. At that preliminary conference, a scheduling order will be issued. Any subsequent requests to modify the scheduling order must be presented in the form of a proposed modified scheduling order, with opposing counsel's consent indicated thereon. No modifications of the original scheduling order will be permitted unless approved by the Judge.

A compliance/settlement conference will be held 180+/- days from filing the RJI; and a pretrial conference will be held 60+/- days befor the scheduled trial date. Pretrial conferences will be scheduled upon completion of discovery. All conferences held before IAS Judge.

A final pretrial conference will be held with the Judge approximately one week before jury selection.

ADJOURNMENTS

Adjournments are granted by the judge, secretary or law clerk only; with notice to, and consent of, opposing counsel. Such consent shall not be unreasonably withheld. 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.

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 (716) 439-7153 prior to the scheduled time of appearance.

No same day adjournments permitted except in extraordinary circumstances and upon consent of the Court.

Consent of all parties is required prior to requesting an adjournment of a trial.

HON. MATTHEW J. MURPHY

PAPERS

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. at least two (2) business days before the return date, notwithstanding CPLR 2214(b). Papers submitted after such time may be rejected by the court, or the offending attorney otherwise penalized as deemed appropriate.

Original papers, with Affidavits of Service, are to be supplied to the Court. Oral argument is required unless written consent by all attorney to submit on 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 governmental entity is involved. Motions cannot be adjourned generally.

ORDERS

Must be submitted within thirty (30) days. There must be a written indication that the order has been sent to all opposing counsel or *pro se* litigants 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.

DISCOVERY

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.

SUBPOENAS

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. Such subpoenas must be made returnable only directly to the Court Chambers, and not to the attorney's office or personnel.

MOTIONS

Summary judgment motions must be timely made pursuant to CPLR 3212(a).

TRIALS

Trial dates are considered "dates certain." Trial adjournments are granted only upon exceptional circumstances and by permission of the Judge. Pleadings, vanilla statement of facts, list of witnesses, proposed jury charges, proposed verdict sheet, and papers on motions *in limine* are required to be served and received in Chambers at least one (1) week in advance of jury selection.

HON. MATTHEW J. MURPHY

Attorneys should present proposed jury charges and the verdict sheet in both written form and in digital form. The digital submission should be in MS Word, any version. In both instances, the digital versions should be sent to the Law Clerk, whose email address is: sshierli@courts.state.ny.us. The jury charges should be completely written out, in the formate you desire the Court to read to the jury, rather than merely reciting "PJI 1:90," etc. Each separate charge requested should begin on a separate page, rather than combining multiple charges on the same page.

Expert disclosures, without good cause shown, are to be exchanged not less than thirty (30) days before the commencement of jury selection.

Jury Selection and trial days begin at 9:30 a.m. sharp.

HON. PATRICK H. NeMOYER
Part 34 - Ninth Floor
50 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9480 / FAX: 845-5167

Law Clerk:	**Daniel C. Murphy, Esq.**	**845-9481**
Secretary:	**Nancy J. Schwendler**	**845-9480**
Court Clerk:	**Kevin O'Connor**	**845-9429**
Court Reporter:	**Amy Fagnan**	**845-3613**

MOTIONS: **There are no special term dates. Dates and times of all motions are as scheduled by the Court. Please call secretary to schedule.**

Civil:

All moving papers, answering papers, and legal memoranda must be sent to chambers **as soon as possible after service on opponent, but at least two [2] days prior to the return date. Work (hard) copies of all papers must be submitted to chambers in all e-filed cases.** Original papers are not required. Oral argument (which typically takes place in chambers) is required in all cases, except when disposed with by the Court. Discovery motions must include an affirmation of good faith. Generally, TROs will be granted only upon notice to the opposing litigant/attorney. TROs sought in cases assigned to another IAS judge will be granted only with the prior approval of that IAS judge or his/her law clerk. Motions (and any accompanying preliminary or status conference) will not be adjourned except by or with the consent of counsel for the moving party **and** the permission of the Court **and** the assignment by court staff of a new return date for the motions/conference. No "general adjournments" will be granted.

Matrimonial:

All moving papers, answering papers, memoranda and special term notes of issue must be sent to chambers **as soon as possible after service on opponent**, **but at least two [2] days prior to return date. Work (hard) copies of all papers must be submitted to chambers in all e-filed cases.** Original papers are not required. Oral argument is not required if the attorneys agree to submit. Motions will not be adjourned except by or with the consent of counsel for the moving party **and** the permission of the Court **and** the assignment by court staff of a new return date for the motion. No "general adjournments" will be granted. If the motion is for omnibus relief, the motion will be converted to a conference within one [1] week of return date.

CONFERENCES:

Civil:

Preliminary conferences are as scheduled by the Court upon its receipt of the RJI. Subsequent status conferences are as scheduled by the Court at the preceding conference. Conferences are conducted before the IAS judge or his law clerk; appearances by telephone are not permitted except with prior permission of the Court. No pleadings or other papers need be submitted, but it will be appreciated if a synopsis of the case's facts and procedural/settlement posture is sent to the Court in advance of the preliminary conference. No adjournments will be granted except on consent of all parties **and** the

assignment by court staff of a new date for the conference. No "general adjournments" will be granted. Adjournments must comply with the requirement that a preliminary conference be conducted within forty-five [45] days of the filing of the RJI. No same-day adjournments will be granted without a medical or other good excuse and without speaking first to court staff and obtaining an adjournment date.

Matrimonial:

Preliminary conferences to settle are permitted and encouraged. Divorces may be proven up but no judgment of divorce will be signed without the filing of a calendar note of issue.

TRIALS AND REFERENCES:

Civil

The Court adheres strictly to its trial calendar; adjournments of trial require a showing of compelling circumstances. No adjournments of trial will be granted other than by the Judge or his staff during a pretrial conference convened to address that issue.

Marked pleadings and papers for motions *in limine* must be submitted at least one [1] day prior to start of trial. Formal requests to charge and proposed verdict sheets must be submitted prior to summations. The charge conference will be held following the completion of proof, unless otherwise directed by the Court.

Matrimonial:

References to law clerk to hear and report may be ordered in cases involving divorces on stipulation and contested financial issues. Default papers must be submitted to the Court in advance. Signed and granted judgments of divorce and referee's reports 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:	**Shelley M. DeVinney**	**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 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.

HON. ROBERT C. NOONAN

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.

HON. HENRY J. NOWAK
Part 25 - 4th Floor
25 Delaware Avenue
Buffalo, New York 14202
Ph: (716) 845-9477
Fax: (716) 845-7541

Law Clerk:	**Thomas J. Cannavo, Esq.**	**(716) 845-9478**
Secretary:	**Sara Mazgaj**	**(716) 845-9477**
Court Clerk:	**Elaine Xenos**	**(716) 845-9433**
Court Reporter:	**Michele Moore**	**(716) 845-3610**

MOTIONS: First and third Wednesdays of each month beginning at 9:30 a.m. in Part 25, 4th Floor, 25 Delaware Avenue.

The **original and one copy** of motions brought by Order to Show Cause must be submitted to the Court at the time of scheduling and signature.

Motions must be adjourned to a specific date and will not be generally adjourned. All requests for adjournments must be upon consent of opposing counsel and approval of the Court. The party requesting the adjournment must send written confirmation of the adjournment and the rescheduled date to all parties and the Court.

MATRIMONIAL ACTIONS: Pursuant to the Uniform Rules for the New York State Trial Courts § 202.16, both parties to a matrimonial action must be present at all conferences unless excused in advance upon consent of opposing counsel and approval of the Court. If a party fails to appear without prior consent and approval, that party will be responsible for paying the attorney's fees of opposing counsel for that appearance. **Parties are <u>not</u> required to be present for motions.**

ORDERS: When submitting a proposed Order, the attorney proposing the Order must indicate that the proposed Order is without objection after having been sent to all opposing counsel or pro se litigants at least 10 days prior to submission to the Court. The proponent of the order may otherwise indicate that the order has been reviewed and approved as to form and content by all opposing counsel or pro se litigants. Orders will not be signed without proof of approval by all opposing counsel or pro se litigants, or the passing of 10 days without objection prior to the submission to the Court.

HON. JOHN F. O'DONNELL
Part 21 - Third Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9486 / FAX: 845-5168

Law Clerk:	**Kevin Maley**	**845-9487**
Secretary:	**Patricia L. Resetarits**	**845-9486**
Court Clerk:	**James Kasprzak**	**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. CATHERINE NUGENT-PANEPINTO
50 Delaware Avenue, Part 35, 9th Floor
Buffalo, New York 14202
Phone: 845-2693 / Facsimile:

MOTION PAPERS VIA FACSIMILE OR EMAIL BY PRIOR ARRANGEMENT WITH COURT AND COUNSEL

Law Clerk:	**Kristen M. Wolf**	**716-845-2597**
Secretary:	**Kristin J. McCracken**	**716-845-2693**
Court Clerk:	**Patricia Hall**	**716-845-**
Court Reporter:	**Debbie Zito**	**716-845-**

MOTIONS:

Civil and Matrimonial: Thursdays at 9:30 a.m. (Except with prior arrangement). Please call Court Clerk for exact dates prior to scheduling motion. Infant Settlements: Contact Court Clerk to schedule. Motions, cross-motions and orders to show cause cannot be scheduled until there is a paid stamped note of issue showing the original was filed with the Erie County Clerk. Motions for Summary Judgment should be made no later than one hundred twenty (120) days after the filing of the note of issue, except with leave of Court on good cause shown.

All original moving papers, answering papers, memoranda and special term notes of issue should be sent to chambers before 12:00 noon on the Tuesday before the motion return date. 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 Judge or law clerk. Adjournments granted with consent to all parties, subject to Court's approval, by contacting secretary. At the conference, a scheduling order may be issued.

Matrimonials:

Preliminary conferences will be scheduled upon assignment. Pleadings, discovery demands, 236-B 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. CATHERINE NUGENT-PANEPINTO

TRIALS:

Trial dates are considered to be "date certain". Adjournments granted under certain circumstances. All motions *in limine* should be made returnable prior to jury selection.

Expert disclosure, without good cause shown, should be exchanged thirty (30) days before the commencement date of trial. Any motions regarding the adequacy of expert disclosure should be made within ten (10) days of receipt of such disclosure.

Jury selection begins at 9:30 a.m. on Tuesday, with trial to commence at 9:30 a.m. on Wednesday or whichever date is agreed upon by the parties and Court.

Marked pleadings, requests or charge, proposed verdict sheets and papers for motions *in limine* should be submitted one (1) week prior to beginning of trial. Exceptions made, upon good cause shown. Conferences with Judge upon completion of jury selection. Proposed verdict sheets and requests to charge, may be e-mailed in WordPerfect format, to Judge's Law Clerk at kwolf@courts.state.ny.us or secretary at kmccrack@courts.state.ny.us.

Charge conference with the Judge after proof completed with results put on record upon request.

Matrimonials:

Referred to law clerk to hear and report on divorces on stipulation, contested economics, post-divorce arrears and post-divorce modifications. Judgments and findings of fact should be submitted on notice to opposing counsel within four (4) weeks of prove-up or decision. If no objections to final papers are received after ten (10) days, submitted papers and/or Orders will be signed without further delay.

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's 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. 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.** **kroach@courts.state.ny.us**	**845-9355**
Secretary:	**Ann M. Metz** **ametz@courts.state.ny.us**	**845-9354**
Court Clerk:	**Joan Aquila**	**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 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 to the other side 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.)

For matters that have been e-filed, counsel must provide a chambers copy of all motion papers that have been e-filed to chambers within one business day of the e-filing. (The court does not require copies of pleadings other than motion papers.) Fax submissions are NOT permitted. The appropriate NYSC E-file Confirmation Notice must be submitted with the copy(ies).

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: No trial date will be given without a filed Note of Issue. 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 modification. 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: 845-7504

Law Clerk:	**Regan Ihde**	**845-9379**
Secretary:	**Cindy O'Bara**	**845-9378**
Court Clerk:	**Mollie Redmond**	**845-9404**
Court Reporters:	**Danielle Daigler**	**845-2137**
	Barbara Louisos	**845-2135**

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.

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 (716) 845-7479
FAX (716) 845-7505

Law Clerk:	**Darryl J. Colosi, Esq.** **E-Mail: dcolosi@courts.state.ny.us**	**845-7480**
Secretary:	**Cynthia A. Sardina** **E-Mail: csardina@courts.state.ny.us**	**845-7479**
Court Clerk:	**John Garbo** **E-Mail: jgarbo@courts.state.ny.us**	**845-9415**

MOTIONS: Every Monday at 9:30 a.m.

Attorneys shall contact **John Garbo** 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.

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.**

HON. TIMOTHY J. WALKER

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;

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.

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 fist 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.

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. PENNY M. WOLFGANG
Part 16 - Second Floor
25 Delaware Avenue
Buffalo, New York 14202
PHONE: 845-9363 / FAX: 845-7507

Law Clerk:	**Daniel J. Weinstein, Esq.**	**845-9364**
Secretary:	**Virginia Mohr**	**845-9363**
Court Clerk:	**Patricia Hall**	**845-9412**
Court Reporter:	**Kerry Meegan**	**845-3623**

MOTIONS Thursdays in Part 16 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.

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

HON. PENNY M. WOLFGANG

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: 851-5163

Principal Court Attorney/Referee:	**Oliver C. Young, Esq.**	**845-9327**
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 Oliver Young for information and instructions.