

HON. RALPH A. BONIELLO, III
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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.

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 prior to the preliminary conference.** 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.**

TRIALS and REFERENCES

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.**