

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

COMMERCIAL DIVISION

**Part 4, Third Floor
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Law Clerk:	Melissa H. Nickson, Esq.	(716) 845-9472
Secretary:	Cynthia Perry	(716) 845-9471
Court Clerk:	Patricia Aiello	(716) 845-9430
Court Reporter:	Sally Frizzell	(716) 845-3624
Court Attorney	Anne S. Rutland, Esq.	(716) 845-9345

SPECIAL TERM

Every Thursday. All discovery motions are heard at 9:00 a.m. All other motions are heard according to plaintiff's name as follows:

A-O at 10:00 a.m. P-Z at 11:00 a.m.

Motion 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 without prior consent of the Court.

**RULES OF THE COMMERCIAL
DIVISION OF THE SUPREME COURT**

Except as noted herein, the practice in the Commercial Division, Erie County is governed by Section 202.70(g) of the Uniform Rules for the New York State Trial Courts (22 NYCRR 202.70 [g]).

CONFERENCES

Preliminary conferences are scheduled upon receipt of the filed RJ1 from the County Clerk. At the conference, a scheduling order will be issued. At the preliminary conference, the Court will indicate whether or not a stay of disclosure will be employed pursuant to CPLR § 3214(b). 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.

ADJOURNMENTS

1. No same day adjournments permitted except in extraordinary circumstances and upon consent of the Court.
2. Adjournments of conferences granted only with consent of all attorneys, subject to Court approval.
3. 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.
4. Motions will not be adjourned generally. The first and second adjournments can be obtained without Court permission, on consent of all counsel, by informing the Court Clerk at least twenty-four (24) hours prior to the return date. Letters confirming the adjournment must be provided to all counsel and the Court.
5. Consent of all parties required prior to requesting an adjournment of a trial will be necessary.

MOTIONS

1. Statements of material facts for summary judgment motions are not required.
2. Oral argument is anticipated but counsel may stipulate to submit on papers. Appearance on motions by telephone will not be permitted.
3. Pre-motion conferences are to be requested by telephone contact with Chambers.
4. 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 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.