

2.2 | RELIEF FROM ADR REFERRAL

A. Opting Out Motions. Any party may file, with the assigned Judge for that case, a motion to opt out of, or for relief from, ADR.

B. Motion. Opting Out Motions must be made within ten (10) days from

(i) the date of the first discovery conference under Local Rule 16.1 in new cases, or

(ii) the date of a *sua sponte* ADR Referral Order in pending cases.

C. Criteria. Opting Out Motions shall be granted only for "good cause" shown. Inconvenience, travel costs, attorney fees or other costs shall not constitute "good cause." A party seeking relief from ADR must set forth the reasons why ADR has no reasonable chance of being productive.

D. Judicial Initiative. The assigned Judge may, *sua sponte*, exempt any case from the Court's ADR Plan.

*(US District Court, New York, Western District // Buffalo, NY 14202
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