

Practices for Part 3

Courtroom hours are from 9:15 a.m. to 4:30 p.m.

Lunch recess is from 1 p.m. to 2:15 p.m., with the courtroom closed at that time.

Due to financial constraints, these hours are strictly observed.

1. The Commercial Rules govern all cases before Justice Bransten unless modified or changed below.
2. All documents submitted to the court for review or signature, whether stipulations, orders or letters, must contain, on all pages subsequent to the first, a header bearing the case name, index number and page number out of the total number of pages. For example:

Plaintiff v. Defendant

Index No. 600XXX/XX

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3. Stipulations and any other documents submitted to the court to be so-ordered must be provided in hard copy with an explanatory cover letter.
4. The Part Clerk is unable to accept deliveries between 12:45 - 2:15 p.m. or after 4:30 p.m. No deliveries to chambers will be accepted.
5. Parties are to bring copies of all prior discovery orders to each court appearance.

Communications with the Court

1. Neither Justice Bransten nor any of her court attorneys will speak to any litigant or any attorney regarding any matter without all parties to the action on the line.
2. All inquiries regarding the scheduling of appearances must be directed to the Part 3 Clerk, Ms. Regina Sgro, who can be reached at (646) 386-3287 between 9:30 and 12:45 p.m. and between 2:15 and 4:30 p.m.
3. All requests for adjournments or extensions of time and/or page limits shall be made by letter. A party seeking any such adjournment or extension must receive court permission. To the extent that the adjournment or extension must be ordered by the court, the party seeking the adjournment or extension shall submit a proposed order.

Requests for adjournments or extensions of time and/or page limits (a) must be made at least two business days prior to scheduled appearance or deadline for submission; and (b) any party contacting the court for an adjournment or extension of time must state: (i) the original date; (ii) the number of previous requests for adjournment or extension; (iii) whether prior requests were granted or denied; (iv) whether ALL other parties consent; and (v) assuming that ALL parties consent, two proposed alternative dates.

4. A party will not be excused from a scheduled appearance without first seeking and receiving leave from the court.

5. Correspondence to the court must be e-filed, sent in hard copy to the Part 3 courtroom, Room 442, and sent to all parties. Faxes will no longer be accepted.
6. Correspondence to the court should include each party recipient's email address.

Requests for Admission Pro Hac Vice

1. All requests for admission must be made by order to show cause or motion and shall be accompanied by an affidavit in support from a member of the Bar of the State of New York and an affidavit and a recent certificate of good standing from the applicant. Each attorney seeking admission must file a separate motion or order to show cause.
2. The applicant's affidavit must advise the court as to the total number of times the applicant has been admitted pro hac vice in New York. The applicant's affidavit must also advise the court whether he/she has ever been or is presently subject to a disciplinary proceeding.
3. It is preferred that the parties stipulate to the pro hac vice admission. Inclusion of a stipulation signed by all parties with the motion papers will greatly shorten the application time period.

Confidentiality Orders & Sealing

1. Any order regarding the confidential exchange of information shall be based on the Proposed Stipulation and Order for the Production and Exchange of Confidential Information prepared by a committee of the New York City Bar Association for use in the Commercial Division, available on the Bar Association's website at:

<http://www.nycbar.org/pdf/report/ModelConfidentiality.pdf>
2. If the parties deviate from the above model in any way whatsoever, the parties shall submit: (1) a copy of the parties' proposed confidentiality order; (2) a redline of the document showing the deviations from the form listed above at Point One; and, (3) a letter to the Court explaining the reasons for such changes. Any opposition to the proposed changes shall be submitted no later than three business days after the proposed order, redline, and accompanying letter are sent to the court.
3. The sealing of any document, or portion thereof, submitted to the court must be done by motion showing proper reason to seal, and "good cause" therefor, pursuant to 22 NYCRR § 216.1. Sealing may not be done by stipulation.

Discovery Disputes and Conferences

1. Discovery disputes are preferred to be resolved through a court conference – not through motion practice – unless otherwise directed. The court conference will most often be an arranged conference call with chambers, where all parties are to be on the line and then place a call to chambers.
2. For all disputes, the parties shall outline their position in a pre-conference letter addressed to Justice Bransten not to exceed three pages (excluding exhibits). The letter shall describe the good faith effort by the parties to resolve the dispute, *see* Commercial Division Rule 14, and must be delivered in hard copy to the court. After receiving the parties' discovery letters, chambers will arrange a time for a conference call.
3. If satisfactory resolution is not achieved through a court conference, then leave will be given for the parties to file the appropriate motion. Failure to abide by this rule may result in a motion being held in abeyance until the court has an opportunity to conference the matter.

Motion Practice

1. With respect to Commercial Division Rule 24(c), counsel is only required to advise the court prior to making a discovery motion. Before contacting the court, counsel is encouraged to seek a discovery conference, as detailed above, unless otherwise authorized by the court.
2. All motion papers are required to have the appropriate Motion Sequence Number to which they are related placed on the front page.
3. All courtesy copies submitted in connection with a motion must include the correct motion sequence number, be properly backed, and, where necessary, include proper bottom tabs.
4. All submitted papers are to have an e-file confirmation sheet attached to the back of the document, over the litigation back.
5. Absent compelling circumstances, all parties must be present when injunctive relief is sought.
6. At the conclusion of oral argument, the movant is to order the transcript and have a copy sent to the Court, delivered to the Part 3 Clerk, Room 442. The motion(s) will not be marked submitted for consideration until a transcript has been received.
7. Rule 19-a Statements of Material Facts are required when moving for or opposing summary judgment.

8. Affirmations submitted in support of or in response to dispositive motions must be separate from any memoranda of law submitted in relation to the motion. Affirmations should not include arguments of law.
9. All memoranda of law must include a Table of Contents and a Table of Authorities.
10. All footnotes in papers submitted to the court must be in 12-point font.

Motions by Notice of Motion

11. Courtesy copies of all e-filed papers and exhibits for motions returnable in Room 130, the Submissions Courtroom, must be delivered to Room 130. Courtesy copies for motions returnable in the Submissions Courtroom may not be accepted in the Part 3 courtroom absent prior permission from the court.

Motions by Orders to Show Cause

12. Courtesy copies of e-filed opposition and reply papers and exhibits related to Orders to Show Cause must be delivered to the Part 3 courtroom, Room 442, between the hours of 9:30 a.m. - 12:45 p.m. and 2:15 p.m. - 4:30 p.m, by the date specified in the Order to Show Cause. Courtesy copies may not be accepted during the lunch recess or after 4:30 p.m. Extra copies of papers will not be accepted, and it is not necessary to submit courtesy copies of an Order to Show Cause that has been signed by Justice Bransten.

Trial Rules

1. No adjournments of the trial date will be granted absent exceptional circumstances. Requests for an adjournment must be made in writing to the Court and not by phone call to the Clerk of the Part.
2. No electronic media devices will be permitted absent express permission from the Court. Requests should be made to the Court in writing and the reasons for the request must be clearly stated.
3. All materials used during the trial must be removed within 48 hours of the conclusion of trial. All materials not timely removed will be discarded.
4. Failure to comply with the deadlines listed below may result in an adjournment of the scheduled trial date.

5. The parties are expected to meet and confer regarding the timely submission of pre-trial materials well in advance of the deadlines listed below.

30 Days Prior to Jury and Non-Jury Trials

6. After meeting and conferring, the parties are each to submit the following at least thirty days prior to the start date of the trial:
 - (a) Pre-trial memorandum briefs.
 - (b) Proposed facts to be proven at trial.
 - (c) A list of witnesses each party expects to call at trial. The witness list must state whether each witness is a fact or an expert witness. If a witness is listed as an “expert,” state: (i) the subject of the expert’s testimony and (ii) whether the parties agree or dispute that witness’s status as an expert for purposes of the trial.
 - (d) A list of exhibits that each party may use at trial. The exhibit list must state for each exhibit if that exhibit is agreed to or disputed by the parties as admissible evidence. Exhibits that are agreed to by the parties as admissible evidence will be immediately entered into evidence upon introduction at trial. Parties are to contact and work with the court reporter to mark exhibits in advance of trial.
 - (e) All documentary evidence to be submitted at trial must be bates stamped.

20 Days Prior to Jury and Non-Jury Trials

7. At least twenty days prior to the start date of the trial the parties are to each submit:
 - (a) Motions in limine.
 - (b) One copy of all exhibits to be used at trial. The parties should additionally be prepared to hand to the Court one copy of every document that is introduced at trial.

10 Days Prior to Jury Trial

8. If the trial is by jury, counsel will be required to submit proposed jury charges and a proposed verdict sheet. All submissions must be submitted in hard copy and on CD or thumb drive in Word format ten days before trial.
 - (a) The Court will accept submissions of proposed opening jury charges for the Court to read to the jury upon the onset of the trial. Proposed opening jury charges must be submitted in hard copy and on CD or thumb drive in Word.
 - (b) The court supervises jury selection. Parties may submit proposed questions for use by the court during jury selection.
9. The court will expect each party to make a three-minute presentation to the jury panel regarding its case at the beginning of voir dire. If there are multiple defendants or plaintiffs, each side shall have a maximum of four minutes for its presentation, with the time to be divided among the parties' attorneys as they wish; however, each attorney is expected not to repeat the presentations offered by his or her colleagues.

First Day of Trial

10. Parties shall provide witness lists, a glossary of names and any unusual words and any acronyms they anticipate using during the trial to the court reporter the morning that the trial is set to begin.
11. If depositions are to be used at trial, the parties shall provide the Court with a copy of each such deposition for the Court's use.
12. For both jury and non-jury cases, the Court requires that the parties order a daily copy of the transcript during trial.

(Updated 3/30/15.)