

## **Practices for Part Three**

### **Motion Practice**

1. In accordance with Commercial Division Rule 24(c), counsel is only required to advise the Court prior to making a discovery motion. Before contacting the Court, “counsel must consult with one another in a good faith effort to resolve all disputes about disclosure” (*see* Rule 14).
2. All papers submitted in connection with a motion must include the correct motion sequence number and be properly backed.
3. Hard copies of all e-filed papers and exhibits for motions returnable in Room 130 must be delivered to Room 130. Hard copies of e-filed papers and exhibits related to Orders to Show Cause must be delivered to the courtroom--Room 442. Extra copies of papers will not be accepted.
4. At the conclusion of oral argument, the movant is to order the transcript and have a copy sent to the Court. The motion(s) will not be marked submitted for consideration until a transcript has been received.
5. Rule 19-a Statements of Material Facts are required when moving for or opposing summary judgment.

### **Communications with the Court**

6. Neither Justice Bransten nor any of her court attorneys will speak to any litigant *ex parte*.
7. Unless otherwise provided in the Commercial Division Rules, counsel should contact the Court telephonically between 3:30 and 5:00 p.m.
8. A party seeking an adjournment on any scheduled appearance or court-ordered date, must receive court permission.

Adjournments will not be permitted in the absence of a court-authorized stipulation, court order or a conference call with ALL parties on the line. *Requests for adjournments or extensions of time: (a) must be made at least 48 hours prior to scheduled appearance or deadline; and (b) the party contacting the court 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.*

9. Inquires regarding appearances may be directed to the Part Clerk who can be reached at (646) 386-3287 between 9:30 and 12:45, and between 2:15 and 4:30.

**Discovery Conferences and Disputes**

10. Discovery disputes are to be resolved through a court conference--not through motion practice--unless otherwise directed.
11. Parties are to bring copies of ALL prior discovery orders to each and every court appearance.
12. BEFORE checking in with the Part Clerk, the attorneys are to jointly prepare a proposed order or stipulation resolving outstanding disclosure issues. If all discovery has been completed then the parties should so stipulate and indicate that the note of issue will be timely filed. A conference will not be conducted until a stipulation/order form has been filled out and submitted to the Clerk.