

**Part IA-26. Hon. Rubén Franco
Judge's Part Rules**

1. Appearances. Counsel and unrepresented litigants are directed to appear promptly at 10:00 A.M., for conferences and other calendar calls, and at the scheduled time for all trials and hearings. Counsel and unrepresented litigants are to be fully familiar with the case and authorized to enter into agreements, both substantive and procedural. Failure to appear at the call of any calendar, may result in default or dismissal pursuant to 22 NYCRR 202.27.

2. Compliance With Bronx Supreme Court Filing Rules. Attorneys who submit or respond to a motion by electronic filing shall comply with the Bronx Supreme Court Filing Rules for E-filed Motions set forth at <http://www.nycourts.gov/courts/12jd/BRONX/civil/filingrules-efile.shtml>.

3. Moving Papers, Opposition, and Reply Papers. A working copy of all submissions, shall be provided to the Motion Support Office in Room 217, by no later than 5:00 P.M., on the return date. All working copies submitted by mail or overnight delivery shall be marked "NYSCEF matter" on the outside envelope to expedite processing. Any motion that is submitted to the court without the requisite working copy will be automatically denied. Failure to timely submit the requisite working copy of opposition or reply papers will be deemed a waiver of such submissions.

4. Form of Motion, Opposition and Reply Papers. No papers shall be double-sided. All motion, opposition and reply papers are to be numbered and all paragraphs in affirmations and affidavits are to be numbered. All exhibits are to be preceded by a letter or number exhibit tab that protrudes from the stack of paper. If an annexed document is voluminous and only discrete portions are relevant, counsel shall highlight the relevant sections of the document. All text shall

be readable without having to remove staples or binding. Further, all submissions are to be securely bound, so as to prevent the papers from separating from each other and becoming lost (this may require subdivision of the papers and the divisions shall be labeled in sequential order). Deposition transcript pages annexed as an exhibit shall be numbered at the bottom of each page. Failure to comply with these requirements, may result in the rejection of the offending submission.

5. Motion Practice. No motion for substantive relief shall be joined with an application for discovery. Discovery-related motions are heard by the judge presiding in the DCM Part, IAS Part 11. In the event that a party makes a discovery cross-motion in response to a substantive motion, the court shall refer the discovery- related application to the DCM Part, IAS Part 11, and upon resolution of the discovery motion, shall resolve the substantive motion. All counsel appearing on motions must be thoroughly familiar with the case, the previous demands for relief, and offers of settlement, and must be authorized to settle or try the case. All clients must be available by telephone, fax, email, etc., to respond to modified demands or proposed settlements.

Counsel must advise the court in writing, and as soon as practicable if any submitted motions have been resolved, withdrawn, or if the motion is moot for any reason, including that the case has been settled.

6. Motions to Reargue/Renew. All motions to reargue or renew must include an exhibit with all papers submitted on the original motion, as well as a copy of the court's prior decision. Failure to comply with these requirements, may result in denial of the motion.

7. Settlements and Discontinuance. If an action is settled, discontinued or otherwise disposed

of, counsel shall immediately inform the court by submission of a copy of the stipulation or a letter directed to the Clerk of the Part. Filing a stipulation with the County Clerk does not suffice.

8. Motion in Limine. At the time of assignment to this Part for trial, the parties shall make all motions in limine that require rulings prior to trial, except for those not reasonably anticipated. Failure to timely make such motion in limine shall result in the motion being deemed waived. Moreover, counsel shall provide the court with memorandum of law in support of the motion in limine, with a copy to opposing counsel.

9. Bench Trial. On the first appearance in the Part for trial, counsel and unrepresented litigants shall provide the judge with: 1) two business cards; 2) marked pleadings (Complaint, Answer, Bill of Particulars, copies of the statutory provisions specifically relied on in the pleadings, etc.); 3) motions in limine; 4) a witness list; 5) expert reports; 6) any relevant orders pertaining to the case; and, 7) (for counsel only) proposed findings of facts. At the same time, the parties shall inform the judge of: 1) the need for an interpreter (language and for which witness); 2) any anticipated scheduling problems; and, 3) any special requests, including the use of blackboards or media equipment.

10. Jury Trial. On the first appearance in the Part for trial, counsel and unrepresented litigants shall provide the judge with: 1) two business cards; 2) marked pleadings (Complaint, Answer, Bill of Particulars, copies of the statutory provisions specifically relied on in the pleadings, etc.); 3) motions in limine; 4) a witness list; 5) experts reports; and, 6) any relevant orders pertaining to the case. At the same time, the parties shall inform the judge of: 1) the need for an interpreter (language and for which witness); 2) any anticipated scheduling problems; and, 3) any special

requests, including the use of blackboards or media equipment.

11. If a Pattern Jury Instruction is being modified, the complete PJI, incorporating the modified language, must be submitted.

12. ALL PERSONS APPEARING BEFORE THE COURT ARE EXPECTED TO COMPORT THEMSELVES IN A MANNER THAT PROMOTES, IN ALL RESPECTS, PROPER COURT ROOM DECORUM.