

**PART RULES FOR
HON. JAMES T. ROONEY
Putnam County Courthouse
20 County Center
Carmel, New York 10512
Part Clerk: Lisa D'Angelo
Telephone Number: (845) 208-7830
Law Clerk: Christi J. Acker
Secretary: Teresa Murphy
Chambers Telephone Number: (845) 208-7850
Chambers Fax Number: (845) 431-1932**

CONFERENCES

Preliminary Conference - The attorneys and/or self-represented parties should complete the Preliminary Conference Order before the conference with the Court. They also must be prepared to discuss with the Court any outstanding motions. Counsel must have full knowledge of the facts and status of the case and be prepared and authorized to engage in a meaningful conference. Appearances by counsel and parties at the Preliminary Conference are mandatory.

Compliance/Settlement Conferences - Counsel must appear with full authority to discuss settlement. Appearances at Compliance/Settlement Conferences by counsel and parties are mandatory unless otherwise ordered by the Court.

ADJOURNMENTS

Requests for adjournments must be made by fax to Chambers. Counsel must attempt to gain the consent of all parties. If applicable, an affidavit of engagement must be filed with the Court. **No adjournments will be permitted unless approved by Chambers.** If an adjournment is granted by Chambers, the requesting party must inform all other parties of the adjourned date and time and copy the Court on that correspondence.

MOTIONS

Prior to making any motion, the movant should write the Court, with a copy to all parties, specifying the relief sought and the basis for that relief. The Court will then schedule either a conference or a conference call with counsel. This procedure does not preclude the moving party from making a motion, but rather, provides the Court with an opportunity to resolve the dispute without the need for a formal written application. Failing resolution of the issue in this manner, the party seeking the relief may proceed with a motion.

All motions and orders to show cause must be filed with the Office of the County Clerk with the appropriate filing fee. All motions must be limited to twenty (20) pages unless prior Court approval is given. All civil motions will be returnable on Mondays at 10:30 a.m., except for in matrimonial matters where the motions should be returnable on Thursdays at 2:00 p.m., except by Order of the Court.

When an Order to Show Cause is to be presented to the Court which seeks temporary injunctive relief, including but not limited to a stay or a temporary restraining order, counsel for the moving party or any self-represented party shall demonstrate compliance with §202.7(f) of the Uniform Rules for the New York State Trial Courts, regarding notice to affected parties.

Summary judgment motions shall be filed with the Court and served upon all adverse parties no later than sixty (60) days after the filing of the Note of Issue.

There shall be no stay of pre-trial discovery resulting from the filing of a motion made pursuant to CPLR §§ 3211 or 3212 unless otherwise ordered by the Court.

On any motion seeking leave to renew or reargue a prior motion, the moving party shall

submit copies of all papers submitted on the prior motion. The failure to comply with this requirement may result in the denial of the motion unless the papers on the prior motion are submitted to the Court by another party.

On any motion for a default judgment, proof must be presented that a military-status investigation of all applicable defendants has been conducted after the time for each such defendant to appear or answer has transpired. In addition, to be sufficient, the military-status investigation must include, at a minimum, a search conducted through the Department of Defense, which may be performed through that agency's site, www.dmdc.osd.mil/appi/scra.

Appearances on the return date of motions are not required unless the attorneys are otherwise notified by the Court. Oral argument may be requested by noting "Oral Argument Requested" immediately over the index number on the Notice of Motion. If the Court, in its discretion, requires such argument, the movant's attorney will be so advised and will be required to notify all parties.

Counsel and the parties are reminded that the CPLR does not provide for the submission of sur-reply papers, however denominated, or the presentation of papers or letters to the Court after the return date of a motion. Nor is motion practice by correspondence permitted. Any opposing counsel or self-represented party who received a copy of such materials submitted in violation of this rule shall not respond in kind.

In the event the parties settle a motion or part of a motion before the motion return date or a decision has been rendered, they shall immediately inform the Court in writing.

Self-addressed, stamped envelopes must be submitted with all motions. Proposed orders/judgments must also have self-addressed, stamped envelopes and a copy to be conformed, if required.

DISCOVERY MATTERS

Counsel must consult with one another in a good faith effort to resolve all disclosure disputes. (See Uniform Rule §202.7). If counsel are unable to resolve a disclosure dispute in this manner, the procedures set forth above regarding motion practice must be followed before a motion may be filed.

TRIALS

Marking of Exhibits: Counsel and any self-represented party shall meet with the assigned Official Court reporter to pre-mark all exhibits for identification and/or admission into evidence on consent.

Conference: Immediately prior to the commencement of the trial, the Court shall conduct a brief conference with all counsel and self-represented parties to discuss preliminary matters. At this conference, all counsel and self-represented parties shall be prepared to:

- 1) Submit marked pleadings to the Court.
- 2) Submit an Exhibit list to the Court.
- 3) Submit a proposed verdict sheet and requests to charge to the Court.
- 4) Stipulate to undisputed facts and the admission of documents, records and other exhibits, for which no evidentiary objection will be made.
- 5) Alert the Court to any anticipated in limine motions or evidentiary or legal issues they believe will arise during the trial.
- 6) Discuss scheduling, as well as the number of witnesses expected to be called at trial, any anticipated issues regarding the attendance at trial of any party, attorney or witnesses, and any other practical problems that the Court should consider in scheduling.
- 7) Alert the Court as to any anticipated request pursuant to CPLR Article 16 for apportionment of liability as to an allegedly culpable non-party.

Courtroom Behavior: All remarks shall be directed to the Court. Comments shall not be made to opposing counsel or self-represented parties. Personal attacks upon parties, counsel or the Court will not be tolerated and may result in the imposition of sanctions. Do not attempt to speak over an adversary; only one person shall speak at a time.

Summation Exhibits: Any counsel or self-represented party who intends during summation to use any type of demonstrative exhibit not marked into evidence must advise the Court and all other counsel/self-represented parties of that intention at the pre-charge conference. Failure to comply with this rule may result in an order precluding use of the exhibit during summation.

Examination of Witnesses: Do not approach a witness on the stand during questioning without the Court's permission. The questioning counsel or self-represented party shall allow the witness to complete his or her answer to a question before asking another question. Do not interrupt a witness in the middle of an answer unless it is totally unresponsive, in which event a ruling from the Court shall be requested. If an objection is made during the examination of a witness, the questioner shall not make further inquiry of the witness until the Court rules on the objection.

Jury Charges: In all jury trials, a complete list of requests to charge shall be submitted to the Court immediately preceding the commencement of trial, with copies to be provided to all other counsel and self-represented parties. Where deviations from, or additions to, the PJI are requested, the full text of such requests must be submitted in writing, together with any supporting legal precedents.

Verdict Sheet: At the commencement of the trial, counsel for the parties and any self-represented parties shall jointly prepare a verdict sheet. If agreement cannot be reached, each party shall present a proposed verdict sheet which shall be served upon all other parties. The verdict sheet shall be in a final, typewritten form, which may be given to the jury.

GENERAL

The Court should not be copied on correspondence between counsel.

Counsel who appear before the Court must be fully familiar with the case and have full authority to enter into any agreement, either substantive or procedural, on behalf of their clients. Counsel and parties must be on time for all scheduled appearances and must bring the relevant portions of the file with them to each Court appearance.

Counsel should advise Chambers in advance of the scheduled time for the conference if they have another matter scheduled at the same time before a different judge.

If an action is settled, discontinued or otherwise reaches disposition, counsel shall immediately inform the Court by submission of a copy of the stipulation or other document evidencing the disposition. Where the matter is disposed of but the final stipulation has not been executed by all the necessary parties prior to a scheduled Court appearance, Chambers should be notified by letter with proof of copies to all counsel so that the Court may determine if appearances are required. This letter may be sent by fax to Chambers.

Faxes - Unless otherwise authorized by these Rules, faxes will not be accepted unless it is an emergency and the receipt has been authorized by Chambers.

E-Courts - While E-Courts can be a useful tool, it is not always accurate. In the event of a conflict between the appearance date provided by the Court and E-Courts, the parties should appear on the date and time provided by the Court.

E-Mail - The Court will not communicate through e-mail and requests that all correspondence be sent by regular mail.