



Presents

Discovery Guidelines in Personal Injury Cases: Perspective from Plaintiff and Defense

March 18, 2021
1:00 pm - 2:00 pm

Presenter: Sofiya Janashvili, Esq.
Luis Ras, Esq.

WHAT IS DISCOVERY?

- An exchange of information and documentation

- Between parties

- The Goal: To prepare for trial

- Theory: To prevent surprise and enable controversy to be fully explored

- Duration: case-dependent, but likely the longest stage of litigation

STAGES OF DISCOVERY IN PERSONAL INJURY LITIGATION

- **Summons and Complaint**
- **Answer with Demands**
- **Bill of Particulars**
- **RJI- Request for Judicial Intervention**
- **Preliminary Conference**
- **Compliance Conference**
- **Deposition**
- **Expert Exchanges**
- **Motion Practice**
- **Note of Issue**
- **Trial preparation**
 - **Trial authorizations**
 - **Subpoenas**
- **STANDARDS & GOALS**

PLAINTIFF VS. DEFENDANT PERSPECTIVES

- Physical Inspections (Premises or Object)
 - Plaintiff perspective: get this from intake. Investigator if necessary.
- Social Media Information requests
- Requests for Prior/Subsequent Accident Information
 - Plaintiff perspective: get this from intake. Run a search.
- Lost Earnings Claims and Discoverable Records



Being prepared to go in

DEPOSITIONS (TO
THE EXTENT OF
TIMING AND
PREPARATION)



Avoid going in without
sufficient discovery exchange



Timing of the deposition

Slide 5

SJ1

Sofy Janashvili, 3/15/2021

POST-DEPOSITION DISCOVERY

- Go through your notes for additional items learned of at deposition;
- Best done while testimony is fresh;
- May lead to need for further deposition, or new depositions;

MOTION PRACTICE

- “Good Faith” Rule to attempt to avoid discovery disputes
- Communication is key
- Not always possible to avoid disputes
- Know your Judge’s Rules for Motions when you must make a motion
- Time for dispositive motions (120 days countywide) CPLR 3212(e)
- [Link to motion submission form](#)

- **Discovery Motions**
 - While both sides are preparing for trial by exchanging information, motions can be used to ask the court to decide any discovery problems. For example, a party can make a motion to ask to allow him or her not to give the other side the discovery that was asked for. If a party thinks that a subpoena asks for documents that have nothing to do with the case, or asks for too much information, the party can make a motion to quash the subpoena. See [CPLR 2304](#).
 - Or, a party can make a motion to make the other side give the discovery that he or she was asked for by making a motion to compel. See [CPLR 3124](#).
 - If a party ignores the court’s order compelling discovery, the other side can ask the court to punish him or her for ignoring the court’s discovery order. For example, a motion to preclude asks the court to ban the testimony or evidence from being used in the case. A motion to strike asks the court to ban a pleading, like an Answer, from being used. See [CPLR 3126](#).

EXPERT DISCLOSURE

- Good idea (especially for Plaintiff) to exchange liability expert disclosure prior to Note of Issue
- CPLR 3101(d) governs
- Case law in Second Department regarding timeliness
- Don't really need expert disclosure for treating physicians

QUEENS DISTINCTIONS IN A POST-COVID WORLD

- For the most part, depositions and conferences are virtual
- Motion practice has changed. Now, a week before the motion is due, the movant needs to submit a Motion Submission Form. Some judges will call for virtual conferences of motions.
- Automatically generated Preliminary Conference Orders
- Compliance Conference Orders need to be completed by all parties and submitted to Court
 - Absent agreement amongst parties – Parties need to ask for a Court Conference, which occurs virtually.

NEW SYSTEMWIDE ADMINISTRATIVE ORDER

- Administrative Order AO/270/2020 (66 pages)
- Just started February 1, 2021
- Sweeping Changes in Discovery Process
- Generally adopts Commercial Part Practices into general civil cases
- Available for download at:

<https://www.nycourts.gov/LegacyPDFS/rules/comments/orders/AO%20Commercial%20Division%20rules%20in%20civil%20courts.pdf>

PLAINTIFF TIPS IN DISCOVERY

- Don't just put out fires; create them.
- Make sure to get all information from your own client right away and to continue to follow up.
 - Prior treatment, videos of the accident (whether in their possession or from nearby surveillance cameras), preservation of evidence.
- Don't forget to ask for excess information from Defendants; cannot ask about assets.



DEFENSE TIPS IN DISCOVERY

- Know What you Need to Defend
- Start Early
- Have a Defense Plan
 - Liability Defense (Witnesses, Documents)
 - Damages Defense (IME's – Types of Doctors depend on expected damages defense)

CONTACT INFORMATION

Luis F. Ras, Esq.
RAS ASSOCIATES, PLLC
2500 Westchester Avenue, Suite 410
Purchase, N.Y. 10577
(914) 289-2909 T
(914) 239-5226 F
RasLawFirm.com



LIFE MEMBER
MILLION DOLLAR ADVOCATES FORUM
The Top Trial Lawyers In America™

RAS ASSOCIATES, PLLC

Put Our Experience To Work For You

Sofya Janashvili, Esq.
Helen F. Dalton & Associates, P.C.
80-02 Kew Gardens Road, Suite 601
Kew Gardens, NY 11415
T - 718-263-9591
F - 718-263-9598
HelenDalton.com



Helen F. Dalton and Associates, P.C.
Attorneys at Law

←————→
The Personal Injury &
Labor Law Attorneys

MEMO REGARDING APPROPRIATE DISCOVERY

A. Insurance Information CPLR 3101(f) - Original, Complete Documentation At Any Time

Defendant must provide and plaintiff is absolutely entitled to any insurance documentation covering an accident, including liability, excess, pip, excess pip, medical payments, LOBEL. *Love v. Meisner*, 107 Misc.2d 1003, 436 N.Y.S.2d 189 (N.Y. Sup. Ct., Schenectady County 1981).

Plaintiff is entitled to this at any stage of litigation, including up to trial, at trial, after trial, on appeal, and in post-judgment proceedings. *Monell v. International Business Machines Corp.*, 85 Misc.2d 323, 378 N.Y.S.2d 615 (N.Y. Sup. Ct., Orange County 1976).

Plaintiff is entitled to the actual documents, including the declaration page (dec sheet) and applicable policies. An adversary's summary of a policy is insufficient, in that it is an adversary's interpretation of a policy, which very well may differ with plaintiff's interpretation and the Court's. Accordingly, plaintiff is entitled to read a policy and interpret it for him or herself. *Kimbell v. Davis*, 81 A.D.2d 855 (2nd Dep't 1981).

B. Accident Reports CPLR 3010 (g) - All Reports Regardless of Whom Made

Plaintiff is entitled to all accident reports made in the regular course of business, including reports by insurance investigators, adjusters or attorneys prepared before a decision is made to pay or reject a claim has been made. *Donohue v. Fokas*, 112 A.D.3d 665, 976 N.Y.S.2d 559 (2nd Dep't 2013).

The fact that a lawsuit may be contemplated by plaintiff does not insulate defendant from producing a report. *James v. Metro North Commuter R.R.* 560 N.Y.S.2d 459 (1st Dep't. 1990).

The fact that it was made by an attorney or claims adjuster likewise does not insulate the defendant from turning over the report. *Donohue v. Fokas*

Moreover, the fact that a report may have multiple purposes, for litigation, motivated by litigation, or to aid in investigating a claim, does not insulate the defendant. *Donohue v. Fokas*

C. Defendant Doctors:.

Defendant must turn over all material made by or about the plaintiff and any documents used by their doctors in reaching their conclusions. *Bradford v. City of New York*, 141 Misc.2d 209,532 N.Y.S.2d 1018 (Civil Court of the City of New York 1988). The defendant's physical examination of the plaintiff is subject to the medical exchange rules (NY CLS Unif Rules, Trial Cts § 202.17), plaintiff's right to its own party statements (CPLR 3101(a)), and the rules regarding medical exchange and expert exchanges (CPLR 3101(d)). *Scott v. Berry*, 81 Misc.2d 656, 366 N.Y.S.2d 320 (Civil Court, New York Country, Special Term, Part 11975).

Accordingly, the mere exchange of the defendant doctor's medical, report is insufficient. Defendant must also provide: notes, dictation, photographs, forms filled in by or about plaintiff,

correspondence about plaintiff (CPLR 3101(j)). *DiMardo v. Koronowsld*, 252 A.D.2d 69 (4th Dep't 1998).

“ , ”

II. Defendant is not entitled to unfettered discovery without limitation:

Defendant's over-broad, timeless demands for discovery are impermissible and must be vacated in the entirety. *Scorzari v. Pezza*, 111 A.D.3d 916 (2nd Dept. 2013).

Plaintiff only waives his or her medical privilege in regard to the injuries specified in a bill of particulars and not to her entire life. *Felix v. Lawrence Hosp. Ctr.*, 100 A.D.3d 470 (1st Dep't 2012); *Romance v. Zavala*, 98 A.D.3d 726 (2nd Dep't 2012).

Defendant's request for records that defendant does not definitively relate to the injuries claimed in the Bill of Particulars, must be denied. *Romance v. Zavala*.

Defendant's request for authorizations outside a specific time-frame related to the particulars injuries plaintiff claims is not allowable and must be denied. Authorizations must be limited in time. *McFarlane v. County of Suffolk*; 60 A.D.3d 918 (2nd Dept. 2009); *Romance v. Zavala*; *Buxbaum v. Castro*, 82 A.D.3d 925 (2nd Dept. 2011).

Defendant is not entitled to authorizations for every single injury or condition that a party may have previously or subsequently had. Rather, it is only entitled to authorizations for treatment for the same injuries claimed in the bill of Particulars. *McGlone v. Port Auth. Of NY. & NJ.*, 90 A.D.3d 479 (1st Dep't 2011).

A. Facebook & Social Media Authorizations:

Defendant is not entitled to a blanket, blunderbuss request for social media.. 1bis has been uniformly held to be nothing more than an improper, unallowable fishing expedition in the hopes that something relevant may be found on the plaintiff's networking sites. *Auerbach v. Klein*, 30 A.D.3d 451 (2nd Dep't 2006); *McCann v. Harleystown Insurance Co.*, 910 N.Y.S.2d 614 (4th Dep't. 2010); *Kregg v. Maldonado*, 98 A.D.3d 1289 (4th Dep't. 2012).

Rather, defendant must satisfy a specific three-pronged test, set out in *Fawcett v. Altieri*, 960 N.Y.S.2d 592 Sup Ct, Richmond County, 960 N.Y.S.2d 592 (2013), before it is entitled to social media: namely

1. First, it must establish that plaintiff has a social media account
2. Second, it must **identify facts that show the social media account actually has - not** may have, or possibly may have, or probably will have - relevant information that contradicts or conflicts with plaintiff's alleged restrictions, disabilities, losses, and other claims.
3. Finally, defendant must show that the release of this information does not violate the plaintiff's rights.

As the courts have uniformly held, "Mere possession and utilization of a Facebook account is an insufficient basis to compel disclosure or even in-camera review." *Tapp v. New York State Urban Development Corp.*, 102 AD.3d 620 (1st Dept 2013); *Patterson v. Turner Constr. Co.*, 88 A.D.3d 617, 618 (1st Dept., 2011).

B. Prior and Subsequent Injury Authorizations:

Defendant is only entitled to prior and subsequent injury information and authorizations if it can show beyond peradventure that those injuries are the same or similar to the ones claimed in the lawsuit at hand and then, those authorizations must be limited to a specific and reasonable time. Defendant is not entitled to a full-blown fishing expedition into plaintiff's life and history.

Gumbs v. Flushing Town Center III, L.P. 2014 N.Y. App. Div 1230 (1st Dep't 2014); *Romance v. Zavala*, 98 A.D.3d 726 (2nd Dep't. 2012); *McFarlane v. County of Suffolk*, 60 A.D.3d 918 (2nd Dep't. 2009); *Buxbaum v. Castro*, 82 A.D.3d 925 (2nd Dep't. 2011).

C. Psychiatric Records:

There is no specific psychiatric claim and no claim for loss of enjoyment of life in the bill of particulars in this case. Defendant is thus not entitled to any alleged psychiatric records that may exist. *Cottrell v. Weinstein*, 270 A.D.2d 449 (2nd Dep't. 2000); *Napoli v. Crovello*, 49 A.D.3d 699 (2nd Dep't. 2008).

D. School Records:

Defendants are only entitled to an authorization for school attendance records, for a reasonably relevant time period, and no more. Ward ex rel. Ward v. County of Oneida, 19 A.D.3d 1108 (4th Dep't 2005). A plaintiff's report cards, teacher reports, comments, and testing are not discoverable, similar to the bar against disclosing personnel files. See Jordan v. Blue Atlantic Circle, Inc., 296 A.D.2d 752 (3^d Dep't 2002).

In an action against a store for an eye injury suffered by child, for example, the store was not entitled to discover any school records of the child. McGuane by McGuane v. M.C.A., Inc., 182 A.D.2d 1081 (4th Dep't 1992). School report cards and testing are only discoverable if they actually relate to the claimed injuries, such as in a lead case where an intellectual injury is claimed. Helmer v. Draksic, 38 A.D.3d 1297 (4th Dep't 2007).

Moreover, Defendants are not entitled to attendance records unlimited in time. This constitutes an improper fishing expedition. See In re out-of-state subpoenas issued by New York counsel for State of California Franchise Tax Bd., 33 Misc3d 500 (NY Sup 2011).

Finally, even if a defendant is entitled to some portion of school reports and testing, the law is that the Court must conduct an in camera inspection to redact confidential or privileged information that is unrelated to the injuries alleged, Moore v. City of Newburgh School District, 213 A.D.2d 527 (2nd Dep't 1995).

E. Employment Records:

Defendant is only entitled to wage and attendance records for one-year before an accident and continuing. Gutierrez v. Trillium USA, LLC, 111 AD3d 669 (2nd Dep't 2013)***

Plaintiff's performance, reviews, possible censures, private letters, and the like are privileged and beyond the scope of disclosure, and defendant, failing to concretely show how plaintiff's records have specific relevance to the damages claimed in a case, are not entitled to them. Gutierrez v. Trillium USA, LLC, 111 AD3d 669 (2nd Dep't. 2013).

F. Tax Returns:

Defendant is not entitled to tax authorizations for people who have received W2s and are not self-employed. Levine v. City Med. Associates, P.C., 108 A.D. 746 (2nd Dep't. 2013), In re Monaco, 117 A.D.3d 1593 (4th Dep' t. 2014).

Moreover, even for those who are self-employed, defendant is not entitled to unfettered access to the tax returns. Rather, the Court must review them in camera to redact privileged information about the plaintiff and others in his or her family. Harris v. Schmidt, 117 A.D.3d 1569 (4th Dep't 2014).

G. Medicare Authorization:

Defendant is, at the settlement of this matter, only entitled to a hold harmless and a copy of the final payout letter pursuant to the new Federal rules regarding medicare. *Torres v. Hirsch Park, LLC*, 91 A.D.3d 942 (2nd Dep't 2012)***

H. Medicaid Authorization:

Medicaid does not limit the information it turns over in response to an authorization, but instead prints out an endless list of all doctors and hospitals a party may have seen for any reason whatsoever for all time from a hang-nail to sexually transmitted diseases, regardless of whether these visits are related to the injuries claimed in the lawsuit.

Further, hospitals have doctors who perform or read tests, such as blood tests, submit separate bills to Medicaid, often resulting in a medicaid print out that is replete with names that plaintiff has no knowledge of

Accordingly, an authorization to Medicaid is tantamount to a wholesale invasion of plaintiff's right to privacy and the occasion for an impermissible "fishing expedition" by defendant, which is not permitted. It is well established that parties may not proceed with discovery solely for the purposes of engaging in the aforementioned purposes. *Cohen v. City of New York*, 183 A.D.2d 436, 437 (1st Dept 1992). Such

unlimited discovery is palpably improper. *Rodolitz v. Beneficial Nat. Life Ins. Co.*, 41 A.D.2d 707, 341 N.Y.S.2d 278 (1st Dept 1973), citing *Peterson v. New England Mutual Life Insurance Co.*, 33 A.D.2d 547 (1st Dep't 1969); see also *Glatzerv. Monarch Life Insurance Co.*, 40 A.D.2d 771 (1st Dep't 1972).

The Court of Appeals has explained that disclosure is inappropriate in cases where demands for disclosure amount to little more than an opportunity for an unrestrained foray into confidential records in the hope that the unearthing of some unspecified information will occur. *People v. Kozlowski*, 869 N.Y.S.2d 848 (2008).

At best, the Court should review these records in camera to determine which, if any, doctor or hospital visits may be related to the injuries in this accident. *Kaplowitz v. Borden, Inc.*, 189 A.D.2d 90 (1st Dep't 1993).

I. Pharmacy Authorization:

Defendant is not entitled to a wholesale authorization for all of plaintiff's pharmacy records. It is only entitled to prescriptions made by doctors for claimed injuries. *Azznara v. Strauss*, 915 N.Y.S.2d 868, 869, 81 A.D.3d 578,579 (2nd Dept., 2011).

The fact that a specific pharmacy will not restrict its tum-over of information to appropriately limited discovery, does not mean that defendant is ipso facto entitled to an inappropriate romp

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through plaintiff's life. Either the request by the defendant must be denied ---- what are they looking for anyway? To see whether a prescription ordered by a doctor has been filled? Or, the Court should have an in camera review of the pharmacy records to determine which pharmacy records the defendant can view.

J. Unlimited In Time Authorizations:

A party is not entitled to unlimited, uncontrolled, unfettered disclosure, but rather disclosure must be limited, including in regard to the time frame, to information that is material and necessary to the defense of this action. *Gutierrez v. Trillum USA*, **111** A.D.3d 669 (2nd Dept., 2013); *D'Adamo v. Saint Dominic's Home* 87 A.D.3d 966 (2nd Dept. 2011); *JFK Family Ltd. Partnership v. Millbrae Natrual Gas Dev. Fund 2005 L.P.*, 83 A.D.3d 899 (2nd Dep't 2011); *Jet One Group, Inc. v. Halcyon-Jet Holdings, Inc.*, **111** A.D.3d 890 (2nd Dep't'2013).

K. Immigration Status:

Plaintiff's immigration and citizenship status is irrelevant on the question of liability. *Collins v. N.Y.C. H.H.C.*, 201 A.D.2d 447 (2nd Dep't., 1994).

Defendants are not entitled to this information because whatever probative value immigration status may have is far outweighed by its prejudicial impact, and therefore, defendants must be prepared to demonstrate something more than just the mere fact that the plaintiff is in the United States illegally. *Klapa v. O&Y Liberty Plaza*, 645 N.Y.S.2d 281 (Sup. Ct., N.Y. County, 1996).

An individual may seek damages for pain and suffering, regardless of immigration status. *Sanango v. 200 E. 16th St. Rous. CoIJJ.* 15 A.D.3d 36 (1st Dept. 2004).

The Court of Appeals has ruled that a plaintiff has the right to seek lost wages, despite not having a valid immigration status. *Balbuena v. IDR Realty, LLC*, 6 N.Y.3d 338, 812 N.Y.S.2d 416 (2006).

Finally, a defendant's attempt to offer testimony of the plaintiff's alleged use of a different person's name in procuring work violates the Equal Protection Clause of the United States Constitution which entitles equal protection of law to all persons, including undocumented aliens.

**SUPREME COURT OF THE STATE OF NEW YORK
QUEENS COUNTY: COMPLIANCE SETTLEMENT AND CONFERENCE PART**

COMPLIANCE CONFERENCE STIPULATION AND ORDER

PRESENT:

Justice

-----X

Index Number: _____

Conference Cal. No:

-against-

Date RJI Filed: _____

-----X

IS THIS ACTION READY FOR TRIAL? _____ YES _____ NO

APPEARANCES:

Plaintiff/Petitioner: _____

Firm/Attorney of Record: _____

Assigned Attorney: _____

Address: _____

Email: _____

Telephone: _____ Fax: _____

Defendant/Respondent: _____

Firm/Attorney of Record: _____

Assigned Attorney: _____

Address: _____

Email: _____

Telephone: _____ Fax: _____

Defendant/Respondent: _____
Firm/Attorney of Record: _____
Assigned Attorney: _____
Address: _____
Email: _____
Telephone: _____ Fax: _____

Defendant/Respondent: _____
Firm/Attorney of Record: _____
Assigned Attorney: _____
Address: _____
Email: _____
Telephone: _____ Fax: _____

ALL FIELDS MUST BE COMPLETED

Upon the Preliminary Conference Order dated _____, and following a Compliance Conference held on _____, and it appearing that disclosure previously ordered herein has not been completed, or that additional disclosure is warranted, it is hereby

ORDERED that all pending discovery-related motions shall be brought to the attention of the Court, and it is further

ORDERED that disclosure demands now known to be necessary which are not raised in this Order are deemed to be waived, and it is further

ORDERED that disclosure shall proceed and be completed in accordance herewith, and it is further

ORDERED that all proceedings directed herein shall be completed on or before the dates set forth. *No adjournments of the dates set forth herein are to be had without the Court's written approval,* and it is further

ORDERED that any failure to comply strictly with the terms of this order shall be grounds for the striking of pleadings or other relief pursuant to CPLR § 3126, and it is further

STIPULATED and ORDERED as follows:

DOCUMENTS, AUTHORIZATIONS and OTHER DISCOVERY AND INSPECTION:

Bill of Particulars was served	<input type="checkbox"/> YES	<input type="checkbox"/> NO	(If no, Plaintiff / Defendant shall serve on or before: _____.
Supplemental Bill of Particulars required	<input type="checkbox"/> YES	<input type="checkbox"/> NO	(If yes, Plaintiff / Defendant shall serve on or before: _____.
Insurance Coverage was served	<input type="checkbox"/> YES	<input type="checkbox"/> NO	(If no, Plaintiff / Defendant shall serve on or before: _____.
Lien information was served	<input type="checkbox"/> YES	<input type="checkbox"/> NO	(If no, Plaintiff / Defendant shall serve on or before: _____.
Authorizations served	<input type="checkbox"/> YES	<input type="checkbox"/> NO	(If no, Plaintiff / Defendant shall serve on or before: _____.

Specific Authorizations Required _____.

DEPOSITIONS:

Plaintiff has been deposed	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Defendant has been deposed	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Non-party witness has been deposed	<input type="checkbox"/> YES	<input type="checkbox"/> NO

Parties not yet deposed: _____

All parties not yet deposed shall appear for deposition on: _____ at _____ o'clock virtually, or as otherwise agreed among the parties. (The date for deposition must be no more than 30 days from the date hereof. Insert any further provisions regarding depositions):

PHYSICAL EXAMINATIONS:

Independent Medical Examination [IME] held ___ YES ___ NO

Further IME required ___ YES ___ NO

If no Independent Medical Examination has been held, all defendants and other parties desiring to take the physical examination of any plaintiff shall designate, in writing, the physician(s) to take such examination within 30 days of the completion of the plaintiff's deposition, or within 20 days of the date hereof in the event plaintiff's deposition has already occurred.

All physical examinations shall be completed within 60 days of the designation of examining physician(s). Pursuant to 22 NYCRR § 202.17 (c), copies of the reports of the examining physician(s) shall be served on all parties within 45 days after the completion of the examination.

(Insert any further provisions regarding physical examinations below):

and it is further

ORDERED that any further third-party actions shall be commenced promptly upon discovery of the identity of the third-party defendant(s), but not more than 30 days after the completion of depositions, unless for good cause shown, and it is further

ORDERED that parties aggrieved by failures to disclose *must seek prompt relief* or be deemed to have waived the outstanding discovery, and it is further

ORDERED *No motion for discovery shall be made without an Affirmation from the movant that a conference with the Court was first requested and either held or denied; the absence of such an Affirmation shall result in denial of the motion,* and it is further

ORDERED that if plaintiff is a Medicare recipient or Medicare eligible, he/she shall within 30 days provide defendant with copies of all correspondence to Medicare, as evidence of plaintiff's efforts to determine the outstanding claim against said plaintiff/beneficiary should one exist, e.g. final demand or conditional summary from the Centers for Medicare and Medicaid Services, and it is further

ORDERED *that plaintiff(s) shall provide fresh HIPAA-compliant authorizations for release of medical records not later than 60 days before trial,* and it is further

ORDERED that summary judgment motions shall be filed no later than 120 days after filing the Note of Issue unless otherwise directed by the Court, and it is further

ORDERED that a Note of Issue shall not be filed until the Court directs or the parties certify, via stipulation and/or Certification Order, that all discovery is complete, and it is further

ORDERED that any statutory stays for disclosure due to the pendency of motions pursuant to CPLR 3211, 3212 and 3213 are vacated, and all parties are stayed from moving for summary judgment pending the filing of a Note of Issue as directed herein, and it is further

ORDERED that any parties failing to appear for this Conference shall be bound by the terms of this Order, and it is further

ORDERED as follows:

If disputes arise about compliance with this Order, the parties shall promptly confer in good faith in an effort to resolve those disputes. If that effort fails, the parties or any party aggrieved shall, in advance of deadlines and prior to initiating motion practice, bring the dispute to the attention of the Court, which will schedule a conference shortly thereafter to resolve the dispute.

Absent good cause, failure to comply with this order may result in the imposition of penalties upon the offending party and, where warranted, upon counsel. Such penalties may include waiver of the discovery, preclusion, dismissal, striking of an answer, costs, sanctions, and attorney's fees.

SO ORDERED:

J.S.C.

Dated: _____

Attorney for Plaintiff/Petitioner:

Attorney for Defendant/Respondent:

E-mail address: _____

E-mail address: _____

Attorney for Defendant/Respondent:

Attorney for Defendant/Respondent:

E-mail address: _____

E-mail address: _____

FOR COURT USE ONLY:

A virtual conference shall be held on _____.

******* NOTE: PLEASE PROCEED TO PAGE 7 FOR ADDITIONAL REQUESTS *******

ADDITIONAL REQUESTS

1.REQUEST FOR REFERRAL TO ALTERNATIVE DISPUTE RESOLUTION (ADR):

_____ YES _____ NO (Parties seeking Court-referred ADR shall email the ADR Coordinator at qscadr@nycourts.gov and follow instructions.)

2.REQUEST FOR CONFERENCE WITH COURT: _____ YES _____ NO (*All conferences with the Court shall be held at a date and TIME CERTAIN. All conferences with the Court shall be limited to thirty (30) minutes.*)

Parties shall submit a completed Compliance Conference Order to the Court at cscp@nycourts.gov no less than two (2) business days before the scheduled conference and indicate whether a conference with the Court is necessary.

(If ‘YES’, any discovery issues that the parties cannot agree to shall be noted below for resolution by the Court):

3.REQUEST FOR REFERRAL TO:

Summary Bench Trial	_____ YES	_____ NO
Summary Jury Trial	_____ YES	_____ NO

Dated: _____

Attorney for Plaintiff/Petitioner:

E-mail address: _____

Attorney for Defendant/Respondent:

E-mail address: _____

Attorney for Defendant/Respondent:

E-mail address: _____

Attorney for Defendant/Respondent:

E-mail address: _____