

Bronx County Supreme Court
COMPLIANCE CONFERENCE ORDER
Part IA-11

Present: Danziger _____X

Colun, Nominis

Index No. 23149, 14E

Plaintiff(s),

- against -

city of NY, et al.

Defendant(s).

Date RJI filed: 1/3/17

-----X

UPON the Preliminary Conference Order dated 9/26/17, and following a Compliance Conference held on 11/27/18, and it appearing that disclosure was previously ordered herein and has not been completed, or that additional disclosure is warranted, it is hereby

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

ORDERED that proceedings directed herein shall be completed on or before the dates set forth. No adjournments, postponements or alterations of this order are permitted without the court's written approval, and none may be had upon the stipulation of the parties alone; and it is further

ORDERED that disclosure demands now known to be necessary which are not raised at this conference are deemed to be waived, unless otherwise ordered by the Court; and it is further

ORDERED that any statutory stays of disclosure due to the pendency of motions pursuant to CPLR §§ 3211, 3212 and 3213 are vacated; and it is further

ORDERED that any parties failing to appear at this conference shall be bound by the terms of this order; and it is further

Revised 12/04/03

COMPLIANCE CONFERENCE ORDER

ORDERED that the outstanding discovery shall be provided as follows:

- 1. INSURANCE COVERAGE: To be provided by Self-Insured
- 2. BILL OF PARTICULARS:
 - A. Response to be provided by _____ ;
 - Dated: _____
 - B. Supplemental Bill of Particulars as to items: Special Damages
 - To be served by W/in 60 days
 - C. D & I by _____ to be served by _____ ;
 - D. Responses to _____'s D & I dated _____ to be served by _____ ;

- 3. AUTHORIZATIONS:
 - A. For Medical Records (specifically for updated treatment & prior & sub injuries to) to be served by _____ ; updated records
 - B. Authorizations for Plaintiff's:
 - ____ Employment Records;
 - ____ W-2 Records for Period _____ ;
 - ____ Other (Specify) _____ ;
 - To be served by: _____ .
 - C. For _____ to be served by _____ ;

All AZS
 HIPAA & ARONS
 COMPLIANT
 All AZS to be served
 at conclusion of litigation

- 4. EXAMINATION BEFORE TRIAL:
 - Plaintiff Defendant All Parties
 - π - 3/13/19 @ 11AM at 130 Livingston St.
 - A. To Be Held On _____ at _____ : _____ m.
 At _____ or unless otherwise agreed, the Bronx Supreme Court Building, Room 118.
 Any EBT's not completed on said date will be continued on _____ .
 - B. Limitations: _____
 - C. Post EBT demands to be served by _____ and must be responded to by _____ .

NOTE:
 NO POSTPONEMENTS
 ARE PERMITTED
 WITHOUT COURT
 APPROVAL.

FAILURE TO COMPLY WITH THIS SCHEDULE WILL RESULT IN THE PRECLUSION OF THE OFFENDING PARTY OR WAIVER OF EBT BY NON-APPEARING PARTY, UNLESS OTHERWISE ORDERED BY THE COURT.

Δ - con Ed EBT - 3/27/19

Revised 12/04/03

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5. PHYSICAL EXAMINATION:

- A. Defendant to designate physician(s) in writing by within 60 days; after IT's EBT
- B. Examination to be held by within 60 days of IT's EBT
- C. Copy of physician's report to be furnished within 30 days of examination.

- FAILURE TO TIMELY DESIGNATE WILL RESULT IN A WAIVER OF SUCH EXAMINATION, UNLESS OTHERWISE ORDERED BY THE COURT.
- FAILURE TO COMPLY WILL RESULT IN PLAINTIFF'S PRECLUSION FROM OFFERING ANY EVIDENCE AT TRIAL REGARDING THEIR PHYSICAL CONDITION, UNLESS OTHERWISE ORDERED BY THE COURT.

6. OTHER DISCLOSURE:

- A. None.
- B. All parties to exchange names and addresses of all witnesses, opposing parties' statements and photographs. If none, an affirmation to that effect shall be exchanged by within 45 days - to extent not complete
- C. Other: IT to respond to A con EBT's letter dated 10/5/18 within 30 days
A's con ED 9 Transid to provide PCR's to extent not provided
To be served by W/in 60 days;

Parties to provide A City w/ transcripts & all exhibits/photos (in color) exchanged @ EBT's and it is further Resurdless of city's presence

ORDERED that plaintiff _____ shall serve and file a Note of Issue and Certificate of Readiness on or before 5/6/19. The failure to file a Note of Issue as required by this order may subject the plaintiff to fines. Plaintiff may not file a Note of Issue unless all discovery due by plaintiff has been completed pursuant to this order. A party that files a Note of Issue where that party has not complied with this order may be subject to costs and/or sanctions; and it is further

ORDERED that failure to comply with the directives and schedule detailed herein will result in either a *waiver of the item requested* or *the preclusion of items or testimony of the offending party's evidence at the time of trial.* and/or *the imposition of costs and sanctions,* unless otherwise ordered by the Court.

DATED: 11/27/18

ENTER: [Signature]
J.S.C.