

Bronx County Supreme Court
COMPLIANCE CONFERENCE ORDER
Part IA-11

Present: LAURA G. DOUGLAS
Justice, Supreme Court
-----X
NOEMI GARCIA

Index No. 23798 / 2016E

E

Plaintiff(s),

- against -

Date RJI filed: _____

THE BRONX LEBANON
HOSPITAL CENTER
Defendant(s).
-----X

UPON the Preliminary Conference Order dated 10/27/17, and following a Compliance Conference held on 6/4/2018, 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

COMPLIANCE CONFERENCE ORDER

6/13/18
vbl/eyw
23798/16

ORDERED that the outstanding discovery shall be provided as follows:

- 1. **INSURANCE COVERAGE:** To be provided by Δ w/in 30 days to extent not done, including excess umbrella
- 2. **BILL OF PARTICULARS:**
 - Π to demand affidavit of
 - Δ to respond
 - as per PC: Π to provide supp BP (1) withdrawing otherwise
 - (2) w/respect to ¶s 5, 10+11 providing complete list
 - To be served by w/in 30 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 see page 3)
Per PC: w/in 20 days all orthopedic, neurological, surgical & psychiatric treatment,
 - B. Authorizations for Plaintiff's:
 - Employment Records;
 - W-2 Records for Period of 2010-present; as it to respond to demand for
 - Other (Specify) collateral docs
 - To be served by: 30 days
 - C. For TRIAL AZS
to be served by 60 days post filing NOI
- 4. **EXAMINATION BEFORE TRIAL:**
 - Plaintiff Defendant All Parties
 - ① EBT of Π before 9/4/18. ② Δ EBT on or before 11/6/18.
 - A. To Be Held On TBT at _____: _____ m.
At location to be mutually agreed upon 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 60 days post EBT and must be responded to by 30 days of receipt

careless/heg ligitent language of all ortho, neurologically, surgical, psy ch treatment; (3) providing periods of confinement (4) providing amounts of special damages liens. see page 3

All to extent not already provided per PC order

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.

DISCOVERY ORDER

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X. ADDITIONAL DIRECTIVES:

- ① PER PC, IT to provide HIPAA compliant AZS with box 9(a) completed for all of the physicians and/or hospitals that have rendered treatment to plaintiff for period of past 10 years - present, ~~per~~ w/in 20 days. ~~per~~
- ② PER PC, IT to provide supp BP w/ respect to actual and constructive notice w/in 20 days after AS EBT.
- ③ PER PC, ~~per~~ IT to designate institutional witness from BX-Urbana they wish to depose w/in 20 days of IT's EBT, D to provide response to designation w/in 15 days indicating whether party (parties) still employed or provide L/K/A. ~~per~~
- ④ Parties to respond to all outstanding discovery w/in 30 days.

to
get
proof

X. ADDITIONAL DIRECTIVES

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5. PHYSICAL EXAMINATION:

- A. Defendant to designate physician(s) in writing by 10 days post TBIS;
- B. Examination to be held by 10 days post completion of TBIS;
- C. Copy of physician's report to be furnished within 30 days of examination, as per PC.

- 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 30 days, to extent not provided
- C. Other: see page 4

To be served by _____;

and it is further

~~ORDERED that plaintiff _____ shall serve and file a Note of Issue and Certificate of Readiness on or before _____. 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~~

Status Conf. 11/7/18

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: 6-4-18

ENTER: *[Signature]*
 J.S.C.
 LAURA G. DOUGLAS
 Supreme Court

Compliance Conference Worksheet

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0023798/2016

Date: 6/4/2018

GARCIA, NOEMI

vs. BRONX-LEBANON HOSPITAL

IAS Justice: KENNETH L. THOMPSON JR.

Appearances:

Attorney Appearing at Conference

Attorney/Firm of Record

(Print Name and Direct Phone #)

Plaintiff:

Paul Harrison
McAloon & Friedman PC

DAVID M. HARRISON

Defendant:

MCALOON & FRIEDMAN, P.C.

Defendant:

Defendant:

Insurance:

Carrier: _____ Policy Limits: _____ Name of Adjuster: _____ Excess: _____

Existing Orders: _____ Yes _____ No If yes, specify:
(For Disclosure, Other than PC Order, or Joint Trial/Consolidation)

Pending Motions: _____ Yes No If yes, specify nature and date submitted:

Liability Summary:

Damages Summary:

Demand: _____

Offer: _____

Identify Following Action Types Product Liability __ Labor Law __ Lead Paint __ Other Malpract

For Court Use Only

Complexity: Complex Case Type: E-FILED OTHER NEGLIGENCE

Disc Due Date: 10/26/2018 NOI Due Date: _____ NOI Filed on: _____ PC Held on: 10/27/2017

Other Comments:

Calendar Marking: _____