

Bronx County Supreme Court  
COMPLIANCE CONFERENCE ORDER  
Part IA-11

Present: LAURA G. DOUGLAS  
Justice, Supreme Court \_\_\_\_\_X  
NOEMI GARCIA

Index No. 23798 / 2016E

Plaintiff(s),

- against -

Date RJF filed: \_\_\_\_\_

THE BRONX LEHMAN  
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

Revised 12/04/03

## COMPLIANCE CONFERENCE ORDER

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**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, underwritten by PI to demand - affidavit of
2. **BILL OF PARTICULARS:** A. Response to be provided by  
Dated: X B. Supplemental Bill of Particulars as to items:  
as per PG: PI to provide app BP (1) withdrawing otherwise  
coreless/hegigent language of all ortho, neurological, surgical, psych treatment;  
(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  
coreless/hegigent language of all ortho, neurological, surgical, psych treatment;  
(3) providing periods of confinement (4) providing amounts of special damages liens. & see page 3
3. **AUTHORIZATIONS:** A. For Medical Records (specifically for see page 3  
Per PC: w/in 20 days all orthopedic, neurological, surgical & psychiatric  
to be served by treatment,  
X B. Authorizations for Plaintiff's:  
X Employment Records;  
X W-2 Records for Period of 2010-present: & PI to request  
X Other (Specify) collateral done & send for  
To be served by: 30 days  
C. For Trial AZS  
to be served by 60 days post Filing NOI.
4. **EXAMINATION BEFORE TRIAL:** X Plaintiff X Defendant All Parties  
① EBT of PI prior to before 9/4/18. ② Δ EBT on or before 11/6/18.  
& see page 3  
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

**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.**

Revised 4/15/08

## DISCOVERY ORDER

## 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. ~~(as per order)~~
- ② PER PC, IT to provide supp BP w/ respect to actual and constructive notice w/in 20 days after BS EBT.
- ③ PER PC, ~~IT~~ IT to designate institutional witness from BX-Lebanon 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 order~~
- ④ Parties to respond to all outstanding discovery w/in 30 days.

## X. ADDITIONAL DIRECTIVES



## COMPLIANCE CONFERENCE ORDER

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## 5. PHYSICAL EXAMINATION:

- ☒ A. Defendant to designate physician(s) in writing by 10 days post TBS;
- ☒ B. Examination to be held by 10 days post completion of TBS;
- ☒ 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: 6-4-18ENTER: 285J.S.C.  
LAURA G. DOUGLAS  
Clerk of 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:

DAVID M. HARRISON

Defendant:

MCALOON &amp; 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: