

Bronx County Supreme Court  
COMPLIANCE CONFERENCE ORDER  
Part IA-11



LAURA G. DOUGLAS  
Justice Supreme Court

Present:

-----X

Takeya Neal

Index No. 27606 / 2017

Plaintiff(s),

- against -

M+S Choi, LLC and  
M+N Optical, Inc.

Defendant(s).

Date RJI filed: \_\_\_\_\_

-----X

UPON the Preliminary Conference Order dated 3/26/18, and following a Compliance Conference held on 6/11/18, 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

Neal 27606/17

COMPLIANCE CONFERENCE ORDER

Page 2 of 3

ORDERED that the outstanding discovery shall be provided as follows:

- 1. **INSURANCE COVERAGE:** To be provided by DS w/in 30 days for the extent not provided
- 2. **BILL OF PARTICULARS:**
  - A. Response to be provided by \_\_\_\_\_;
  - Dated: 2/21/18  B. Supplemental Bill of Particulars as to items:
    - (3) nature of defect/condition
    - To be served by \_\_\_\_\_;
    - 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 \_\_\_\_\_) to be served by \_\_\_\_\_;
  - B. Authorizations for Plaintiff's:
    - Employment Records;
    - W-2 Records for Period \_\_\_\_\_;
    - Other (Specify) \_\_\_\_\_;
    - To be served by: \_\_\_\_\_.
  - C. For \_\_\_\_\_ to be served by \_\_\_\_\_;
- 4. **EXAMINATION BEFORE TRIAL:**
  - Plaintiff  Defendant  All Parties

A. To Be Held On August 15, 2018 at 10:00 a.m.  
 At TBD or unless otherwise agreed, the Bronx Supreme Court Building, Room 118.  
 Any EBT's not completed on said date will be continued on August 16, 2018.

**NOTE:**  
 NO POSTPONEMENTS  
 ARE PERMITTED  
 WITHOUT COURT  
 APPROVAL.

*\* Bck*  
*DS*  
*0/0/18*  
*8/23/18*

B. Limitations: \_\_\_\_\_

C. Post EBT demands to be served by w/i 45 days and must be responded to by w/i 45 days

**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.**

Neal 27606/17  
Page 3 of 3

COMPLIANCE CONFERENCE ORDER

5. PHYSICAL EXAMINATION:

- A. Defendant to designate physician(s) in writing by w/i 30 days of IT EBT
- B. Examination to be held by w/i 30 days of designation
- 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 w/i 30 days to extent not
- C. Other: As to reports to ESO already done  
discovery demands dated 11/28/17 (CWS)  
+ 2/21/18 (MS) to the extent not provided  
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~~

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.

CC - 812<sup>27</sup>118 at 9:30 A.M.

DATED: 12/11/18

ENTER:

J.S.C.  
LAURA G. DOUGLAS

# Compliance Conference Worksheet

85

0027606/2017

Date: 6/11/2018

NEAL, TAKEYA vs. M&S CHOI, LLC

IAS Justice: ALISON Y. TUITT

**Appearances:**

Attorney Appearing at Conference

Attorney/Firm of Record

(Print Name and Direct Phone #) 212-227-4000

Plaintiff: ~~Neal, Takeya~~ MNL - Sam Shilko MIRMAN, MARKOVITS & ASSOCS.

Defendant: M&N Optical - Hza Riaz LEWIS, BRISBOIS, BISGAARD, LLP

Defendant: M&S Choi LLC - Carey Teitz Barry McTiernan & Moore

Defendant: \_\_\_\_\_

**Insurance:**

Carrier: Seneca Policy Limits: \$1,000,000 Name of Adjuster: \_\_\_\_\_ Excess: ACE  
\$1,000,000

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

Pending Motions: \_\_\_\_\_ Yes X 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: Standard Case Type: E-FILED OTHER NEGLIGENCE

Disc Due Date: 12/8/2018 NOI Due Date: \_\_\_\_\_ NOI Filed on: \_\_\_\_\_ PC Held on: 3/26/2018

Other Comments: CC - 8/27/18 at 9:30 AM.

Calendar Marking: \_\_\_\_\_