

**Bronx County Supreme Court
COMPLIANCE CONFERENCE ORDER
Part IA-11**

LAURA G. DOUGLAS
Justice Supreme Court

Present:

Takeya Neal

Index No. 27606 / 2017

Plaintiff(s),

- against -

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

Defendant(s).

Date RJF filed: _____

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

Revised 12/04/03

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ORDERED that the outstanding discovery shall be provided as follows:

1. **INSURANCE COVERAGE:** To be provided by DS w/in 30 days to 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. TT 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.
B. Limitations: _____
C. ☒ Post EBT demands to be served by w/i 45 days and must be responded to by w/i 45 days

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.**

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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 response to EBT already done
discovery demands dated 11/28/17 (CMM)
+ 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-812²⁷18 at 9:30 A.M.DATED: 12/11/18ENTER: 280J.S.C.
LAURA G. DOUGLAS

Compliance Conference Worksheet

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 #) 212-277-4000

Plaintiff: M&S Choi LLC - 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 Malpractice ☐

For Court Use Only

Complexity: Standard Case Type: E-FILED OTHER NEGLIGENCEDisc 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: _____