

Bronx County Supreme Court
COMPLIANCE CONFERENCE ORDER
Part IA-1114

Present: Higginth

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Isero Rafael Abreu

Index No. 27929 / 118

Plaintiff(s),

- against -

Yeida Reyes et al

Defendant(s).

Date RJI filed: _____

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UPON the Preliminary Conference Order dated 1/18/19, and following a Compliance Conference held on 5/17/19, 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:

* AS TO PROVIDE THE AFFIDAVITS CONFIRMING OR DENYING EXISTENCE OF PRIMARY AND EXCESS INSURANCE COVERAGE BY 6/25/19

1. **INSURANCE COVERAGE:** To be provided by w/in 45 days

2. **BILL OF PARTICULARS:** A. Response to be provided by _____;

Dated: _____ B. Supplemental Bill of Particulars as to items:

* AS TO PROVIDE BPS AS TO AFFIRMATIVE DEFENSES BY 6/18/19 IF NOT YET PROVIDED

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 TREATMENT FOR INJURY CITED IN SUBJECT ACCOUNT) to be served by w/in 45 days IF NOT YET PROVIDED

B. Authorizations for Plaintiff's:

- Employment Records;
- W-2 Records for Period 2015-18;
- Other (Specify) _____;

To be served by: w/in 45 days.

C. For _____ to be served by _____;

4. **EXAMINATION BEFORE TRIAL:** Δ REYS: 7/12/19 @ 2PM Plaintiff Defendants _____ All Parties

Δ PRIMS: 7/16/19 @ 12PM

A. To Be Held On _____ at _____ m. At mutually agreed location 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 w/in 30 days and must be responded to by w/in 30 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.

COMPLIANCE CONFERENCE ORDER

5. PHYSICAL EXAMINATION:

- A. Defendant to designate physician(s) in writing by W/in 45 days of TT EBT
- B. Examination to be held by W/in 60 days of TT 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 6/28/19.
 - C. Other: all parties to respond to outstanding demands as to response to its DEF of 9/18/18 by 6/17/19 if not responded to.
- 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

states 8-30-19

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: 5/17/19

ENTER: 
 J.S.C.

Compliance Conference (CC2) Worksheet - 2 P.M.

0027929/2018

Date: 5/17/2019

ABREU, ISERSO RAFAEL vs. REYES, YEIDA

IAS Justice: JOHN R. HIGGITT

Appearances:

	Attorney Appearing at Conference	Attorney/Firm of Record
	(Print Name and Direct Phone#)	
Plaintiff:	<u>Eric H. Green</u>	<u>ERIC H. GREEN, ESQ.</u>
Defendant:	<u>Nicole Pascale</u>	<u>RICHARD T. LAU & ASSOCIATES</u>
Defendant:	<u>Payands</u>	<u>Milber Melnik</u>
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 Malpractice

For Court Use Only

Complexity: Standard Case Type: E-FILED MOTOR VEHICLE

Disc Due Date: 9/19/2019 NOI Due Date: _____ NOI Filed on: _____ PC Held on: 1/18/2019

Other Comments:

Calendar Marking: CCH CC