

Bronx County Supreme Court
COMPLIANCE CONFERENCE ORDER
Part IA-11 14



Present:

Higgin

Jemilah Bernier

Plaintiff(s),

- against -

Clifford Morgan

Defendant(s).

Index No. 29993, 17

Date RJI filed: _____

UPON the Preliminary Conference Order dated _____, and following a Compliance Conference held on _____, 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

NYSCEF DOC. NO. 8 Bernier

COMPLIANCE CONFERENCE ORDER

ORDERED that the outstanding discovery shall be provided as follows:

- 1. INSURANCE COVERAGE: To be provided by _____
- 2. BILL OF PARTICULARS:
 - A. Response to be provided by _____ ;
 - Dated: _____
 - B. Supplemental Bill of Particulars as to items: _____

 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 4/10/19 _____ Defendant 4/17/19 _____ All Parties

NOTE:
NO POSTPONEMENTS
ARE PERMITTED
WITHOUT COURT
APPROVAL.

- A. To Be Held On _____ at _____ : _____ .m.
 At _____ 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: _____
- X C. Post EBT demands to be served by w/ 30 days and must be responded to by w/ 30 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.

Bernier

COMPLIANCE CONFERENCE ORDER

5. PHYSICAL EXAMINATION:

- A. Defendant to designate physician(s) in writing by w/ 30 day;
- B. Examination to be held by w/ 30 day
- 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 _____.

C. Other: All parties to reply to any outstanding demands
To be served by w/ 30 days;

Staked copy 4/12/19

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.

DATED: 2/8/19

ENTER: [Signature]
 J.S.C.
 HON. JOHN R. HIGGITT, A.J.S.C.

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Compliance Conference Worksheet - 2 PM

0029993/2017

Date: 2/8/2019

BERNIER, JEMILAH A vs. **MORGAN, CLIFFORD**

CCH
SC 4/12/19

IAS Justice: JOHN R. HIGGITT

Appearances:

Attorney Appearing at Conference

Attorney/Firm of Record

(Print Name and Direct Phone #)

Plaintiff: _____

HARMON, LINDER & ROGOWSKY, ESC

Defendant: _____

BAKER, MCEVOY, MORRISSEY, MOSKOVI

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 Malpractice __

For Court Use Only

Complexity: Standard Case Type: E-FILED MOTOR VEHICLE

Disc Due Date: 7/31/2019 NOI Due Date: _____ NOI Filed on: _____ PC Held on: 11/16/2018

Other Comments:

CCH
SC 4/12/19 CC