

FILED: KINGS COUNTY CLERK 11/03/2016

TODAY'S CAL.# 17

RJI DATE 9.15.16

INTAKE PART

PRELIMINARY CONFERENCE ORDER
PURSUANT TO PART 202 OF THE UNIFORM CIVIL RULES
FOR THE SUPREME COURT KINGS COUNTY

HON. Bridget Schuffman
BY SCENCIO
Eugenia Brown

DATE: 11.1.20.16

Index# 506847.16

Plaintiff(s)

- against -

Brooklyn Botanic
Garden Corp Defendant(s)

Compliance Conference shall be held in
IAS Part CCP on 4/19, 2017
at 9:30 a.m.

FAILURE OF COUNSEL TO ATTEND THE
COMPLIANCE CONFERENCE MAY RESULT
IN THE IMPOSITION OF SANCTIONS

PRINT ALL INFORMATION CLEARLY

ATTORNEY FIRM <u>The Garcia Law Firm</u>	by <u>[Signature]</u>	FOR PLAINTIFF	Consent to E-FILE?
ATTORNEY FIRM <u>Nichols</u>	by <u>[Signature]</u>	FOR DEFENDANT	YES NO
ATTORNEY FIRM _____	by _____	FOR DEFENDANT	___ ___
ATTORNEY FIRM _____	by _____	FOR DEFENDANT	___ ___

DEFAULTS: DEFENDANT
HAS NOT BEEN SERVED/ HAS BEEN SERVED, NOT ANSWERED, AND TIME TO DO SO HAS EXPIRED.
DEFAULT JUDGMENT GRANTED / PENDING

THE DISCOVERY END DATE/ NOTE OF ISSUE DUE DATE IS 8.15.20.17

IT IS HEREBY ORDERED THAT THIS ACTION IS ASSIGNED TO THE:

_____ EXPEDITED STANDARD _____ COMPLEX TRACK
AND DISCLOSURE SHALL PROCEED AS FOLLOWS:

- I. WRITE PLAINTIFF'S MOST SEVERE INJURY: Wrist fracture closed
- II. TYPE OF CASE:
 - MOTOR VEHICLE
 - PREMISES LIABILITY
 - ___ PROFESSIONAL MALPRACTICE (MED. MAL. ETC.)
 - ___ OTHER. BRIEFLY DESCRIBE: _____
 - ___ CONTRACT
 - ___ LABOR LAW

III. CPLR 325 (D) eligible, upon further order.

IV. INSURANCE COVERAGE (INCLUDING EXCESS AND/ OR UMBRELLA COVERAGE)
DEFENDANT _____ DEFENDANT _____
 IF NOT FURNISHED, PLAINTIFF TO BE ADVISED IN WRITING BY 12.1.20.16
IF NO EXCESS COVERAGE, PROVIDE AFFIDAVIT TO THAT EFFECT BY 1.4.20.17

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V. BILL OF PARTICULARS:

- 1A. SUBMITTED..... 1B. NOT SUBMITTED - TO BE SERVED BY _____
- 2. SUPPLEMENT/ AMEND BILL OF PARTICULARS TO BE SERVED BY
re: specify injuries per 10/5/16 letter within 30 days
- 3. DEFENDANT _____ TO PROVIDE A VERIFIED BILL OF PARTICULARS AS TO AFFIRMATIVE DEFENSES WITHIN _____ DAYS.

VI. MEDICAL AND HOSPITAL AUTHORIZATIONS TO THE EXTENT NOT PREVIOUSLY PROVIDED:

- 1. FURNISHED
- 2. HIPAA COMPLIANT MEDICAL AUTHORIZATIONS FOR RECORDS AND HOSPITAL AUTHORIZATIONS TO BE SERVED BY 12/1/2016
- 3. PLAINTIFF(S) SHALL PROVIDE AUTHORIZATIONS TO OBTAIN COPIES OF THE ACTUAL RECORDS OF ALL TREATING AND EXAMINING HEALTH CARE PROVIDERS, INCLUDING DIAGNOSTIC TESTS, X-RAYS, MRIs, EMGs, CT SCANS, FOR INJURIES SPECIFIED IN THE BILL OF PARTICULARS WITHIN 30 DAYS.
- 4. PLAINTIFF(S), WITHIN 60 DAYS AFTER FILING NOTE OF ISSUE, MUST SERVE DEFENDANT (S) WITH FRESH HIPAA COMPLIANT AUTHORIZATIONS FOR ALL KNOWN HEALTH CARE PROVIDERS.

VII. PHYSICAL EXAMINATION:

- 1A. HELD 1B. WAIVED 1C. EXAM OF THE PLAINTIFF TO BE HELD WITHIN 45 DAYS FOLLOWING THE CONCLUSION OF PLAINTIFF'S EBT.
- 2A. PHYSICIANS' REPORTS FURNISHED
- 2B. COPY OF PHYSICIANS' REPORTS TO BE FURNISHED TO PLAINTIFF WITHIN 45 DAYS OF EXAMINATION.

VIII. EXAMINATIONS BEFORE TRIAL:

- PLAINTIFF(S) DEFENDANT(S) INFANT(S)
- INFANT'S DATE OF BIRTH: _____
- TO BE HELD ON 2/7/2017
- AT COURT REPORTER _____
- AT OFFICE OF _____
- AT A LOCATION TO BE AGREED UPON LATER _____
- HELD (EXCEPT: _____)
- WAIVED
- EXCEPT INFANT AT THIS TIME

DEPOSITIONS TO COMMENCE WITHIN 30 DAYS OF JUDICIAL DETERMINATION OF INFANT PLAINTIFF'S COMPETENCE TO TESTIFY AT A "SWEAR-ABILITY" HEARING.

IX. OTHER DISCLOSURE:

- 1. NONE
- 2. ALL PARTIES TO EXCHANGE NAMES AND ADDRESSES OF ALL WITNESSES, OPPOSING PARTIES' STATEMENTS, PHOTOGRAPHS, SURVEILLANCE TAPES, AND ACCIDENT REPORTS PREPARED IN THE ORDINARY COURSE OF BUSINESS. IF NONE, AN AFFIRMATION TO THAT EFFECT SHALL BE PROVIDED.
- 3. AUTHORIZATION FOR PLAINTIFF(S) FOR YEAR BEFORE, YEAR OF, AND YEAR AFTER:
 - EMPLOYMENT ATTENDANCE RECORDS
 - IRS, IF SELF EMPLOYED OR W-2
- 4. PLAINTIFF TO PROVIDE NO-FAULT/ COLLATERAL SOURCE AUTHORIZATIONS.
IT NOT EMPLOYED
ABOVE TO BE COMPLETED WITHIN 30 DAYS.
- 5. ALL PARTIES SHALL SUPPLY EXPERT WITNESS DISCLOSURE

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X6. All parties shall respond to outstanding discovery demands w/in 30 days to extent not done

X. IMPLER ACTIONS: 1. NONE 2. ALREADY COMMENCED 3. TO BE COMMENCED WITHIN 60 DAYS AFTER COMPLETION OF EBTs.

XI. ADDITIONAL DIRECTIVES: SEE ATTACHED PAGE FOR ADDITIONAL DIRECTIVES.

IN THE EVENT OF UNJUSTIFIED NON-COMPLIANCE WITH THE TERMS OF THIS ORDER, COSTS OR OTHER SANCTIONS MAY BE IMPOSED.

Not on consent

NOTWITHSTANDING ANY DIRECTIVE CONTAINED HEREIN, ALL PARTIES ARE REQUIRED TO ABIDE BY THE JUSTICE'S INDIVIDUAL PART RULES LOCATED AT: HTTP://WWW.NYCOURTS.GOV/COURTS/2JD/KINGS/CIVIL/JUDGESRULES.SHTML

ALL DATES CONTAINED HEREIN RELATING TO THE COMPLETION OF ITEMS IN THIS PRELIMINARY CONFERENCE ORDER MUST BE ADHERED TO.

THE PARTIES HAVING APPEARED FOR A PRELIMINARY CONFERENCE ON THIS DATE HAVE REVIEWED THE TERMS AND/ OR CONDITIONS OF THIS ORDER AND HEREBY CONSENT TO SAME.

ATTORNEY: [Signature] FOR PLAINTIFF: Bronfen

ATTORNEY: [Signature] FOR DEFENDANT: Dushyn Botwin

ATTORNEY: [Signature] FOR DEFENDANT:

ATTORNEY: [Signature] FOR DEFENDANT:

COURT ATTORNEY: [Signature]

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT.

DATED: 11, 1, 20 16 ENTER: [Signature] J.S.C. / J.H.O.

HON. MARTIN SCHNEIER JHO/REFEREE

2016 NOV 8 4:47