

ORDER VACATING NOTE OF ISSUE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAUENTERED
IN
COMPUTER
DOPresent: HON. R. BRUCE COZZENS
J.S.C.TRIAL/IAS PART
NASSAU COUNTY

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> ZAPATA

PLAINTIFF,

INDEX NO. 601925/13

-against-

CALENDAR NO. 2017H3442

> JOSEPH, ET AL.

DEFENDANT

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Upon a finding that a material fact in the certificate of readiness filed in this action is incorrect, and that the matter is not presently trial ready, and

Upon its own motion, this Court as Calendar Control Part Justice, hereby vacates the Note of Issue and demand for jury trial previously filed and restores the matter to the Trial Re-certification Part, pursuant to Part 22 NYCRR 202.21(e).

Counsel are directed to appear before the Hon. R. Bruce Cozzens, Jr.
(On 12/11/18 at 9:30 a.m.)

Only trial counsel of record with knowledge of the file and authority to enter into any and all stipulations shall appear for such proceedings.

Failure to appear as directed herein, or on such other day as the TRP Court further directs, may result in sanctions as provided for in the Uniform Rules.

Counsel must apply to the court for re-certification and for permission to purchase and file a new Note of Issue pursuant to 22 NYCRR 202.21(f) and a new Jury Demand, if requisite, pursuant to CPLR 4102.

Upon such filing, the Calendar Clerk is directed to add the case to the Trial Calendar as a new matter, notwithstanding the position it occupied before the Note of Issue was vacated.

Prior to bringing any motion, movant must contact chambers to schedule a conference to address potential resolution by stipulation, oral argument or otherwise.

Dated: 10/23/18

ENTERED

J.S.C.

HON. R. BRUCE COZZENS, JR.

M-3590 1/16

OCT 30 2018