

HON. ADAM SILVERA
J.S.C.

At ~~the I.A.S.~~²² Part of the Supreme Court,
County of New York, Justice Silvera,
presiding, held in the Courthouse located at
80 ~~60~~ Centre Street, New York, New York, on
the 13th day of August, 2018.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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MYRON KIRK WALKER,

Index No.: 158775/2013

ORDER TO SHOW CAUSE

Plaintiff,

- against -

GRAY LINE NEW YORK,

Defendant.
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UPON the reading and filing of the Affirmation of Roberto D. Uribe, Esq. dated August 8, 2018 on behalf of Defendants, GRAY LINE NEW YORK; and upon all the pleadings and proceedings in this matter to date, together with the annexed exhibits hereto,

LET the attorneys for Plaintiff, MYRON KIRK WALKER, show cause before the Supreme Court of the State of New York, New York County located at ~~60~~⁸⁰ Centre Street, New York, New York, at Part 22 on the 12th day of September, 2018, at ~~9:30~~^{10:00} o'clock in the forenoon of that day or as soon thereafter as counsel may be heard, why the Court should not issue an Order:


- (1) Striking the portions of Plaintiff's Bill of Particulars and Supplemental Bill of Particulars alleging injuries and treatment to his cervical spine and lumbar spine;
- (2) Precluding Plaintiff from offering or relying upon any evidence at the time of trial in this action in connection with any alleged injuries and treatment to Plaintiff's cervical spine and lumbar spine;

- (3) Precluding Plaintiff from offering or relying upon any evidence at the time of trial in this action which has not been furnished in response to Defendant's discovery demands or in response to prior Court Orders, directives and Stipulations including specific clarification as to Plaintiff's medical bills (outstanding and paid) and all liens or alternatively, compelling Plaintiff to provide same within twenty (20) days;
- (4) In the alternative, striking the Plaintiff's Note of Issue and Certificate of Trial Readiness to conduct further discovery including a further examination before trial of Plaintiff and a further independent medical examination;
- (5) Pursuant to CPLR § 2201, staying this matter, currently scheduled for trial on October 9, 2018, until after the completion of all necessary aforementioned discovery; and
- (6) Together with such other and further relief as this Court may deem just, proper and equitable.

SUFFICIENT CAUSE APPEARING THEREFOR, let service of a copy of this Order to Show Cause together with the supporting papers annexed hereto be made upon counsel for the Plaintiff, BECKER & D'AGOSTINO, P.C., 880 Third Avenue, New York, New York 10022, by overnight mail, on or before the 22nd day of August, 2018, be deemed good and sufficient service thereof.

AUG 13 2018

ENTER:


J. S. C.

HON. ADAM SILVERA
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