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INDEX NO. 705407/2018

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NYSCEF DOC. NO. 69

“Exhibit 4”

NYSCEF DOC. NO. 20

Calendar Number 9

RECEIVED NYSCEF 07/18/2018

PC 7/18/18

CC 1/1/19

NI 6/17/19

SUPREME COURT OF THE STATE OF NEW YORK
QUEENS COUNTY: IAS PART

PRESENT: HON. Livote

Manhertz

Plaintiff(s)

Preliminary Conference Order

- against -

FILED
JUL 18 2018
COUNTY CLERK
QUEENS COUNTY

Index Number: 705407/18

Date RJI Filed: 6/13/18

Harcharran et al

Defendant(s)

APPEARANCES

Plaintiff(s): Emmanuel Kossant PC for Farley & Kester PC

Defendant(s): Daran L. Kinton MA Telephone

Following a Preliminary Conference, it is hereby ORDERED that disclosure shall proceed as follows:

(1) **Insurance Coverage:** (a) If not yet done, defendant shall disclose in writing the existence and contents of any insurance agreement, including umbrella or excess coverage, as described in CPLR §3101(f) on or before 30 days (b) plaintiff shall disclose any Uninsured Motorist/Supplemental Uninsured Motorist coverage on or before _____
*** OBLIGATION OF NONE**

(2) **Bill of Particulars:**

(a) A demand for a Bill of Particulars or Interrogatories shall be served by _____ on or before _____

(b) A bill of particulars or interrogatories shall be served by _____ on or before _____

(c) If an affirmative defense or counterclaim is asserted, a demand for a bill of particulars or interrogatories shall be served by _____ on _____. A response to such demand shall be served on _____

(d) A supplemental Bill of Particulars shall be served by _____ on or before _____ as to items: _____

Not applicable (3) **Medical Report(s), Record(s) and Authorization(s):** On or before _____ a duly executed written authorization(s) shall be furnished by _____ for the following: (Check as apply)

- ___ Physician, and/or hospital, pharmacy and/or autopsy records;
- ___ Employment and/or attendance records for the period _____;
- ___ No-fault file;
- ___ Diagnostic tests and films;
- ___ Collateral source authorizations / workers comp records;
- ___ W2 and/or tax return records for self-employed individuals (if there is a loss of wages claim) for the period of _____;
- ___ Other (specify) _____

(4) Physical Examinations: *Not Applicable*

- (a) Examination(s) of plaintiff shall be held on or before _____
- (b) Pursuant to 22 NYCRR §202.17(b), at least 20 days before such examination, _____ shall serve upon all other parties copies of the medical reports of those physicians who have previously treated or examined him/her.
- (c) A copy of the examining physician's report shall be furnished to all parties by _____ within _____ days of the examination.

(5) Depositions:

- (a) Examinations before trial shall be conducted as follows:
 Plaintiff(s) shall appear for examination before trial at Queens Reporter on 8/28/18 at 10 a.m./p.m. and shall produce all relevant books, papers, records, and other material for use at the deposition, including _____
 Defendant(s) shall appear for examination before trial at Queens Reporter on 8/28/18 at 10 a.m./p.m. and shall produce all relevant books, papers, records, and other material for use at the deposition, including _____
- (b) Unless otherwise directed prior to the examinations before trial, attorneys seeking rulings on objections or making application for any other relief pertaining to the depositions shall promptly appear at Chambers of the assigned IAS Justice, with their reporter, or shall communicate with the Emergency Justice, for a determination.
- (c) Once begun, a deposition shall continue until completed and shall not be adjourned without further order of the Court.
- (d) The transcript of an examination before trial shall be delivered to the party deposed within thirty (30) days of the deposition, and shall be returned, duly executed, pursuant to CPLR § 3116.
- (e) Subpoenas for the examination before trial of any non-party witness shall be served no later than 45 days after the completion of party depositions, provided such witness is known by completion of party depositions, and if not known at that time, within 45 days of first disclosure or identification of such witness or within the discretion of the Court.

(6) Other Disclosure:

- (a) On or before 30 days, all parties shall exchange names and addresses of all witnesses, and shall exchange statements of opposing parties and photographs, or, if none, shall provide an affirmation to that effect.
- (b) All parties shall exchange information relating to expert witnesses in compliance with CPLR §3101(d)(i).
- (c) Medicare Liens: If plaintiff is a medicare recipient or eligible, plaintiff shall, within 30 days, provide defendant(s) with the details of said lien(s), or if unknown, copies of correspondence to Medicare, evidencing plaintiff's efforts to determine the outstanding claim against said plaintiff/beneficiary, should one exist.
- (d) Additional Disclosure Issues: With respect to additional disclosure issues, the parties shall comply with the following agreement:

All parties to respond to any outstanding Demands w/in 30 days
As to respond to JTS Notice For Dep and JTS Interrogatories as dated 7/5/18 w/in 30 days

(7) Impleader: All third-party actions shall be commenced on or before the Compliance Conference date. Joinder of a third-party action beyond this date without leave of Court may result in a severance.

(8) Completion of Disclosure: All disclosure shall be completed on or before the Compliance Conference date.

(9) Compliance Conference:

(a) Unless a Note of Issue/Certificate of Readiness shall have been filed prior thereto, counsel for all parties shall appear at a Compliance Conference which shall be held in the Compliance Conference/Settlement Part on 8/11/19.

(b) Filing of a Note of Issue prior to the Compliance Conference must include a written stipulation fully executed by all parties acknowledging that all discovery has been completed. Failure to comply with this provision will result in vacatur of the prematurely filed Note of Issue.


(c) Copies of medical reports and pleadings are to be brought to the Compliance Conference and attending attorneys must be knowledgeable about the case and be prepared to discuss settlement at that time.

(10) Note of Issue: Plaintiff shall file a Note of Issue/Certificate of Readiness on or before 6/17/19.

(11) Motions for Summary Judgment: Pursuant to CPLR Rule 3212(a), any motion for summary judgment shall be made no later than 120 days after the filing of the note of Issue, but under no circumstances beyond 120 days of the filing of the Note of Issue absent further order of the court.

(12) Stipulations of settlement or discontinuance are to be filed by defendant, pursuant to 22 NYCRR 202.28, with the County Clerk and must also give a copy to the Part of Court to which the action has been assigned, within 20 days of such discontinuance.

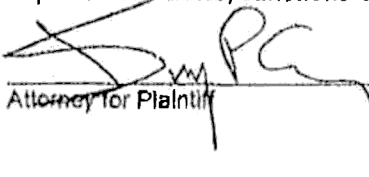
SO ORDERED:



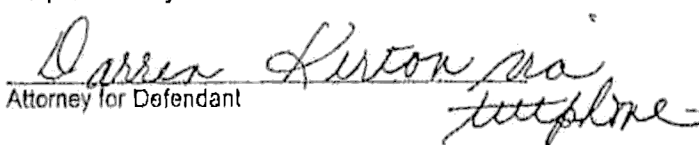
A.J.S.C.

Dated:

I, the undersigned have read the preceding and fully understand the provisions contained herein shall constitute an Order of the Court. Failure to comply with any provision of this order may result in the imposition of costs, sanctions or other penalties provided by law.



Attorney for Plaintiff



Attorney for Defendant

Attorney for Plaintiff

Attorney for Defendant

Attorney for Plaintiff

Attorney for Defendant

Attorney for Plaintiff

Attorney for Defendant