

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

PRESENT: HON. KALLIGAN -x

Kujtim Gjeloshi  
Plaintiff(s),

Preliminary Conference Order

- against -

Index Number: 711238/16

City of New York et al.  
Defendant(s).

Date RJF Filed: 5/03/17  
6/30/16

APPEARANCES

Plaintiff(s): No Appearance

Defendant(s): Δ City, ZWC by Michael Forsette

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 \_\_\_\_\_ (b) plaintiff shall disclose any Uninsured Motorist/Supplemental Uninsured Motorist coverage on or before Δ City self-insured

(2) **Bill of Particulars:**

(a) A demand for a Bill of Particulars or interrogatories shall be served by served on or before \_\_\_\_\_

(b) A bill of particulars or interrogatories shall be served by IT on or before 45 days

(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: \_\_\_\_\_

(3) **Medical Report(s), Record(s) and Authorization(s):** On or before 45 days a duly executed written authorization(s) shall be furnished by IT for the following: (Check as apply)

- Physician, and/or hospital, pharmacy and/or autopsy records;
- Employment and/or attendance records for the period 2 years prior to DOJ - Present
- 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 2 years prior to DOJ - Present
- Other (specify) EMS call report, 911 authorizations

To the extent applicable + not already provided.

to extent not already provided

(4) **Physical Examinations:**

(a) Examination(s) of plaintiff shall be held on or before 45 days from T-EST

(b) Pursuant to 22 NYCRR §202.17(b), at least 20 days before such examination, IT 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 Δ within 45 days of the examination.

(5) **Depositions:**

(a) Examinations before trial shall be conducted as follows:

Plaintiff(s) shall appear for examination before trial at QN Corp. Counsel on 10/10/17 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 QN Corp. Counsel on 10/10/17 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 45 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:

\_\_\_\_\_ - Δ City to respond per annexed addendum. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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 9/11/17 11/20/17

(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 12/15/17 4/27/18

(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:

\_\_\_\_\_  
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.

No Appearance  
\_\_\_\_\_  
Attorney for Plaintiff

ZWC by [Signature]  
\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
Attorney for Defendant

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS  
88-11 Sutphin Blvd.  
Jamaica, New York 11435

Kystin Gseloshi

11/10/17

711238/16

Plaintiff(s),

Index No.: ~~711238/16~~

- against -

City of New York

et. al.

Defendant(s).

NOTICE OF COMPLIANCE/SETTLEMENT CONFERENCE

A Compliance/Settlement Conference has been scheduled in the above-named case in which you appear as counsel. The Conference will be held before JUSTICE MARTIN RITHOLZ in the Compliance/Settlement Conference Part on ~~9/11/17~~ at 9:30 A.M.

11/10/17

Counsel appearing for the Conference MUST bring the Bill of Particulars and all previous orders in the case, including the Preliminary Conference Order.

At the conference, inquiry will be made regarding the following items of discovery as applicable; bills of particular; authorizations; medical reports; discovery and inspection; document production; insurance information; EBT's; physical examinations; interrogatories; and compliance with prior discovery orders of the Court.

Additionally, serious settlement discussions will be conducted.

Consequently, an attorney representing your client MUST appear at the conference and MUST be fully familiar with the case and the status of discovery. The attorney MUST bring to the Conference all available documentary evidence relating to injury and damages, and MUST be authorized to enter binding stipulations and to dispose of the case.

Failure to appear at the Conference may result in the imposition of sanctions or other appropriate judicial action.

ADDENDUM TO PRELIMINARY CONFERENCE ORDER  
INVOLVING DEFENDANTS REPRESENTED BY THE  
OFFICE OF THE CORPORATION COUNSEL

USE THIS FORM FOR ALL MOTOR VEHICLE ACCIDENTS  
INVOLVING CITY OWNED VEHICLE

1. All parties shall provide the names and addresses of any witnesses to the occurrence and notice witnesses (except the business address shall be provided for currently employed witnesses of entities represented by the Corporation Counsel); accident reports; party statements; insurance information; photographs taken in the ordinary course of business, within 30 days.

2. Plaintiff shall provide authorizations for collateral source information as well as medical reports and authorizations to obtain records of all treating and examining health care providers for injuries specified in the bill of particulars, within 30 days. If plaintiff is claiming a loss of income or wages, authorizations for IRS records and employment records shall be provided within 30 days.

3. The City of New York shall provide the following information to all parties within 30 days:

- a) Departmental Accident Report.
- b) Maintenance and repair records for the department vehicle involved for one year prior to and including the date of the occurrence, if a defect in the vehicle is alleged.

4. Any Party who wishes to obtain prior notices of claim, pursuant to GML§ 50-g, may do so by contacting Jackie Stagg at (212) 669- 3422 to set up an appointment to search the index maintained at Centre Street, New York, New York.

5. Any party who wishes to obtain an MV-104, be advised that the New York City Police Department no longer maintains MV-104's beyond 30 days for accidents occurring after April 15, 1995. For reports prior to April 15, 1995, counsel can call \_\_\_\_\_ at (212) 788- \_\_\_\_\_ to make an appointment to search for same.

6. All searches shall be conducted based upon the date and location as described in the notice of claim.

7. THIS PRELIMINARY CONFERENCE ORDER SHALL SUPERSEDE ANY DEMANDS FOR DISCOVERY PREVIOUSLY SERVED UPON PARTIES REPRESENTED BY THE OFFICE OF THE CORPORATION COUNSEL.

Date: \_\_\_\_\_

\_\_\_\_\_  
J.S.C.