

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

COMPLIANCE CONFERENCE PART

COMPLIANCE CONFERENCE
REFEREE REPORT & ORDER FOR
MEDICAL, DENTAL AND PODIATRIC
MALPRACTICE ACTIONS

Maurice Dwyer,

Plaintiff(s)

-against-

Montefiore New Rochelle,

Defendants.

INDEX NO: 65537/2016

R.J.I. DATE: 2/23/2017

CONFERENCE
DATE: 4/23/18

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

CLERKIN, C.A.R.:

APPEARANCES: (not for service purposes)

Appearances:

- Plaintiff(s) Nicholas Maurice Dwyer
- Defendant(s) NMC Dr. Lee M. Apk
- Defendant(s) Schatter Extended
- Defendant(s) Bibit RN
- Defendant(s) _____
- Defendant(s) _____
- Defendant(s) _____
- Defendant(s) _____

Nicholas Maurice Dwyer
Lee M. Apk WEVER
Schatter Extended RUBIN SHELEY
Bibit RN KBR

THIS ACTION having come on for a Compliance Conference in order to establish a schedule for the completion of disclosure and other related matters, in accordance with CPLR 3104 and the DCM Rules of this Court, I recommend that the Court confirm the following Report:

This action is entitled to a preference pursuant to CPLR 3403(a)(5), and it is further

There is to be timely compliance with each of the items below within the time set forth unless the time is extended by a "so-ordered" OR court-approved written stipulation.

NYS NAME OF CASE:

Dwyer

INDEX NO.

RECEIVED NYSCEF: 04/25/2018
65537/16 Page 2

I. EXAMINATIONS BEFORE TRIAL

(1) The plaintiff(s) *Maurice Dwyer* will be deposed on *May 23, 2018*, if not already completed. *by video as agreed by the parties*

(2) The defendant(s) will be deposed in the following caption order (unless ordered otherwise by the Court) on the designated date:

- Dr. Lyo on or before June 18, 2018*
 - Dr. Alata on or before June 29, 2018*
 - Nurse ~~Bob~~ Bibit on or before July 10, 2018*
- (firm dates to be set @ next conference)*

DEPOSITIONS CANNOT BE ADJOURNED TO A LATER DATE. THE PARTIES ARE REMINDED THAT THEY LACK AUTHORITY TO ADJOURN COURT-ORDERED DEPOSITIONS WITHOUT A PRIOR COURT ORDER AND ADJOURNMENTS WILL ONLY BE GRANTED FOR GOOD CAUSE SHOWN. ANY SCHEDULING CONFLICTS BETWEEN COUNSEL MUST BE RESOLVED BY THE PARTIES SO AS TO COMPLY WITH THIS COURT ORDER. NON-COMPLIANCE MAY RESULT IN A WAIVER, THE ISSUANCE OF A BRIEFING SCHEDULE, AND/OR A TRUNCATED DISCOVERY SCHEDULE FOR ANY REMAINING DISCOVERY.

II. COMPLIANCE CONFERENCE

A Compliance Conference shall be held on *June 4, 2018*.

III. ADDITIONAL DIRECTIVES

IV. FURTHER DIRECTIVES

Failure to comply with the terms of this Report and Order may result in sanctions as authorized by CPLR 3126.

The foregoing constitutes the Report of the Court-Attorney-Referee.

Dated: White Plains, New York

April 23, 2018

Diane Clerkin

Diane Clerkin, Court Attorney-Referee

SO ORDERED:

Joan B. Defkowitz

HON. JOAN B. DEFKOWITZ
JUSTICE OF THE SUPREME COURT

[Handwritten signature]