

Fermin

Plaintiff(s),

PRELIMINARY CONFERENCE ORDER

Pursuant to Part 202 of the Uniform Civil Rules for the Supreme Court

- against -

Aqua 680 E235 LLC, et. al.

Defendant(s),

HON. Douglas
Preliminary Conference Part
Index Number 32216/18
Conference Date 2/13/19

APPEARANCES: **Plaintiff:** MICHAEL FERMIN

Firm: MICHAEL CERVINI

By Attorney: STEVE LOPRETT Phone: 914-364-0110

Carrier: _____ Phone: _____ Coverage Amount: _____

Defendant 1: Aqua 680 E235 LLC + Residential Management (NY)

Firm: Lester Schrab Katz & Dwyer

By Attorney: Jeffrey Madrese Phone: 516-644-3677

Carrier: _____ Phone: _____ Coverage Amount: _____

Defendant 2: Big Apple Elevator

Firm: Rosenbaum & Taylor, PC

By Attorney: J. Miller Phone: _____

Carrier: _____ Phone: _____ Coverage Amount: _____

Defendant 3: _____

Firm: _____

By Attorney: _____ Phone: _____

Carrier: _____ Phone: _____ Coverage Amount: _____

I **INSURANCE COVERAGE:** To be furnished within 60 days.

II **BILL OF PARTICULARS:** 1. Not submitted: Bill of Particulars to be served by _____

2. Served: 2(a). Satisfactory 2(b). Unsatisfactory

3. Supplemental bill of particulars to be served by P

4. Bill of particulars for affirmative defenses to be served _____

as do statutory violations & updated special damages w/in 60 days

III **MEDICAL REPORTS AND HOSPITAL AUTHORIZATIONS:** 1. Furnished (Except: see additional directives)

2. Medical reports or authorizations for records to be served _____

3. Hospital authorizations to be served _____

IV **PHYSICAL EXAMINATION:** 1(a). Held 1(b). Waived

1(c). Examination of _____ To be held W/in 30 days after designation Defendant to designate physician(s) within 21 days of plaintiff's EBT

V EXAMINATION BEFORE TRIAL: 1. Plaintiff 2. Defendants All parties
 2. To be held at 6bd
Date: _____ Time: 10 am.
 3. Held (Except: _____) Waived

*- P on or before 6/12/19
- D Aqua + residential on or before 6/19/19
- D 613 apple on or before 6/26/19*

VI OTHER DISCLOSURE: 1. None
 2. All parties to exchange names and addresses of all witnesses, opposing parties' statements, and photographs. If none, an affirmation to that effect shall be exchanged.
 3. Authorizations for plaintiff's employment records (IRS) including W-2 for period n/a - no claim for lost wages
 4. P to provide unrestricted authorizations for P's medical records, diagnostic records, therapy records, ambulance reports, and pharmacy records regarding prior stroke + heart condition
 5. To be completed within 30 days

VII IMPLER ACTIONS: 1(a). None 1(b). To be commenced 60 days after all EBT's.

VIII DESIGNATED FOR TRANSFER: 1(a). CPLR 325 (c)
 1(b). CPLR 325 (d)

IX ADDITIONAL DIRECTIVES: See attached page for additional directives

X ALL PARTIES: ~~Are directed to complete discovery on or before~~
and appear for a compliance conference on July 19, 2019
9:30am

Any statutory stays of disclosure due the pendency of motions pursuant to CPLR 3211, 3212 and 3213 are vacated.
Counsel will be required to justify, at the Compliance Conference, failure to adhere to the discovery schedule set forth herein.
In the event of non-compliance, costs or other sanctions may be imposed.

This constitutes the decision and order of this court.

Dated: 2/13/19 Enter: [Signature]
J.S.C. LAURA G. DOUGLAS
Justice, Supreme Court

32216/18

DISCOVERY ORDER

P-373

- X. ADDITIONAL DIRECTIVES: - All parties to respond to D Aqua's 12/17/18 Combined demands to extent not already provided w/in 30 days
- P to provide authorization for P's own records w/in 30 days
 - P to provide unrestricted AZ's for all individual providers he treated with after this incident, including medical providers, collateral source providers, disability records, diagnostic records/films, pharmacy records, and ambulance records to extent not already provided w/in 30 days
 - P to provide unrestricted AZ for disability file w/ social security w/in 30 days to extent not already provided
 - P to respond to Δ Big Apple's Bl and Combined Demands to the extent not already provided w/in 30 days
 - Δ to respond to IIS NOI dated 2/11/19 (maintenance and repair records of the lobby elevator and exterior door attached to the elevator for a 2yr period prior to and including 10/19/18)



* All authorizations to ~~be~~ - have search box of section 9a executed to allow entire medical records to be provided

X. ADDITIONAL DIRECTIVES

PC Worksheet

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Date: 2/13/2019

Part: PC

0032216/2018

FERMIN, MICHAEL

vs.

AQUA 680 E235 LLC.

Assigned Justice: **WILMA GUZMAN**

Attorney for Plaintiff: **MICHAEL A. CERVINI, P.C.**

Attorney for Defendant: **LESTER SCHWAB KATZ & DWYER**

Complexity: **Standard**

Action Type: **E-FILED OTHER NEGLIGENCE**

Identify Following Action Types Product Liability Labor Law Lead Paint Other Malpractice

RJI Filing Date: **1/9/2019**

PC to be held by: **2/23/2019**

PC Held:

CC to be held by: **11/5/2019**

Discovery Due Date: **1/9/2020**

NOI Filing Date:

Case Status: **Active**

Open Motion: _____

(If open motion indicator, "Y", is displayed, please indicate nature and submission date of motion.)