

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS - PART 4

JERALD HAYES,

Plaintiff(s)

- against -

JAMES PAONE,

Defendant(s)

Stipulation and Order to
Transfer Action to Binding
Summary Jury Trial Part

Index No. 506248/2016

IT IS HEREBY STIPULATED AND AGREED that the parties to this action, by their respective attorneys, voluntarily agree to the transfer of this matter for final disposition to the Summary Jury Trial Part (SJT Part), for a binding summary jury trial, subject to the Rules of the SJT Part. Unless the Court directs otherwise, the Rules of the SJT Part shall govern this action and the conduct of counsel and the parties at the Summary Jury Trial scheduled herein. The signatories to this Agreement represent that they have the authority of their respective clients and/or insurance carriers to enter into this stipulation/order.

IT IS FURTHER STIPULATED AND AGREED THAT a Summary Jury Trial shall be held on the issue(s) of liability and damages, liability only, damages only

and shall be conducted on 3/4/2019 at 10:00 AM, before the HON. JUSTICE DAVID B. VAUGHAN. All parties shall be bound by the Summary Jury Trial verdict, except that if the verdict is more than \$ 100,000, the plaintiff will recover \$ 100,000, and if the verdict is less than \$ 100,000, the plaintiff will recover the verdict amount.

IT IS FURTHER STIPULATED AND AGREED that the right to move to set aside the verdict, or to appeal, is waived.

IT IS FURTHER STIPULATED AND AGREED that any pending motions filed with the court in this action are withdrawn and that the parties hereto agree not to file any written motions subsequent to the execution of this Stipulation.

IT IS FURTHER STIPULATED AND AGREED that counsel shall exchange all evidentiary materials to be offered at the trial of this action, and a hard copy with protruding tabs be provided to the court, by 1/22/2019.

PARTIES ARE TO SUBMIT THEIR REQUEST TO CHARGE, WHICH ARE TO BE CONFORMED TO THE ELEMENTS OF THIS CASE, INCLUDE CONTENTIONS (IF APPLICABLE) AND LIMITED TO THOSE CHARGES CONTAINED IN THE PATTERN JURY INSTRUCTIONS, BY E-MAIL TO HSTIELL@NYCOURTS.GOV, BY NO LATER THAN 1/22/2019.

JURY SELECTION TO COMMENCE AT 9:30 AM ON 3/1/2019 IN CENTRAL JURY. PARTIES ARE TO BRING A COPY OF THIS ORDER TO THE CENTRAL JURY CLERK WHEN REPORTING FOR JURY SELECTION.

TRIAL. THE COURT IS TO BE APPRISED OF ANY UNRESOLVED ISSUES NO LATER THAN TEN (10) DAYS PRIOR TO TRIAL.

PARTIES ARE TO APPEAR IN CHAMBERS AT 11:00 AM ON 2/21/2019 FOR A CHARGE CONFERENCE AND TO ADDRESS ANY UNRESOLVED EVIDENTIARY ISSUES.

Attorney for Plaintiff(s) Jerald Hayes

Print Name: Gregory Nahas

Firm: Law Office of Yoniy Prakhin, PC

Phone Number: (718) 946-5099

Fax Number: (718) 373-7614

Cell Number: (201) 564-8100

Address: 1883 86th St - 2nd Fl.
Brooklyn, NY 11214

E-mail: Gregory@prakhinlaw.com

Signature: [Handwritten Signature]

Attorney for Defendant(s) James Paone

Print Name: James Rogers

Firm: Yaren Lawrence

Phone Number: 718.451.7163

Fax Number: 866.655.1125

Cell Number: (631) 374.7826

Address: 4 Metrotech Center
Suite 2000
Brooklyn, NY 11201

E-mail: jrogf@allstate.com

Signature: [Handwritten Signature]

Attorney for Plaintiff(s) _____

Print Name: _____

Firm: _____

Phone Number: _____

Fax Number: _____

Cell Number: _____

Address: _____

E-mail: _____

Signature: _____

Attorney for Defendant(s) _____

Print Name: _____

Firm: _____

Phone Number: _____

Fax Number: _____

Cell Number: _____

Address: _____

E-mail: _____

Signature: _____

Dated: 11/27/18

SO ORDERED:

[Handwritten Signature]

HON. DAVID B. VAUGHAN

2019 MAR -8 AM 8:31
 FILED
 KINGS COUNTY CLERK

VFD

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VERDICT SHEET

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We, the undersigned jurors, duly drawn, empaneled and sworn to try the above entitled action, say that we answer the written interrogatories submitted by the Court as follows:

1. Was the defendant, JAMES PAONE, negligent in the operation of the motor vehicle he was operating on April 6, 2016 and was his negligence a substantial factor in bringing about the accident of that date?

Yes _____ No X _____

Jurors, after answering the above question will sign their names below. At least five jurors must agree in the answer to this question:

- | | |
|-----------------------|-----------------------|
| 1. <u>[Signature]</u> | 4. <u>[Signature]</u> |
| 2. <u>[Signature]</u> | 5. <u>[Signature]</u> |
| 3. <u>[Signature]</u> | 6. <u>[Signature]</u> |

I, the undersigned, do not concur in the above verdict.

NOTE: If your answer is YES, proceed to Question # 2. If your answer is NO, *do not answer any other questions* and report your verdict to the court.

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2. Was the plaintiff's host vehicle, the other driver, negligent in the operation of the motor vehicle he was operating on April 6, 2016 and was his negligence a substantial factor in bringing about the accident of that date?

Yes _____ No _____

Jurors, after answering the above question will sign their names below. At least five jurors must agree in the answer to this question:

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

I, the undersigned, do not concur in the above verdict.

NOTE: If your answer is YES, proceed to Question # 3.
If your answer is NO, proceed to Question #4.

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3. What is the percentage of fault of:

Defendant _____ %

Plaintiff's Host vehicle driver _____ %

THE TOTAL MUST ADD UP TO 100%

Jurors, after answering the above question will sign their names below.
At least five jurors must agree in the answer to this question:

1. _____

4. _____

2. _____

5. _____

3. _____

6. _____

I, the undersigned do not concur in the above verdict.

NOTE: Proceed to Question #4.

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