

TODAY'S CAL.#

53

RJI DATE

11/20/17

INTAKE PART

**PRELIMINARY CONFERENCE ORDER  
PURSUANT TO PART 202 OF THE UNIFORM CIVIL RULES  
FOR THE SUPREME COURT KINGS COUNTY**

HON.

JHO  
Schmeier

for J. Wouter

Kamiyama

Plaintiff(s)

DATE:

5/7/2018

Index#

511597/17

- against -

FC 42nd Street Assoc, LP

Defendant(s)

Compliance Conference shall be held in  
IAS Part CCP on 10/30, 20 18  
at 9:30 a.m.

**FAILURE OF COUNSEL TO ATTEND THE  
COMPLIANCE CONFERENCE MAY RESULT  
IN THE IMPOSITION OF SANCTIONS**

## PRINT ALL INFORMATION CLEARLY

ATTORNEY FIRM

Pellegrini &amp; Assoc

by

Larissa Berke

FOR PLAINTIFF

ATTORNEY FIRM

Smith Marone

by

[Signature]

FOR DEFENDANT

ATTORNEY FIRM

by

FOR DEFENDANT

ATTORNEY FIRM

by

FOR DEFENDANT

\* 42nd Apple Discontinued from case \*

DEFAULTS: DEFENDANT

HAS NOT BEEN SERVED/ HAS BEEN SERVED, NOT ANSWERED, AND TIME TO DO SO HAS EXPIRED.

DEFAULT JUDGMENT GRANTED / PENDING

THE DISCOVERY END DATE/ NOTE OF ISSUE DUE DATE IS

12/20/2018

discontinuance

IT IS HEREBY ORDERED THAT THIS ACTION IS ASSIGNED TO THE

EXPEDITED

STANDARD

✓ COMPLEX TRACK

AND DISCLOSURE SHALL PROCEED AS FOLLOWS:

I. WRITE PLAINTIFF'S MOST SEVERE INJURY:

[Signature] Lett Sheld Fee

II. TYPE OF CASE:

MOTOR VEHICLE

✓ PREMISES LIABILITY

PROFESSIONAL MALPRACTICE (MED. MAL. ETC.)

OTHER. BRIEFLY DESCRIBE:

CONTRACT

LABOR LAW

III. ☐ CPLR 325 (D) eligible, upon further order.

IV. INSURANCE COVERAGE (INCLUDING EXCESS AND/ OR UMBRELLA COVERAGE)

DEFENDANT FC 42nd St DEFENDANT

☒ IF NOT FURNISHED, PLAINTIFF TO BE ADVISED IN WRITING BY 6/8/2018

IF NO EXCESS COVERAGE, PROVIDE AFFIDAVIT TO THAT EFFECT BY 6/8/2018

## PRELIMINARY CONFERENCE ORDER

## V. BILL OF PARTICULARS:

- ☒ 1A. SUBMITTED..... ☐ 1B. NOT SUBMITTED - TO BE SERVED BY \_\_\_\_\_
- ☒ 2. SUPPLEMENT/ AMEND BILL OF PARTICULARS TO BE SERVED BY Pl. last wages w/in 30 days To the extent not previously provided & applicable.
- ☒ 3. DEFENDANT FC Unit Trust TO PROVIDE A VERIFIED BILL OF PARTICULARS AS TO AFFIRMATIVE DEFENSES WITHIN 45 DAYS. Pl. to provide A with a county copy w/in 30 days.

## VI. MEDICAL AND HOSPITAL AUTHORIZATIONS TO THE EXTENT NOT PREVIOUSLY PROVIDED:

- ☒ 1. FURNISHED
- ☒ 2. HIPAA COMPLIANT MEDICAL AUTHORIZATIONS FOR RECORDS AND HOSPITAL AUTHORIZATIONS TO BE SERVED BY \_\_\_\_\_ / \_\_\_\_\_ / 20\_\_\_\_
- ☒ 3. PLAINTIFF(S) SHALL PROVIDE AUTHORIZATIONS TO OBTAIN COPIES OF THE ACTUAL RECORDS OF ALL TREATING AND EXAMINING HEALTH CARE PROVIDERS, INCLUDING DIAGNOSTIC TESTS, X-RAYS, MRIs, EMGs, CT SCANS, FOR INJURIES SPECIFIED IN THE BILL OF PARTICULARS WITHIN \_\_\_\_\_ DAYS.
- ☒ 4. PLAINTIFF(S), WITHIN 60 DAYS AFTER FILING NOTE OF ISSUE, MUST SERVE DEFENDANT (S) WITH FRESH HIPAA COMPLIANT AUTHORIZATIONS FOR ALL KNOWN HEALTH CARE PROVIDERS.

## VII. PHYSICAL EXAMINATION:

- ☒ 1A. HELD ☐ 1B. WAIVED ☒ 1C. EXAM OF THE PLAINTIFF TO BE HELD WITHIN 45 DAYS FOLLOWING THE CONCLUSION OF PLAINTIFF'S EBT.
- ☒ 2A. PHYSICIANS' REPORTS FURNISHED
- ☒ 2B. COPY OF PHYSICIANS' REPORTS TO BE FURNISHED TO PLAINTIFF WITHIN 45 DAYS OF EXAMINATION.

## VIII. EXAMINATIONS BEFORE TRIAL:

- ☒ PLAINTIFF(S) ☒ DEFENDANT(S) ☐ INFANT(S)
- INFANT'S DATE OF BIRTH: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_
- TO BE HELD ON \_\_\_\_\_ / \_\_\_\_\_ / 20\_\_\_\_
- AT ☐ COURT REPORTER TBD
- AT ☐ OFFICE OF \_\_\_\_\_
- AT ☐ A LOCATION TO BE AGREED UPON LATER
- ☐ HELD (EXCEPT: \_\_\_\_\_)
- ☐ WAIVED
- ☐ EXCEPT INFANT AT THIS TIME

DEPOSITIONS TO COMMENCE WITHIN 30 DAYS OF JUDICIAL DETERMINATION OF INFANT PLAINTIFF'S COMPETENCE TO TESTIFY AT A "SWEAR-ABILITY" HEARING.

## IX. OTHER DISCLOSURE:

- ☒ 1. NONE
- ☒ 2. ALL PARTIES TO EXCHANGE NAMES AND ADDRESSES OF ALL WITNESSES, OPPOSING PARTIES' STATEMENTS, PHOTOGRAPHS, SURVEILLANCE TAPES, AND ACCIDENT REPORTS PREPARED IN THE ORDINARY COURSE OF BUSINESS. IF NONE, AN AFFIRMATION TO THAT EFFECT SHALL BE PROVIDED.
- ☒ 3. AUTHORIZATION FOR PLAINTIFF(S) FOR YEAR BEFORE, YEAR OF, AND YEAR AFTER:
- ☒ EMPLOYMENT ATTENDANCE RECORDS
- ☒ IRS, IF SELF EMPLOYED OR W-2
- ☒ 4. PLAINTIFF TO PROVIDE NO-FAULT/ COLLATERAL SOURCE AUTHORIZATIONS.
- ABOVE TO BE COMPLETED WITHIN 45 DAYS.
- ☒ 5. ALL PARTIES SHALL SUPPLY EXPERT WITNESS DISCLOSURE PURSUANT TO CPLR.

## PRELIMINARY CONFERENCE ORDER

## X. IMPLEADER ACTIONS:

6. ☒ *It to respond to D's 5/4/17 Demand/Letter w/ 15 days*  
*Δ to provide it with copy of*  
*5/4/17 letter within 30 days.*  
*Δ to respond to it noted for D's*  
*dated 14/20/18 within 45 days of copy*  
*it to provide a copy of*  
*CPLR of D's within*  
 1. NONE  
 2. ALREADY COMMENCED  
 3. TO BE COMMENCED WITHIN \_\_\_\_\_ DAYS AFTER COMPLETION OF EBTs. *30 days*

## XI. ADDITIONAL DIRECTIVES: SEE ATTACHED PAGE FOR ADDITIONAL DIRECTIVES.

IN THE EVENT OF UNJUSTIFIED NON-COMPLIANCE WITH THE TERMS OF THIS ORDER, COSTS OR OTHER SANCTIONS MAY BE IMPOSED.

NOTWITHSTANDING ANY DIRECTIVE CONTAINED HEREIN, ALL PARTIES ARE REQUIRED TO ABIDE BY THE JUSTICE'S INDIVIDUAL PART RULES LOCATED AT: [HTTP://WWW.NYCOURTS.GOV/COURTS/2JD/KINGS/CIVIL/JUDGESRULES.SHTML](http://www.nycourts.gov/courts/2jd/kings/civil/judgesrules.shtml)

ALL DATES CONTAINED HEREIN RELATING TO THE COMPLETION OF ITEMS IN THIS PRELIMINARY CONFERENCE ORDER MUST BE ADHERED TO.

THE PARTIES HAVING APPEARED FOR A PRELIMINARY CONFERENCE ON THIS DATE HAVE REVIEWED THE TERMS AND/ OR CONDITIONS OF THIS ORDER AND HEREBY CONSENT TO SAME.

ATTORNEY: *[Signature]* FOR PLAINTIFF: Kamigian  
 (Attorney's signature)

ATTORNEY: *[Signature]* FOR DEFENDANT: FC 42nd St. Assoc  
 (Attorney's signature)

ATTORNEY: \_\_\_\_\_ FOR DEFENDANT: \_\_\_\_\_  
 (Attorney's signature)

ATTORNEY: \_\_\_\_\_ FOR DEFENDANT: \_\_\_\_\_  
 (Attorney's signature)

COURT ATTORNEY: *[Signature]*

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT.

DATED: 5, 7, 18 ENTER: \_\_\_\_\_  
 J.S.C. / J.H.O.

HON. MARTIN SCHNEIER  
 JUDGE