

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

DATE: 5/7/2018

Kamiyama

Index# 511597/17

Plaintiff(s)

- against -

FC 42nd Street Assoc, LP

Defendant(s)

Compliance Conference shall be held in
IAS Part CCP on 10/30/18
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 <u>Pellegrini & Assomb</u>	by <u>[Signature]</u>	FOR PLAINTIFF	Consent to E-FILE?
ATTORNEY FIRM <u>Smith Marone</u>	by <u>[Signature]</u>	FOR DEFENDANT	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
ATTORNEY FIRM _____	by _____	FOR DEFENDANT	<input type="checkbox"/> <input type="checkbox"/>
ATTORNEY FIRM _____	by _____	FOR DEFENDANT	<input type="checkbox"/> <input type="checkbox"/>

* 42nd Apple Discontinued from case *
DEFAULTS: DEFENDANT -42nd Apple LLC - St. of
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 discontinued

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: ~~FC 42nd St~~ 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 Equal 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 of receipt of county copy.

To the extent not previously provided

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 _____
AT OFFICE OF TBD
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.

To the extent applicable and not previously 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.

of court copy

PRELIMINARY CONFERENCE ORDER

- 6. *IT to respond to D's 5/4/17 Demand/letter w/ 15 days*
Δ to provide IT with court copy of
5/4/17 letter within 30 days.
Δ to respond to IT Notice for D&F
dated 14/20/18 within 45 days of court copy
IT to provide a copy of
CPLR of D&F within
30 days
- 1. NONE
- 2. ALREADY COMMENCED
- 3. TO BE COMMENCED WITHIN _____ DAYS AFTER COMPLETION OF EBTs.

X. IMPLAIDER ACTIONS:

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: *Kamiyan*
(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: *[Signature]*
J.S.C. / J.H.O.

2018 MAY -9 AM 9:10
KINGS COUNTY CLERK
FILED

HON. MARTIN SCHNEIER
JUDGE