

TODAY'S CAL.# 7

RJI DATE 5/8/18

INTAKE PART

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

HON. Toussaint  
by Kathy King  
Biggs,

DATE: 6/6/2018

Index# 524731/17

Plaintiff(s)

- against -  
Apple Home Care,  
et. al.

Defendant(s)

Compliance Conference shall be held in  
IAS Part CCP on 11/13, 20 18  
at 9:30 a.m.

FAILURE OF COUNSEL TO ATTEND THE  
COMPLIANCE CONFERENCE MAY RESULT  
IN THE IMPOSITION OF SANCTIONS  
Not on consent

PRINT ALL INFORMATION CLEARLY

Consent to  
E-FILE?  
YES NO

ATTORNEY FIRM <u>Neimark</u>	by <u>Len' Fern</u>	FOR PLAINTIFF	___	___
ATTORNEY FIRM <u>Shearer PC</u>	by <u>George Kalamov</u>	FOR DEFENDANT	___	___
ATTORNEY FIRM _____	by _____	FOR DEFENDANT	___	___
ATTORNEY FIRM _____	by _____	FOR DEFENDANT	___	___

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 5/8/2019

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: Clavicle FX
- 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 \_\_\_\_\_ DEFENDANT \_\_\_\_\_  
 IF NOT FURNISHED, PLAINTIFF TO BE ADVISED IN WRITING BY 7/6/2018  
 IF NO EXCESS COVERAGE, PROVIDE AFFIDAVIT TO THAT EFFECT BY 7/6/2018

*shall send letter to it re supp P&P and it shall respond w/in 30 days of receipt of letter.*

PRELIMINARY CONFERENCE ORDER

V. BILL OF PARTICULARS:

- 1A. SUBMITTED.....  1B. NOT SUBMITTED - TO BE SERVED BY \_\_\_\_\_
- SUPPLEMENT/ AMEND BILL OF PARTICULARS TO BE SERVED BY 10/2
- DEFENDANT S TO PROVIDE A VERIFIED BILL OF PARTICULARS AS TO AFFIRMATIVE DEFENSES WITHIN 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 7/6/2018
- 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 30 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.

*As reserve their right to have T<sub>1</sub> examined by an orthopedic and neurologist, it indicates*

VIII. EXAMINATIONS BEFORE TRIAL:  PLAINTIFF(S)  DEFENDANT(S)  INFANT(S)

INFANT'S DATE OF BIRTH: \_\_\_\_\_

TO BE HELD ON 9/21/2018 for TT

AT  COURT REPORTER 9/23/18 for X

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: TT not employed at time of accident
  - EMPLOYMENT ATTENDANCE RECORDS
  - IRS, IF SELF EMPLOYED OR W-2
- 4. PLAINTIFF TO PROVIDE NO-FAULT/ COLLATERAL SOURCE AUTHORIZATIONS. including Med. care, Medicare, Social Security, Disability, workers comp if applicable
- 5. ALL PARTIES SHALL SUPPLY EXPERT WITNESS DISCLOSURE PURSUANT TO CPLR. ABOVE TO BE COMPLETED WITHIN 30 DAYS.

PRELIMINARY CONFERENCE ORDER

X. Parties shall respond to outstanding discovery demands with 30 days to extent not provided

- X. IMPLER ACTIONS: 1. NONE 2. ALREADY COMMENCED 3. TO BE COMMENCED WITHIN 60 DAYS AFTER COMPLETION OF EBTs.

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.

NOT on consent

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

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:

ATTORNEY: [Signature] FOR DEFENDANT: Apple Home Care LTD

ATTORNEY: (Attorney's signature) FOR DEFENDANT:

ATTORNEY: (Attorney's signature) FOR DEFENDANT:

COURT ATTORNEY: [Signature]

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT.

DATED: 6/6 / 20 18

ENTER: [Signature] J.S.C. / X.B.O.

2018 JUN -8 AM 8:40 KINGS COUNTY CLERK FILED