

TODAY'S CAL.# 7RJI 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: 6/6/2018Index# 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 lensent

PRINT ALL INFORMATION CLEARLY

ATTORNEY FIRM <u>Neimark</u>	by <u>Lan' Fern</u>	FOR PLAINTIFF	Consent to E-FILE?	YES	NO
ATTORNEY FIRM <u>Shaner PC</u>	by <u>George Kalamian</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

I shall send letter to the re supp BP and it shall respond w/in 30 days of receipt of letter.

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V. BILL OF PARTICULARS:

- ☒ 1A. SUBMITTED..... ☐ 1B. NOT SUBMITTED - TO BE SERVED BY _____
 SUPPLEMENT/ AMEND BILL OF PARTICULARS TO BE SERVED BY 10/23/18
10/23/18 8:30 PM, 12/24/18 10:30 AM
- ☒ 3. 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 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 TTAT ☐ COURT REPORTER 9/23/18 for XAT ☐ 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
- ☒ 4. PLAINTIFF TO PROVIDE NO-FAULT/ COLLATERAL SOURCE AUTHORIZATIONS. including Med care, Medicare, Social Security, Disability, etc.
- ☒ 5. ABOVE TO BE COMPLETED WITHIN 30 DAYS.
- ☒ 5. ALL PARTIES SHALL SUPPLY EXPERT WITNESS DISCLOSURE PURSUANT TO CPLR. if applicable

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~~26.~~ Parties shall respond to outstanding discovery demands with 30 days to extent not provided

X. IMPLAIDER 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.

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: [Signature]
 (Attorney's signature)

ATTORNEY: [Signature] FOR DEFENDANT: Apple Home Care LTD
 (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: 6/6 / 20 18 ENTER: [Signature]
 J.S.C. / J.B.O.

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