

24085938001 537231/2022 AA/go  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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MALGORZATA WISNIEWSKA,

Plaintiff,

-against-

**RESPONSE TO CASE  
SCHEDULING ORDER**

RIMANI REALTY LLC, BIG APPLE TESTING INC.,  
BIG APPLE GROUP ENGINEERING, D.P.C.,  
68 COMMERCIAL STREET LLC, CLAY  
PROPERTIES, LLC, N TECH DESIGN OF  
AMERICA, and BOX STREET LLC

Index No.: 537231/2022

Defendants.

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Defendants, BIG APPLE GROUP NY incorrectly sued herein as BIG APPLE GROUP ENGINEERING D.P.C. and BIG APPLE TESTING INC., by their attorneys, GILBERT, MCGINNIS & LIFERIEDGE, hereby provides the following response to the Case Scheduling Order of Judge Rachel E. Freier, dated June 14, 2023:

**DEMAND FOR INSURANCE POLICY INFORMATION**

Ohio Security Insurance Company has advised us that at the time of the alleged occurrence Defendants were insured under policy number BKS 65295140. Said policy of insurance provides for coverage of \$1,000,000 per occurrence. Additionally, Defendants were also afforded umbrella coverage under a \$5,000,000 umbrella policy with The Ohio Casualty Insurance Company pursuant to policy number USO 65295140.

**DEMAND FOR NAMES AND ADDRESSES OF ALL WITNESSES**

Defendants are currently not aware of any witnesses to the subject occurrence with the exception of the parties named in this action and any other witnesses that may be listed on any applicable accident/incident reports.

**DEMAND FOR PARTY STATEMENTS**

Defendants are not in possession of any statements taken from or on behalf of Plaintiff in this action.

**DEMAND FOR PHOTOGRAPHS**

Defendants are currently not in possession of any photographs of the scene of the alleged occurrence. Defendants are not currently in possession of any surveillance material concerning Plaintiff.

**DEMAND FOR ACCIDENT/INCIDENT REPORTS**

Defendants are not currently in possession of any accident or incident reports prepared in the ordinary course of business.

**DEMAND FOR EXPERT WITNESS**

Defendants have not yet retained an expert witness for trial but will supply expert witness information in accordance with CPLR §3101 (d) if Defendants retain an expert witness for trial.

Defendants reserve their right to amend and/or supplement their responses.

Dated: New York, New York  
August 4, 2023

Yours etc.,

GILBERT, MCGINNIS & LIFERIEDGE



By: \_\_\_\_\_  
ANITA AJIBOYE, ESQ.  
Attorneys for Defendants  
BIG APPLE GROUP NY incorrectly sued  
herein as BIG APPLE GROUP  
ENGINEERING D.P.C. and BIG APPLE  
TESTING INC.

Mailing Address:  
PO Box 6835  
Scranton, PA 18505-6840

## Physical Address:

10 Bank Street, Suite 1200  
White Plains, New York 10606-1947  
Office: (212) 487-9701  
Direct: (646) 682-1391  
Fax: (603) 430-1946

TO: BLOCK O'TOOLE & MURPHY, LLP  
Attorneys for Plaintiff  
MALGORZATA WISNIEWSKA  
One Penn Plaza, Suite 5315  
New York, New York 10119  
(212) 736-5300

GARY SCHOER, ESQ.  
Attorneys for Defendant  
RIMANI REALTY LLC  
6800 Jericho Turnpike, Suite 108W  
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(516) 496-3500

MILBER, MAKRIS, PLOUSADIS  
& SEIDEN, LLP  
Attorneys for Defendants  
68 COMMERCIAL STREET LLC  
1000 Woodbury Road, Suite 402  
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KOWALSKI & DEVITO  
Attorneys for Defendant  
CLAY PROPERTIES LLC  
28 Liberty Street, 22<sup>nd</sup> Floor  
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LESTER SCHWAB KATZ & DWYER, LLP  
Attorneys for Defendant  
BOX STREET LLC  
100 Wall Street, 27<sup>th</sup> Floor  
New York, New York 10005  
(212) 964-6611

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**RIMANI REALTY LLC, BIG APPLE TESTING INC.,  
BIG APPLE GROUP ENGINEERING, D.P.C.,  
68 COMMERCIAL STREET LLC, CLAY PROPERTIES, LLC  
N TECH DESIGN OF AMERICA, and BOX STREET LLC  
Defendants.**

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**RESPONSE TO CASE SCHEDULING ORDER**

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**GILBERT, MCGINNIS & LIFERIEDGE**

**Attorney for Defendant(s)**

**BIG APPLE GROUP NY is incorrectly sued herein as BIG APPLE GROUP  
ENGINEERING D.P.C. and BIG APPLE TESTING INC**

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**NOTICE OF ENTRY**

**PLEASE TAKE NOTICE that the within is a  
copy of an order duly entered in the office of the clerk of the Gilbert, McGinnis & Liferiedge  
on the \_\_\_ day of \_\_\_\_\_ 2023.**

**Dated: New York, New York**

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**NOTICE OF SETTLEMENT**

**PLEASE TAKE NOTICE that the within proposed order will be presented for settlement and  
signature to Justice \*\*\*\*\*.**

**at Gilbert, McGinnis & Liferiedge on the \_\_\_\_\_ day of \_\_\_\_\_ 2023, forenoon.**

**Dated: New York, New York**

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**Service of a copy of the within \_\_\_\_\_ is hereby admitted.**

**Dated: New York, New York**

**Attorney(s) for:**

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