

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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BRETT RIST,

Index No.: 161798/2018  
(ECF)

Plaintiff,

v.

**RESPONSE TO  
PRELIMINARY  
CONFERENCE ORDER**

767 FIFTH PARTNERS LLC, APPLE FIFTH AVENUE,  
APPLE INC. AND TURNER CONSTRUCTION COMPANY,

Defendants.  
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PLEASE TAKE NOTICE, that Defendant, 767 Fifth Partners LLC, by his attorneys, Eustace, Prezioso & Yapchanyk, hereby responds to this Court's Preliminary Conference Order dated September 5, 2019 as follows:

**INSURANCE INFORMATION**

Defendant is insured under Chubb Group of Insurance Companies Policy Number 7350-83-05, effective March 1, 2018 to March 1, 2019. Said policy provides coverage in the amount of \$1 million per loss per year.

Defendant is also insured under Berkshire Hathaway Specialty Insurance Company Excess Policy Number 47-UMO-100171-05, effective March 1, 2018 to March 1, 2019. Said policy provides excess coverage in the amount of \$50,000,000.

**WITNESSES**

Defendant is not aware of the identities of eyewitness to the subject incident other than the witnesses identified on accident reports previously disclosed by other parties herein.

**STATEMENTS OF OPPOSING PARTIES**

Defendant is not in possession of any adverse party statements.

**PHOTOGRAPHS**

Defendant is not in possession of any photographs depicting the scene of incident.

**ACCIDENT REPORT**

Defendant is not in possession of an accident report relative to the subject incident.

**EXPERT WITNESSES**

Defendant has not yet designated expert witnesses to testify at the time of trial of this action, but hereby reserve(s) all such rights pursuant to CPLR § 3101 (d)(1).

Defendant hereby reserves the right to amend and/or supplement this response up to and including the time of trial.

DATED: October 7, 2019  
New York, New York

Eustace, Prezioso & Yapchanyk  
Attorneys for Defendant  
**767 FIFTH PARTNERS LLC**  
55 Water Street, 28th Floor  
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(212) 612-4200



By: \_\_\_\_\_  
Christopher M. Yapchanyk

TO:

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Index No.: 161798/2018 (ECF)

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COUNTY OF NEW YORK

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BRETT RIST,

Plaintiff,

-against-

767 FIFTH PARTNERS LLC, APPLE FIFTH AVENUE, APPLE INC. AND  
TURNER CONSTRUCTION COMPANY,

Defendants.

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**RESPONSE TO PRELIMINARY CONFERENCE ORDER**

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**EUSTACE, PREZIOSO & YAPCHANYK**

Attorneys for Defendant

**767 Fifth Partners LLC**

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