

Exhibit "E"

CC Calendar#

Review By

PC 8/1/16

CC 2/1/17

NI 10/13/17

This box for Court use only

Supreme Court of the State of New York
Queens County: Compliance Settlement and Conference Part
Present: Hon. ~~Martin E. Dillholtz~~ Justice

Cabrera

Index Number: 703782/16

Plaintiff(s)

-against-

Date RJ filed: 7/18/16

Chrysler Building LLC et al

Defendant(s)

Compliance Conference Order

Appearances:
Plaintiff(s)

E. Kassaris Esq. For : Silberstein Awad + Miklos P.C.

Defendant(s)

Structure Tone, Inc. : Barry McTiernan + Moore LLC
Chrysler : Alexander, Smith + Shapiro
Clune Constr. Co. : Anthony Demers + McTiernan Esq.

Mark D. Wellman Esq.

Upon the Preliminary Conference Order dated 8/1/16, and following a Compliance Conference held on 2/1/17, and it appearing that disclosure previously ordered herein has not been completed, or that additional disclosure is warranted, it is hereby **ORDERED**, that disclosure shall proceed and be completed in accordance herewith, and it is further

ORDERED that all proceedings directed herein shall be completed on or before the dates set forth. No adjournments are to be had without the Court's written approval, and adjournments MAY NOT be had upon the stipulation of the of the parties alone, and it is further

ORDERED that any failure to comply strictly with the terms of this order shall be grounds for the striking of pleadings or other relief pursuant to CPLR 3126, and it is further

ORDERED that disclosure demands now known to be necessary which are not raised at this conference are deemed to be waived, and it is further

Rev'd January 22, 2015

-1-

FILED

MAR - 8 2017

COUNTY CLERK
QUEENS COUNTY

DOCUMENTS, AUTHORIZATIONS, and OTHER DISCOVERY AND INSPECTION:

ORDERED that, on or before ³⁰ twenty days from the date hereof, the following documents, authorizations and other items for discovery and inspection shall be produced:

(Any items left outstanding from those directed by prior orders must be specifically identified or are deemed waived)

by the Plaintiff(s): All medical reports and authorizations, as directed by 22 NYCRR § 202.17(b) and where the cause of death is in issue as directed by 22 NYCRR § 202.17(d). *TO EXTENT NOT DONE*

II to produce EMS + A&E's for treatment of prior injuries to the same parts of the body claimed in this matter, if applicable.

by the Defendants and Third-Party Defendants:

DEPOSITIONS:

it is further ORDERED that all parties not yet deposed shall appear for deposition on:

date *X* at time *10* o'clock at: place *QUEENS REPORTER*

(The date set for depositions must be no more than 30 days from the date hereof. Insert any further provisions regarding depositions) *II to appear on 3/29/17, Chrysler to appear on 4/7/17,*

As Structure and Clune to appear on 4/18/17

PARTIES RESERVE RIGHT TO POST EBT DEMANDS

and it is further ORDERED that depositions shall continue from day to day until completed, and it is further

PHYSICAL EXAMINATIONS:

ORDERED that all defendants and other parties desiring to take the physical examination of any plaintiff shall designate, in writing, the physician(s) to make the examination within five days of the completion of the plaintiff's deposition, or within ten days of the date hereof, whichever is later. Failure to make such a designation shall be deemed a waiver of the right to take the examination. All physical examinations must be completed within thirty days of the completion of the plaintiff's deposition, or of the date hereof, whichever is later. Pursuant to 22 NYCRR § 202.17 (c), copies of the reports of the physicians making examinations pursuant to this order shall be served on all other parties within 45 days after completion of the examination, and it is further

ORDERED: (Insert any further provisions regarding physical examinations)

MISCELLANEOUS:

It is further ORDERED that any further third-party actions shall be commenced promptly upon discovery of the identity of the third-party defendants, but not more than thirty days after the completion of depositions, unless for good cause shown, and it is further

ORDERED that parties aggrieved by failures to disclose must move promptly for relief or be deemed to have waived the outstanding items, and it is further

ORDERED that any statutory stays of disclosure due to the pendency of motions pursuant to CPLR 3211, 3212 and 3213 are vacated, and all parties are stayed from moving for summary judgment pending the filing of a note of issue as directed herein, and it is further

ORDERED that if plaintiff is a Medicare recipient or Medicare eligible, he/she shall within 30 days provide defendant with copies of all correspondence to Medicare, as evidence of plaintiff's efforts to determine the outstanding claim against said plaintiff/beneficiary should one exist, e.g. final demand or conditional summary from CMS.

ORDERED that any parties failing to appear at this Conference shall be bound by the terms of this order, and it is further

ORDERED that plaintiff(s) shall provide fresh HIPAA-compliant authorizations for release of medical records, not later than 60 days prior to trial, and is further

ORDERED as follows:

To EXTEND NOT DONE!

*IT to provide new AZ to court for Clune
for IT's Bellevue Hosp. Records ~~per~~ in response to
letter request dated 12-22-2016, with 30
days of this order*

*IT to provide new AZ to Chrysler re:
N.Y. Foot v. Ankle*

*IT to provide complete copies of medical
records to Chrysler - in IT's possession*

*AZs
to
all
as*

(Any items left outstanding from those directed by prior orders must be specifically identified or are deemed waived)

ORDERED that plaintiff/ IT shall serve and file a Note of Issue and Certificate of Readiness on or before (Court use only) 11/01/17, and shall furnish to the Compliance Settlement and Conference Part within ten (10) days thereafter a copy of the filed Note of Issue and Certificate of Readiness, together with an affidavit of service, and that the failure to do so shall be grounds for the imposition of sanctions.

FILED

MAR - 8 2017

COUNTY CLERK
QUEENS COUNTY

SO ORDERED:

JSC

Dated: 2/1/17

Should plaintiff/ IT need more time to file a Note of issue, said party may contact chambers at (718) 298-1089, no later than 3 weeks before the Note of Issue is due.

Receipt of a copy of this order and demand is acknowledged:

Attorney for Plaintiff [Signature]

Attorney for Defendant Structure Tone Inc.

Attorney for Defendant Clune

Attorney for Defendant

Attorney for Defendant