

FILED: RICHMOND COUNTY CLERK 05/01/2019 11:29 AM INDEX NO. 151785/2017

NYSCEF DOC. NO. 22

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND PART 11

----- X
DAVID SOTO AND PATRICIA SOTO

Plaintiffs,

SUMMARY JURY TRIAL
STIPULATION & ORDER

- Against -

MAREK SZCZENSNY AND MAGDALENA SZCZESNY

Index No. 151785/2017

Defendants.

----- X
Present: HON. CATHERINE M. DIDOMENICO

As per the pre-trial and charging conferences held on 4/29/2019 and 5/1/2019, IT IS HEREBY STIPULATED AND AGREED, that the parties to this action, by their respective attorneys, agree to a binding summary jury trial, subject to the Richmond County Summary Jury Trial Rules. Unless specified by the Court the rules for the Summary Jury Trial in Richmond County shall govern this action, evidentiary rulings in this action, and the conduct of counsel and the parties during the Summary Jury Trial scheduled herein. The signatories to this Stipulation and Order represent that they have the authority of their respective clients and/or insurance carriers to enter into this So Ordered Stipulation.

In addition to the above the parties agree to the following terms:

(1) The Summary Jury Trial shall be held on the issues of liability and damages.

(2) The following high/low damages parameters have been agreed upon by the two parties

Plaintiff David Soto = High of \$100,000, Low of \$0.

Defendant Patricia Huertero= High of \$85,000, Low of \$5,000.

(3) The parties hereby waive the right to move to set aside the verdict, or to appeal from the verdict, and costs and disbursements associated with the matter are waived.

(4) The parties hereby agree that they will not file any written motions subsequent to the execution of this Stipulation.

(5) Counsel for both parties have held a pre-trial charge conference with the Court. A section post-trial charge conference will be held at the close of evidence. Pursuant to the pre-trial charge conference counsel for both parties have agreed to a stipulated verdict sheet which shall be prepared by

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In addition to the above, the following Pattern Jury Instructions have been agreed to by both parties.

PJI 1:1 - 1:14 (General Pre-Charges)

PJI 1:20 - 1:27 (Procedure)

PJI 1:60; 1:91; 1:97 (General Instructions)

PJI 2:10; 2:12; 2:36; 2:70; 2:77; 2:77.1; 2:82; 2:83; 2:28(A) (with reference to the verdict sheet removed on consent) (Negligence)

PJI 2-88F (Threshold)

PJI 2:277; 2:277A; 2:280; 2:280.1; 2:281 (Damages)

(6) As the issues of ownership and permissive use have been resolved between the parties the Defendant MAGDALENA SZCZESNY has been removed from all items that will be seen by the Jury or read by the Court.

(7) Both parties agree to limit themselves to 10 minute opening and summation statements, and one and a half hours each (1:30) for their trial presentations.


SO STIPULATED:

X

X

Dated: May 1, 2019

SO ORDERED:


Hon. Catherine M. DiDomenico
Acting Justice Supreme Court