

At the Part of Supreme Court of the State Of New York in and for Schuyler County at the Courthouse, Schuyler County, on December 17, 2021.

Present: The Honorable Christopher P. Baker
Justice of the Supreme Court

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SCHUYLER

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JANNETTE ALLEN,

Plaintiff,

Index #E2019-0008
Baker, J.S.C.

- v. -

MAINSTAY BUILDERS, LLC,

Defendant.

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**ORDER GRANTING DEFENDANT'S MOTIONS
ON NOTE OF ISSUE AND DISCOVERY**

WHEREAS

A. On July 22, 2021, Defendant Mainstay Builders, LLC ("Mainstay") filed a motion in the above-captioned action (the "Action") with the Court to amend the caption, vacate the Note of Issue and Certificate of Readiness, dated June ²⁹ 30, 2021, compelling further disclosure and extending the discovery deadline, which motion was supported by the Affirmation of Liam G.B. Murphy In Support of Defendant's Motions To Amend Caption, Vacate the Note Of Issue And Certificate Of Readiness, Compel Disclosure And To Extend The Discovery Deadline ("the Murphy Affirmation") as well as and all other proceedings had in the above-captioned action (the "Action").

B. On August 11, 2021, Plaintiff Janette Allen ("Allen") opposed Mainstay's Motion and asked the Court to accept an Amended Note of Issue by Attorney Affirmation In Opposition To Defendant's Motion of the same date by Luciano L. Lama.

C. On December 1, 2021, Mainstay filed the Reply Affirmation of Liam G.B. Murphy In Support of Defendant's Motions To Amend Caption, Vacate the Note Of Issue And Certificate

Of Readiness, Compel Disclosure And To Extend The Discovery Deadline

D. The motion came before the Court on December 3, 2021 at which time both counsel were heard,

NOW, on motion of Liam G.B. Murphy, attorney for Mainstay, the Court grants Mainstay's Motion and it is hereby ORDERED:

1. The caption in this Action is hereby amended to read as the caption now set forth on this Order

2. Plaintiff's Note of Issue and Certificate of Readiness, dated June ²⁹30, 2021, is hereby vacated and Plaintiff is ordered to and given leave to refile, on or before February 11, 2022 without payment of further fees, a corrected Note of Issue and Certificate of Readiness reflecting the Court's prior rulings (including – but not limited to - the Order, dated December 7, 2020 granting Defendants' Motion To Dismiss).

3. Plaintiff shall respond in full to Mainstay's discovery demands, including (but not limited to) those demands specified in Murphy Affirmation, Exhibits F & H, on or before December 31, 2021. In particular, Plaintiff shall produce to Mainstay any and all photographs of the subject property in their original format.

4. Plaintiff shall permit Defendant's designated expert to inspect the subject premises on or before January 7, 2022.

5. The parties shall complete any and all other discovery by January 21, 2022.

Dated: 12/17/21
Watkins Glen, NY

ENTER



Hon. Christopher P. Baker
Justice of the Supreme Court

Copies:

Luciano L. Lama
Liam G.B. Murphy