

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK-----X
DEBRA A. DILLON,

Plaintiff(s),

-against-

NICHOLAS L. PACINELLO,

Defendant(s).
-----XRESPONSE TO
PRELIMINARY
CONFERENCE ORDER

Index No.: 606631/2017

Plaintiff(s), by their attorneys, GRUENBERG KELLY DELLA, as and for a response to preliminary conference order dated October 03, 2017 alleges upon information and belief, as follows:

INSURANCE INFORMATION

Not applicable.

BILL OF PARTICULARS

The Plaintiff previously served the Verified Bill of Particulars on May 25, 2017. A copy of same is attached.

MEDICAL RECORDS AND AUTHORIZATIONS

Authorizations were previously provided on May 25, 2017. Copies of same are attached.

WITNESSES

Plaintiff is not aware of any witnesses at this time; however, plaintiff reserves the right to amend this response should any become available.

EMPLOYMENT RECORDS

Plaintiff, **Debra A. Dillon**, is/was employed by Broadspire Services located at 898 Veterans Highway, Suite 410, Hauppauge, NY 11788 at the time of the accident. An authorization was

previously provided. A copy of same is attached.

COLLATERAL SOURCE

Plaintiff, Debra A. Dillon's medical expenses were partially and/or fully paid for by Progressive Insurance Company located at P.O. Box 22031, Albany, NY 12201. An authorization was previously provided. A copy of same is attached.

PHOTOGRAPHS

Plaintiff is not currently in possession of said photographs; however, Plaintiff reserves the right to provide the same should any become available.

Dated: Ronkonkoma, New York
October 4, 2017

Yours etc.,



Mike Della, Esq.
Gruenberg Kelly Della
Attorneys for Plaintiff(s)
700 Koehler Avenue
Ronkonkoma, NY 11779
631-737-4110

TO: The Law Office of Russo & Tambasco
Attorney for Defendant(s)
Nicholas L. Pacinello
115 Broadhollow Road
Suite 300
Melville, NY 11747
(631) 760-0900

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
DEBRA A. DILLON,

Plaintiff(s),

RESPONSE TO
DEFENDANT'S
COMBINED DEMANDS

Index No.: 606631/2017

-against-

NICHOLAS L. PACINELLO,

Defendant(s).
-----X

Plaintiff(s), by her attorneys, GRUENBERG KELLY DELLA, as and for a response to
Defendant **NICHOLAS L. PACINELLO**, Combined Demands dated May 17, 2017, allege(s)
upon information and belief, as follows:

RESPONSE TO DEMAND FOR MEDICARE/MEDICAID INFORMATION:

Plaintiff, Debra A. Dillon is not currently a Medicare/Medicaid recipient.

RESPONSE TO DEMAND FOR INDEX NUMBER:

The index number obtained for the within action is 606631/2017.

RESPONSE TO DEMAND FOR ALL PARTIES APPEARING:

The following parties have appeared in the within action:

Gruenberg Kelly Della
700 Koehler Avenue
Ronkonkoma, New York 11779
Attorneys for Plaintiff

The Law Office of Russo & Tambasco
For Defendant Nicholas L. Pacinello
115 Broadhollow Road, Suite 300
Melville, NY 11747

RESPONSE TO DEMAND FOR INSURANCE COVERAGE TO PLAINTIFFS ON
COUNTERCLAIM AND/OR CO-DEFENDANT:

Not applicable.

RESPONSE TO DEMAND FOR WITNESSES:

Plaintiff is not aware of any witnesses at this time; however, plaintiff reserves the right to amend this response should any become available.

RESPONSE TO DEMAND FOR EXPERT WITNESS:

Plaintiff has not yet retained the services of an Expert Witness; however, Plaintiff reserves the right to do so and to supplement said response in the future pursuant to the CPLR.

RESPONSE TO DEMAND FOR ACCIDENT REPORTS:

Plaintiff did not prepare a written report in the regular course of business operation or practice concerning this accident.

RESPONSE TO DEMAND FOR STATEMENT:

Plaintiff is not in possession of any adverse party statements; however, plaintiff reserves the right to supplement said response.

RESPONSE TO DEMAND FOR PHOTOGRAPHS:

Plaintiff is not currently in possession of said photographs; however, Plaintiff reserves the right to provide the same should any become available.

RESPONSE TO DEMAND FOR INCOME TAX RETURNS:

Plaintiff objects to providing authorizations for Income Tax Records in that said demand is overly broad, unduly burdensome, irrelevant and the same may contain information that is private, privileged and otherwise irrelevant herein. Additionally, "tax returns are

generally not discoverable in the absence of a strong showing that the information is indispensable to the claim and cannot be obtained from other sources." *See Pugliese v. Mondello*, 871 N.Y.S.2d 174; 57 A.D.3d 637 (2nd Dept. 2008) *cit*ing *Benfeld v Altidor v State-Wide Ins. Co.*, 22 AD3d 435, 801 N.Y.S.2d 545 (2nd Dept. 2007); *see also Latture v Smith*, 304 AD2d 534, 536, 758 N.Y.S.2d 135 (2nd Dept. 2003).

RESPONSE TO DEMAND FOR SCHOOL AUTHORIZATIONS:

Not applicable.

RESPONSE TO DEMAND FOR EMPLOYMENT AUTHORIZATIONS:

See Bill of Particulars for employment information. An authorization allowing your office to obtain records from Broadspire Services located at 898 Veterans Highway, Suite 410, Hauppauge, NY 11788 is attached.

RESPONSE TO DEMAND FOR NO-FAULT RECORDS:

Plaintiff **DEBRA A. DILLON**'s medical expenses were partially and/or fully paid for by Progressive Insurance Company located at P.O. Box 22031, Albany, NY 12201. An authorization is attached.

RESPONSE TO DEMAND FOR WORKER'S COMPENSATION RECORDS:

Not applicable.

RESPONSE TO DEMAND FOR DISABILITY RECORDS:

To be provided, if applicable.

RESPONSE TO DEMAND FOR INFORMATION ON COLLATERAL SOURCE:

See paragraph above.



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