

<p style="text-align: center;"><b>INSTRUCTIONS FOR PRELIMINARY CONFERENCE STIPULATION AND ORDER FOR MEDICAL, DENTAL AND PODIATRIC MALPRACTICE ACTIONS</b></p>
---

Justice Sheila Abdus-Salaam	Part 13	(815-0877)	71 Thomas Street, Room 305
Justice Eileen Bransten	Part 6	(374-8340)	60 Centre Street, Room 442
Justice Joan B. Carey	Part 40 D	(374-3936)	111 Centre Street, Room 948
Justice Alice Schlesinger	Part 16	(374-4721)	60 Centre Street, Room 222
Justice Stanley L. Sklar	Part 29	(374-4732)	60 Centre Street, Room 212

**General Comments:** The preliminary conference form should be modified as follows:

1. First page should be labeled "Stipulation and Order".
2. Last page should include signature lines for the attorneys before judge's signature.

**Additional General Instructions:**

A short caption (i.e., names of plaintiff and the first defendant) and the index number must be written on each page of the preliminary conference order. A brief description of the case (i.e., the date of the alleged malpractice as well as the injuries alleged ) must be written on the first page of the order.

**Item II. Bills of Particulars:**

If the Bill of Particulars contains broad boilerplate language but sufficiently apprises defendant of plaintiff's claim, applications to strike will not be granted unless plaintiff fails to amend the Bill of Particulars within 60 days after all defendants' EBT's (see *Aksanov v. St. Luke's-Roosevelt Hosp. Ctr.*, 233 AD2d 277, 650 NYS 2d 541 (1st Dept. 1996)).

**Item III. Medical Records/Authorizations:**

Authorizations shall be supplied within 30 days after the preliminary conference.

**Item V. Depositions:**

Scheduling: Depositions will be scheduled in the preliminary conference order. If an extraordinary circumstance (such as sudden hospitalization) prevents one defendant's EBT from proceeding as scheduled, the remaining defendants' EBTs shall nonetheless proceed as scheduled.

At the EBT: If there is an objection as to form, the objector shall indicate what the defect is so as to permit correction. Otherwise, questions shall be answered, if reasonably relevant, unless the question would violate a privilege, would implicate a constitutional right, is palpably improper, or violates a limitation in a court order. Objections shall be stated succinctly and so as not to suggest an answer. Counsel for the deponent shall not interject suggestions like "if you know," "if you remember." Upon request of the questioner, the objector shall give a clear explanation of the claimed defect. The EBT shall not be interrupted for an attorney-deponent conference unless all parties consent. In all parts except Part 13, if counsel are unable to resolve disputes after a good faith, professional effort, they shall telephone the court. **Justice Abdus-Salaam** (Part 13) instructs counsel not to call chambers for rulings.

**Item X. Summary Judgment Motions:**

Modify Order form; insert "No later than 60 days after the filing of the Note of Issue."

**Item XI. Note of Issue:**

The Note of Issue, Certificate of Readiness and compliance/status conferences shall be as stated in the preliminary conference or subsequent order.

**Compliance Conference:**

Compliance conferences must be scheduled for no later than 60 days prior to Note of Issue date. The Court will choose a compliance conference date usually as follows.

**Justice Bransten:** for a Tuesday morning.

**Justice Sklar:** for a Thursday or on the last Friday of the month.

**Justice Schlesinger:** for a Wednesday morning.

**Justice Abdus-Salaam:** for a Thursday.

**Justice Carey:** for a Friday.

If you have resolved all issues within the above guidelines, please advise the court clerk when you present the Conference Order.