

**INDEX NO.**

Plaintiff(s),

-against-

Defendant(s).

**STIPULATION AND  
ORDER TO TRANSFER  
ACTION TO BINDING  
SUMMARY JURY TRIAL  
PART**

*[strike that which is inapplicable]*

**IT IS HEREBY STIPULATED AND AGREED** that the parties to this action, by their respective attorneys, voluntarily agree to the transfer of this matter for final disposition to the Summary Jury Trial Part (SJT Part), for a binding summary jury trial, subject to the Rules of the SJT Part. Unless the Court directs otherwise, the Rules of the SJT Part shall govern this action and the conduct of counsel and the parties at the Summary Jury Trial scheduled herein. The signatories to this Agreement represent that they have the authority of their respective clients and/or insurance carriers to enter into this stipulation/order.

**IT IS FURTHER STIPULATED AND AGREED THAT** a Summary Jury Trial shall be held on the issue(s) of  **liability and damages**  
 **liability only**  
 **damages only**

and shall be conducted on \_\_\_\_\_, at 9:00 a.m., before the SJT Justice. All parties shall be bound by the Summary Jury Trial verdict,

*[except that if the verdict is more than \_\_\_\_\_, the plaintiff will recover \_\_\_\_\_.]*

*[except that the parties agree that there is an evaluated amount of damages in the sum of \_\_\_\_\_ Said evaluation shall be apportioned in accordance with the apportionment of liability as set forth by the jury verdict not to exceed the sum of \_\_\_\_\_.]*

*[except that Judgment is capped at \_\_\_\_\_ (high) and \_\_\_\_\_ (low).]*

**IT IS FURTHER STIPULATED AND AGREED** that the right to move to set aside the verdict, or to appeal, is waived.

**IT IS FURTHER STIPULATED AND AGREED** that any pending motions filed with the court in this action are withdrawn and that the parties hereto agree not to file any written motions subsequent to the execution of this Stipulation.

**IT IS FURTHER STIPULATED AND AGREED** that counsel shall exchange all evidentiary materials to be offered at the trial of this action not later than thirty days prior to the trial date fixed by the terms of this Stipulation and Order.

**IT IS FURTHER STIPULATED AND AGREED** that an evidentiary hearing shall be held before the SJT Justice on \_\_\_\_\_, at which time any objections to documentary evidence previously exchanged between the parties shall be addressed by the Court and witness lists shall be exchanged. No appearance shall be necessary on the evidentiary hearing date if, prior thereto, a stipulation is executed between counsel stating that there are no objections to evidentiary materials and that witness lists have been exchanged. Counsel further agree to notify the SJT Justice that said stipulation has been executed and agree to file the original of said stipulation with the calendar clerk of the Supreme Court at 1 Court Street, Riverhead, New York 11901, on or before the evidentiary hearing date.

**Attorney for Plaintiff(s)**

Print Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Signature: \_\_\_\_\_

**Attorney for Defendant(s)**

Print Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Signature: \_\_\_\_\_

**Attorney for Plaintiff(s):**

Print Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Signature: \_\_\_\_\_

**Attorney for Defendant(s)**

Print Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

**SO ORDERED:**

\_\_\_\_\_  
J.S.C.