

Supreme Court of the State of New York
New York County Courthouse
80 Centre Street
New York, New York 10013
DIFFERENTIATED CASE MANAGEMENT PROGRAM

PRESENT: HON. ARLENE P. BLUTH

PART 22-DCM

To:

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PLAINTIFF

V

DEFENDANT

CASE SCHEDULING ORDER

A request for a preliminary conference having been filed or the court having taken action on its own initiative,

IT IS HEREBY ORDERED that this case is assigned to the **Motor Vehicle Part** because plaintiff has alleged serious personal injuries due to a motor vehicle accident. Disclosure not already furnished shall proceed in accordance with the deadlines set forth below. **If this has been assigned to the Motor Vehicle Part in error, the parties are to notify Gary Thomson immediately for reassignment to the appropriate IAS part, by phone at 212-256-7819, fax at 212-952-2757, or e-mail at gthomson@nycourts.gov. Do not contact the Justice assigned.**

NONE OF THE DATES IN THIS ORDER MAY BE EXTENDED WITHOUT ADVANCE APPROVAL BY THE COURT. All requests for extensions shall be made by e-mail to Gary Thomson at: gthomson@nycourts.gov **AND** Harold Snipe at: hsnipe@nycourts.gov. Consult the part rules at this time; counsel are expected to be familiar with the rules and follow them.

- (1) Mandatory Notification: All parties already on the e-file list are deemed to have been served with this Order. Plaintiff's attorney shall, within ten days, transmit a copy to any counsel and to any self-represented litigant not already on the e-file list and shall e-file proof of said transmission within ten days thereafter.
- (2) Insurance Information: Pursuant to CPLR 3101(f), all parties shall exchange insurance and coverage information, including primary, excess and umbrella policies, by **June 2, 2015**. If there is no umbrella or excess policy, then an affidavit to that effect, signed by defendant(s) and notarized, shall be supplied by the same date.
- (3) Bill of Particulars: Demand(s) shall be served by **May 19, 2015**. Bill(s) shall be served by **June 2, 2015**.
- (4) Authorizations: Properly executed **HIPAA** compliant authorizations for medical records, for this accident and for relevant prior and subsequent injuries/conditions (if applicable), and authorizations for employment records for two years prior to the accident shall be served by **May 19, 2015**. Defendants shall process each authorization within 30 days of receipt and shall follow up at least monthly until the records are received. This is required so that the requested material will be received before the plaintiff's deposition date ordered herein. If plaintiff timely provides proper authorizations, then non-receipt of materials shall not be grounds for delaying plaintiff's deposition unless proof of timely processing and follow-up is provided to plaintiff and/or the court.

- (5) Witness and Other Information: All parties shall exchange statements of opposing parties, photographs, and the names and addresses of all fact witnesses by **June 2, 2015**. If any of these items do not exist, then the parties shall serve by that date an affirmation clearly so specifying.
- (6) Depositions: If plaintiff timely complies with (4) above, then all depositions must be completed by **September 15, 2015**. Plaintiff shall be deposed first and defendants shall be deposed in the order in which their names appear in the caption. Within 20 days from this Order, the parties shall confer and agree upon a detailed schedule in compliance with this deadline. Absent extraordinary circumstances, the failure of one defendant to appear as scheduled shall not constitute an excuse for the refusal of others to submit to deposition as scheduled and within the deadline fixed above.
- (7) Demands for Documents: Demands for documents shall be served no later than 30 days after completion of depositions and shall be responded to within 30 days from service.
- (8) Physical Examinations and Reports (Uniform Rule 202.17): Physical examination(s) of the plaintiff shall be designated, with a copy to all parties, within 20 days of plaintiff's deposition and shall be completed within 45 days of plaintiff's deposition. Copies of medical reports shall be served by plaintiff at least 15 days prior to said examination. A copy of the report of the examining physician shall be served on all parties within 30 days of said examination.
- (9) Other Disclosure: All other disclosure shall be completed by **October 13, 2015**.
- (10) Impleader: Shall be completed by **October 13, 2015**.
- (11) Mandatory Compliance Conference: Will be held on **November 09, 2015 at 9:30 am at 80 Centre Street, Room 103**.
- (12) Note of Issue: The date to file the Note of Issue shall be determined at the final compliance conference. If all discovery is complete prior to any scheduled compliance conference date, then the parties may submit a stipulation (signed by all parties) to be so ordered. Send the signed stipulation by e-mail to gthomson@nycourts.gov or fax to **212-952-2757** at least two days before the said conference, indicating that all discovery is complete and providing for the filing of the Note of Issue. If approved, the stipulation will be returned "so ordered" and the date by which the Note of Issue must be filed will be filled in on the stipulation in lieu of the final conference. **Parties MAY NOT file a Note of Issue without court order. A Note of Issue filed without court order may be stricken sua sponte.**
- (13) Summary Judgment Motions: Summary judgment motions shall be made no later than **60 days** after filing of the Note of Issue (CPLR 3212 (a)). Motions made before filing the note of issue do not stay discovery herein ordered.
- (14) Trial Authorizations: Properly executed HIPAA compliant authorizations shall be served on all defendants 120 days before trial.

RESOLUTION OF DISPUTES/PENALTIES FOR NON-COMPLIANCE (also see part rules)

If disputes arise about compliance with this Order, the parties shall confer to try to resolve them. If that effort fails, then the parties shall immediately, in advance of deadlines and prior to initiating motion practice, bring the dispute to the attention of the Case Management Coordinator Harold Snipe (by telephone at 646-386-3682 or e-mail at hsnipe@nycourts.gov) who may advance a previously scheduled compliance conference. Absent good cause, non-compliance with this order, including the failure to raise discovery problems in advance of deadlines, may result in the imposition of penalties upon the offending party and, where warranted, upon counsel. Such penalties may include waiver of the discovery, preclusion, dismissal, striking of a pleading, costs, sanctions and attorney's fees. **Parties are encouraged to place their case on e-track at www.nycourts.gov.**

Hon. Arlene P. Bluth

J.S.C.