

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX – PART 27

PRELIMINARY CONFERENCE ORDER
AND CASE SCHEDULING ORDER

Plaintiff(s),

– against –

Defendant(s).

Hon. Naita A. Semaj, J.S.C.

Index Number _____

Conference Date _____

APPEARANCES: **Plaintiff:** _____
Firm: _____
By Attorney: _____ Phone: _____
Carrier: _____ Phone: _____ Coverage Amount: _____
Defendant 1: _____
Firm: _____
By Attorney: _____ Phone: _____
Carrier: _____ Phone: _____ Coverage Amount: _____
Defendant 2: _____
Firm: _____
By Attorney: _____ Phone: _____
Carrier: _____ Phone: _____ Coverage Amount: _____
Defendant 3: _____
Firm: _____
By Attorney: _____ Phone: _____
Carrier: _____ Phone: _____ Coverage Amount: _____

I INSURANCE COVERAGE: To be furnished within _____ days.

II BILL OF PARTICULARS: 1. Not submitted; Bill of Particulars to be served by _____
 2. Served: 2(a). Satisfactory 2(b). Unsatisfactory
 3. Supplemental Bill of Particulars to be served _____
 4. Bill of Particulars for affirmative defenses to be served _____

III MEDICAL REPORTS AND HOSPITAL AUTHORIZATIONS: 1. Furnished (Except: _____)
 2. Medical reports or authorizations for records to be served.
 3. Hospital authorizations to be served _____

IV PHYSICAL EXAMINATION: 1(a). Held 1(b). Waived
 1(c). Examination of _____
to be held _____
Defendant to designate physician(s) within 21 days of plaintiff's EBT.
 2(a). Physician's report furnished.
 2(b). Copy of physician's report to be furnished to plaintiff
within _____ days of examination.

V EXAMINATION BEFORE TRIAL: 1. Plaintiff Defendant(s) All Parties
 2. To be held at _____
Date _____ Time _____
 3. Held (Except: _____) Waived

VI OTHER DISCLOSURE: 1. None
 2. All parties to exchange names and addresses of all witnesses, opposing parties' statements and photographs. If none, an affirmation to that effect shall be exchanged.
 3. Authorizations for plaintiff's employment records (IRS) including W-2 for period(s) _____

 4. _____

 5. To be completed within _____

VII IMPLADER ACTIONS: 1(a). None 1(b). To be commenced _____ days after all EBT's.

VIII DESIGNATED FOR TRANSFER: 1(a). CPLR 325(c)
 1(b). CPLR 325(d)

IX ADDITIONAL DIRECTIVES: See below for additional directives.

X ALL PARTIES: Are directed to complete discovery on or before _____.

XI MANDATORY COMPLIANCE CONFERENCE. Will be held on _____. Parties are directed to conference the matter in its entirety without the Court and enter into a mutually agreed to stipulation resolving all outstanding discovery issues and specifying the corresponding compliance conference date. In addition:

- The stipulation shall begin with the following recitation: "At a compliance conference, held on ____ at IAS Part 27, it is hereby agreed and stipulated to by and between the undersigned attorneys for plaintiff(s) and defendant(s)"
- The stipulation shall be uploaded to NYSCEF, using document type "STIPULATION-DISCOVERY (REQUEST TO SO ORDER)" and must also be emailed with the NYSCEF Confirmation Notice to **BxSupCiv-IA27@nycourts.gov** in advance of the compliance conference date. Once submitted, the stipulation shall be reviewed and so ordered, and is subject to modification by the Court.
- No appearance is required on the compliance conference date; however, in the event that the parties cannot agree on an outstanding discovery issue despite good faith efforts to resolve the dispute without Court intervention, a discovery conference may be requested. Said request shall be uploaded into NYSCEF under document type, "REQUEST FOR PRE-MOTION CONFERENCE (COMPLIANCE PART)" and must also be emailed with the NYSCEF Confirmation Notice to **BxSupCiv-IA27@nycourts.gov** in advance of the compliance conference date. The request shall include the name and index number of the case, the

compliance conference date, a statement of facts and a brief description of the issues, insurance policy limits, and details of the attempts made to resolve the issue between the parties. A copy of the most recent discovery order or stipulation must also be included. No conference will be scheduled unless the parties have already conferred and tried to resolve the issue.

- Noncompliance of these directives may result in the delay of a conference. Otherwise, once the request is approved, the compliance conference will be adjourned to a future date for an in person conference. If you do not hear from the part within two (2) weeks of your request, please contact **BxSupCivIA27@nycourts.gov** for further instructions. Notwithstanding that there may be a dispute regarding some aspects of discovery, for all discovery not in dispute, a stipulation should be uploaded to NYSCEF in accordance with the aforementioned procedures.
- **The IAS Part and document type must be specified on the subject line of all communications emailed to the BxSupCiv-IA27@nycourts.gov mailbox. (Ex. IAS Part-27, Document Type, index number)**
- **Only counsel fully familiar with and authorized to settle, stipulate, or dispose of actions shall appear at the conference. Lack of authorization will be considered a default.**

XII. NOTE OF ISSUE. The date to file the Note of Issue shall be determined at the final compliance conference. If all parties agree that discovery is complete prior to any scheduled compliance/status conference date, the parties shall submit a stipulation signed by all parties certifying that discovery is complete and providing for the filing of the NOI. The stipulation shall be uploaded to NYSCEF using document type “**STIPULATION-TRIAL READINESS (REQUEST TO SO ORDER)**” and must be emailed with the NYSCEF Confirmation Notice to BxSupCiv-IA25@nycourts.gov at least two (2) days before the said conference. If approved, the Court will “so order” the stipulation and provide a date by which the NOI must be filed. The so ordered stipulation will be processed by the clerk and uploaded to NYSCEF. **Parties MAY NOT file a Note of Issue without court order.** A Note of Issue filed without court order may be stricken *sua sponte*. Plaintiff shall not file a note of issue until all discovery is complete and certified as such by order of this court. Premature filing may result in the note of issue being vacated or the imposition of other sanctions.

XIII. SUMMARY JUDGMENT MOTIONS. Summary judgment motions shall be made no later than 60 days after filing the Note of Issue (CPLR 3212[a]). Motions made before filing the note of issue do not stay the discovery ordered herein.

XIV. TRIAL AUTHORIZATIONS. Properly executed HIPAA-compliant authorizations shall be served on all defendants 120 days before trial.

Parties are encouraged to place their case on e-track at nycourts.gov.

The forgoing constitutes the decision and order of the court.

Dated: _____

Enter: _____
 Hon. Naita A. Semaj, J.S.C.