

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: CIVIL TERM: PART 12

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IN RE 91<sup>ST</sup> STREET CRANE COLLAPSE LITIGATION:

Index No. 771000/2010E  
Date: 4/22/2011

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THIS DOCUMENT RELATES TO: ALL CASES

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**CASE MANAGEMENT ORDER NO. 13**

**PAUL G. FEINMAN, J.:**

**I. EBT Scheduling Order Revisions:**

At the last compliance conference, held April 7, 2011, the parties discussed the schedule for the remaining depositions in this action. These changes were reflected in the revised deposition schedule found in CMO #12. Subsequently, it was brought to the court's attention that certain depositions had been omitted from the revised schedule. This omission was likely due to the fact that the parties have no party has filed or provided the court with a copy of the transcript from the April 7, 2011 compliance conference. Nonetheless, the deposition schedule set forth in CMO #12 shall be amended to the extent indicated. The court is cognizant of the fact that it has added an additional day of Track 1 depositions in some weeks of May. In so doing, the court has balanced the Wrongful Death Plaintiffs' requests to complete the City's depositions before the summer, and the defendants' scheduling requests regarding summer vacation. Any further requests for amendment should be addressed as an agenda item at the next compliance conference, or, as the parties have always been free to do, by stipulation.

**Track 1**

- April 25: No deposition scheduled (Passover/Easter)
- April 27: NY Crane Defendants - Ron Ledder (day 1)
- May 2: New York City Educational Construction Fund - Jaime Smarr (day 2)
- May 4: NY Crane Defendants - Ron Ledder (day 2)

May 9: Michael Carbone (non-party) (fourth and final date)  
 May 11: TES, Inc. - Tom Guzzi (day 1)  
 May 13: City of New York - John Filingeri  
 May 16: TES, Inc. - Tom Guzzi (day 2)  
 May 18: Brady Marine Repair Co. - Person #1 (day 1)  
 May 20: City of New York - Ashraf Omran (day 1)  
 May 23: Brady Marine Repair Co. - Person #1 (day 2)  
 May 25: Brady Marine Repair Co. - Person #2 (day 1)  
 May 27: City of New York - Ashraf Omran (day 2)  
 May 30: No depositions scheduled (Memorial Day)  
 June 1: Brady Marine Repair Co. - Person #2 (day 2)  
 June 6: Testwell, Inc. (day 1)  
 June 8: Testwell, Inc. (day 2)  
 June 13: Branch Radiographic Laboratories, Inc. (day 1)  
 June 15: Branch Radiographic Laboratories, Inc. (day 2)  
 June 20: 1765 First Associates, LLC (day 1)  
 June 22: 1765 First Associates, LLC (day 2)  
 June 27: Leon D. DeMatteis Construction Corp. (day 1)  
 June 29: Leon D. DeMatteis Construction Corp. (day 2)  
 July 4: No deposition scheduled (Independence Day)  
 July 6: Day set aside for depositions that need to be rescheduled  
 July 11: Sorbara Construction Corp. (day 1)  
 July 13: Sorbara Construction Corp. (day 2)  
 July 18: Mattone Group Construction Co. Ltd., Mattone Group Ltd., and Mattone Group LLC (day 1)  
 July 20: Mattone Group Construction Co. Ltd., Mattone Group Ltd., and Mattone Group LLC (day 2)  
 July 25: Howard I. Shapiro & Associates Consulting Engineers, P.C. (day 1)  
 July 27: Howard I. Shapiro & Associates Consulting Engineers, P.C. (day 2)  
 August 1: New York Rigging Corp. (day 1)  
 August 3: New York Rigging Corp. (day 2)  
 August 8: Lucius Pitkin, Inc. (day 1)  
 August 10: Lucius Pitkin, Inc. (day 2)  
 August 15: McLaren Engineering Group and M.G., McLaren, P.C. (day 1)  
 August 17: McLaren Engineering Group and M.G., McLaren, P.C. (day 2)

The parties are free to alter this deposition schedule so long as all parties execute a stipulation clearly detailing any such changes and provided that the court is furnished with a copy of such stipulation at least one week in advance of any such amendments. Attached to the

stipulation should be a complete revised schedule reflecting the changes.

This constitutes the order of the court.

Dated: *April 22, 2011*

*Paul H. Timmer*

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New York, New York

J.S.C.

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