

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

PRESENT: HON. MILTON TINGLING (DCM), JUSTICE

PART 22

2001

To:

Index #

, PLAINTIFF

, DEFENDANT

1
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 designated an Expedited matter (Uniform Rule 202.19 (b)) and disclosure not already furnished shall proceed in accordance with the deadlines set forth below. However, a party claiming to be prejudiced by this order may, after consulting opposing counsel, seek a modification of the Expedited designation or the schedule by contacting Robert Berardelli, Case Management Coordinator, at the Case Management Office (by phone at 748-5310 or fax at 374-0006 or e-mail to Rberarde@courts.state.ny.us) by _____. That Office will provide an opportunity to the parties to be heard on the request by telephone or court conference and the court will take such action as is appropriate. Failure to contact the Office within the said deadline shall constitute a waiver of any objection to the designation or schedule. The parties shall not in the first instance contact the Justice assigned.

NONE OF THE DATES IN THE ORDER MAY BE EXTENDED WITHOUT ADVANCE APPROVAL BY THE COURT. All requests for extensions shall be directed to the Case Management Office in the first instance.

(1) Mandatory Notification: The attorney who receives a copy of this Order shall, within ten days from receipt, transmit a copy to counsel for all parties who have appeared in the case and to all self-represented litigants and shall, by ____, return to the Case Management Office an original by mail or a copy by fax of an affidavit of service or a letter setting forth the dates the parties were served.

(2) Insurance Information: All parties shall exchange insurance and coverage information by _____.

(3) Bill of Particulars: A demand shall be served by _____. A bill(s) shall be served by _____.

(4) Authorizations: Authorizations for medical records and for employment records for two years prior to the accident shall be served by _____.

- (5) Witness and Other Information: All parties shall exchange statements of opposing parties, photographs, and the names and addresses of all fact witnesses by _____. If any of these items do not exist, the parties shall serve by that date an affirmation clearly so specifying.
- (6) Depositions: All depositions must be completed by _____. 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 service of a copy of this Order, the parties shall confer and agree upon a detailed schedule in compliance with this deadline. If a witness thereafter is unable to appear as scheduled, the parties shall confer and attempt to agree upon a resolution of the problem, including, if necessary, an alternative schedule or order of production. However, 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 10 days after completion of depositions and shall be responded to within 20 days from service.
- (8) Physical Examinations and Reports (Uniform Rule 202.17): Physical examination(s) of the plaintiff shall be completed by _____. The examining party shall notify all other parties of the identity of the examining physician at least 20 days prior to said examination. 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 21 days of said examination.
- (9) Other Disclosure: All other disclosure shall be completed by _____.
- (10) Impleader: Shall be completed by _____.
- (11) Mandatory Pre-Note Settlement Conference: Will be held on _____ in Room 121 at 80 Centre Street before Senior Neutral Evaluation Attorney Michael McAllister, Esq.
- (12) Note of Issue: Shall be filed on or before _____.
- (13) Summary Judgment Motions: Summary judgment motions shall be made no later than 30 days after filing of the note of issue (CPLR 3212 (a)).

RESOLUTION OF DISPUTES/PENALTIES FOR NON-COMPLIANCE

If disputes arise about compliance with this Order, the parties shall promptly confer in an effort to resolve them. If that effort fails, the parties shall immediately, in advance of deadlines and prior to initiating motion practice, bring the dispute to the attention of the Case Management Office (not the assigned Justice) and shall participate in any telephonic or court conference that Office may require. Absent good cause, failure to raise discovery problems with that Office immediately, in advance of deadlines, other non-compliance with this Order, or failure to comply with any Disclosure Reminder Notice transmitted by that Office 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 an answer, costs, sanctions, and attorney's fees. Counsel should be particularly aware that penalties may be imposed in the event of the failure of a defendant to give notice of, designate a physician for, schedule, or conduct an examination of plaintiff as set forth herein, the failure of said defendant to serve a report as set forth herein, the failure of plaintiff to appear at an examination as required, and the failure of a party to schedule or attend a deposition.

TINGLING, M.A. (DCM)

J.S.C.