STATE OF NEW YORK
SUPREME COURT COUNTY OF

_____

Plaintiff(s),

v.

Defendant(s).

_____

PRELIMINARY CONFERENCE STIPULATION and ORDER
(22 NYCRR §§ 202.8 and 202.12)

Index No.

RJI No.

Presiding: HON. ROBERT J. MULLER, J.S.C.

Print Actual Date (not "in 30 days" etc.) or "NA" if Not Applicable

It is hereby Stipulated and Ordered that disclosure shall proceed as follows:

(1) Electronic Discovery (*see* 22 NYCRR § 202.12 [c] [3])

Check either box (a), (b) or (c):

(a) ☐ There is no Electronic Discovery required; or

(b) ☐ The parties have prepared and attached a separate Electronic Discovery Stipulation and Order establishing the method and scope of any electronic discovery pursuant to 22 NYCRR § 202.12 (c) (3); or

(c) ☐ *(To be filled in by Court)*

An Electronic Discovery Conference shall be held on _____ at _____.

(2) Insurance Agreement (CPLR 3101 [f]), if not already provided, shall be furnished on or before _____.

(3) Demands for Bill of Particulars shall be served on or before _____.

(4) Bills of Particulars shall be served on or before _____.

(5) Medical Reports and Authorizations shall be served on or before _____.

(6) Physical Examination of _____ shall be completed on or before _____.

A copy of the Physician's Report shall be furnished to Plaintiff(s) within _____ days of the

examination.

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(7) *Check either box (a) or (b):*

(a) ☐ Depositions shall be held as follows:

Deponent	Place	
_____	_____	on _____.
_____	_____	on _____.
_____	_____	on _____.

or

(b) ☐ The parties shall set a schedule for Depositions, which are to be held no later than _____.

The parties shall provide the Court with the schedule.

(Check box below if it applies)

☐ If one deposition fails to take place as scheduled, the remaining parties' depositions shall nonetheless proceed as scheduled, except that the priorities between the plaintiffs and defendants shall be preserved.

(8) All parties shall exchange names and addresses of all eyewitnesses and notice witnesses, statements of opposing parties and photographs or, if none, provide an affirmation to that effect, by _____.

(9) Authorizations for Plaintiff(s)'s employment records for the period _____ to _____ shall be furnished on or before _____.

(10) Demands for Discovery and Inspection and Interrogatories shall be served on or before _____.

The items sought shall be produced to the extent not objected to and objections, if any, shall be stated on or before _____.

(11) Accident Reports prepared in the regular course of business shall be exchanged pursuant to CPLR 3101 (g) on or before _____.

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(12) Plaintiff(s) shall provide authorizations for the following collateral source of payment providers pursuant to CPLR 4545 as follows:

_____ by _____.
_____ by _____.
_____ by _____.
_____ by _____.

(13) Motion(s) to amend pleadings or to add party(ies) shall be filed with the Court no later than _____.

(14) END DATE FOR ALL DISCLOSURE, other than expert disclosure, shall be within 12 months of date of the preliminary conference: _____.

(15) Expert disclosure shall be provided by Plaintiff(s) 90 days before trial.
Expert Disclosure shall be provided by Defendant(s) 60 days before trial.

(16) A Compliance Conference shall be held on _____
at _____.
(*To be filled in by Court*)

At least three days prior to the conference, each party shall have delivered to the Court a summary (no longer than two pages) of your contentions of the facts, liability, damage and defenses.

If all of the disclosure requirements have been complied with and each attorney submits a letter to that effect to be received by the Court at least two (2) business days before the scheduled date, no appearance will be necessary.

(17) A trial Note of Issue and Certificate of Readiness, a copy of this Preliminary Conference Stipulation and Order, an Affirmation stating that the terms and conditions of this Preliminary Conference Stipulation and Order have been complied with and an Affidavit of Service of the same upon the other parties shall be filed by _____
on or before _____ *(must be within thirty [30] days of the end date for All disclosure).*

(18) Any dispositive motion(s) pursuant to CPLR 3211 or 3212 shall be filed with the Court no later than _____ *(must be within ninety [90] days of the date for filing of the trial Note of Issue).*

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(19) Should any discovery disputes arise, prior to making a motion pursuant to CPLR 3042, 3124 and/or 3126, the parties shall (a) comply with the good faith requirements of the Uniform Rules of Trial Courts (22 NYCRR) § 202.7; and (b) contact this Court's Law Clerk, Jennifer P. Jeram, Esq., and appear at a conference with her in an attempt to resolve the issues.

(20) The failure of a party to prepare or timely share any of the documents required under this Stipulation and Order shall warrant a review of the conduct of that party and/or that party's attorney pursuant to the Uniform Rules of Trial Courts (22 NYCRR) part 130.

(21) Any failure to comply with the directives in this Stipulation and Order may result in the imposition of costs or sanctions, or any other action authorized by rule or law, including preclusion and the other penalties outlined in CPLR 3126.

(22) If the case settles, the parties shall ensure that a Stipulation of Discontinuance is promptly filed prior to the next appearance before the Court.

(23) The original of this Stipulation and Order shall be filed by _____ and a time-stamped copy thereafter served upon all parties.

(24) Additional Directives: _____
_____
_____
_____
_____.

_____
Attorney for Plaintiff(s)

_____
Attorney for Defendant (s)

_____
Attorney for Defendant (s)

So ORDERED.

Dated: _____
_____

_____
Hon. Robert J. Muller, J.S.C.