



STATE OF NEW YORK
UNIFIED COURT SYSTEM
FIRST JUDICIAL DISTRICT
SUPREME COURT, CIVIL BRANCH
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A. GAIL PRUDENTI
Chief Administrative Judge

FERN A. FISHER
Deputy Chief Administrative Judge
New York City Courts

SHERRY KLEIN HEITLER
Administrative Judge for Civil Matters
First Judicial District

ADMINISTRATIVE ORDER

By the authority vested in me as Administrative Judge of this court, I hereby direct as follows with regard to medical malpractice cases in which the New York City Health and Hospitals Corporation, one of its hospitals or other facilities, or an indemnified affiliate is a named defendant and medical malpractice cases in which the Hospital for Special Surgery is a named defendant (hereinafter "City medical malpractice cases" and "Hospital for Special Surgery cases").

All City medical malpractice cases and all Hospital for Special Surgery cases that have been commenced shall, after the date of this Administrative Order, be distributed evenly between the Hon. Martin Schoenfeld (Part 28) and the Hon. George J. Silver (Part 10). After the date of this Order, all City medical malpractice cases and all Hospital for Special Surgery cases shall be assigned equally upon the filing of the Request for Judicial Intervention ("RJI") to either Part 28 or Part 10. Upon the filing of the RJI, Justice Schoenfeld and Justice Silver shall explore possible settlement of these cases and, to the extent that the cases are not settled, shall supervise discovery, decide motions, and address other pre-trial issues. After the filing of the Note of Issue in any such case, if the case does not come to settlement, it shall be sent to the Administrative Coordinating Part (Part 40, Hon. George J. Silver) from which it will be sent out for jury selection and trial.

The clerk is directed to assign all City medical malpractice cases and all Hospital for Special Surgery cases commenced prior to and after the date of this Order in accordance with this Order.

In addition, special proceedings previously assigned to Justice Judy Harris Kluger (Part 38) and not resolved, and all special proceedings hereafter filed, in which the applicant seeks leave to file a late notice of claim in regard to a City medical malpractice case shall be assigned randomly to Part 28 and Part 10.

A copy of this Order shall be attached to all RJI's hereafter filed in cases that fall within the scope of this Order.

Attorneys may obtain information on the status of and developments in cases pending in this court by consulting the *Supreme Court Records On-Line Library (Scroll)*, which is accessible at no charge on the website of this court (www.nycourts.gov/supctmanh under "Case Information"). Attorneys may receive notification, by e-mail, of developments in cases pending in this court by means of the court system's *e-Track* case tracking application, which can be accessed, at no charge, on the website of the court system (www.nycourts.gov under "e-Courts").

Dated: New York, New York
January 28, 2014

A handwritten signature in black ink, appearing to read "Sherry Klein Heitler", written over a horizontal line.

Hon. Sherry Klein Heitler