

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

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Index No.

**Plaintiff(s),**

**-against-**

STIPULATION AND  
ORDER TO TRANSFER  
ACTION TO BINDING  
SUMMARY JURY TRIAL  
(April 2017)

**Defendant(s).**

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**[Strike that which is inapplicable]**

**IT IS HEREBY STIPULATED AND AGREED** that the parties to this action, by their respective attorneys, voluntarily agree to the transfer of this matter for final disposition by means of a binding Summary Jury Trial, subject to the Summary Jury Trial Rules and Procedures and those of the Assigned Judge. Unless the Court directs otherwise, the Summary Jury Trial Rules and Procedures shall govern this action and the conduct of counsel and the parties at the Summary Jury Trial scheduled herein. The signatories to this Agreement represent that they have the authority of their respective clients and/or insurance carriers to enter into this Stipulation and Order.

**IT IS FURTHER STIPULATED AND AGREED** that a Summary Jury Trial shall be held on the issue(s) of

liability and damages       liability only       damages only

**IT IS FURTHER STIPULATED AND AGREED** that, upon a trial of the issues of liability and damages, the trial of this matter shall be unified unless otherwise ordered by the Trial Judge.

**IT IS FURTHER STIPULATED AND AGREED** The trial shall be conducted before the Assigned SJT Justice on a date to be assigned at the conclusion of the evidentiary hearing (see below). All parties shall be bound by the Summary Jury Trial verdict, [except that if the verdict is more than \$ \_\_\_\_\_, the plaintiff will recover \$ \_\_\_\_\_, and

if the verdict is less than \$ \_\_\_\_\_, the plaintiff will recover \$ \_\_\_\_\_.] These stipulated sums are inclusive of interest, cost, and disbursements, unless otherwise agreed to herein. [If the verdict exceeds \$ \_\_\_\_\_, plaintiff may seek recovery from the SUM Carrier in excess of \$ \_\_\_\_\_.]

**IT IS FURTHER STIPULATED AND AGREED** that counsel shall abide by the strict time limitations set forth in the Summary Jury Trial Rules and Procedures, which abbreviate case presentation.

**IT IS FURTHER STIPULATED AND AGREED** that the right to move to set aside the verdict, or to appeal, is waived.

**IT IS FURTHER STIPULATED AND AGREED** that any pending motions filed with the court in this action are withdrawn and that the parties hereto agree not to file any written motions subsequent to the execution of this Stipulation.

**IT IS FURTHER STIPULATED AND AGREED** that no supplemental Bills of Particulars shall be served, and no new injuries or damages claimed, as of the date of the signing of this stipulation

**IT IS FURTHER STIPULATED AND AGREED**, that, in addition to pain and suffering, Plaintiff intends to seek **special or future damages** for \_\_\_\_\_, in the amount of \$ \_\_\_\_\_. (If there will not be any damages sought in addition to pain and suffering, insert the word "NONE".) Should Plaintiff not disclose any damages sought, in addition to pain and suffering, prior to this stipulation, Plaintiff will be precluded from seeking such damages at the time of trial.

**IT IS FURTHER STIPULATED AND AGREED** that counsel shall exchange Trial Packets including all evidentiary materials to be offered at the trial of this action via email no later than seven (7 ) days prior to the Evidentiary Hearing with physical delivery of the Trial Packet to be made no later than five (5) days prior thereto.

**IT IS FURTHER STIPULATED AND AGREED** that jury selection, limited to thirty minutes for each side, shall be conducted in either the Assigned Justice's courtroom or the Civil Court located at 89-17 Sutphin Boulevard, Jamaica, NY, on \_\_\_\_\_, at 10:00 a.m.

**IT IS FURTHER STIPULATED AND AGREED** that an Evidentiary Hearing shall be held before a Court Attorney-Referee or JHO on \_\_\_\_\_, before jury selection, at which time any objections to documentary evidence previously exchanged between the parties shall be addressed and determined by the Court Attorney-Referee or JHO,

and witness lists shall be exchanged. The parties shall prepare trial packets, agreed-upon requests to charge and proposed verdict sheets for the Jury, and shall serve a table of contents or exhibit list of the Trial Packet via email to all signatories to this stipulation via email no later than seven (7 ) days prior to the Evidentiary hearing with physical delivery of the Trial Packet to be made no later than five (5) days prior to the date of the Evidentiary Hearing.

**Attorney for Plaintiff(s)**

**Attorney for Defendants(s)**

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

**Attorney for** \_\_\_\_\_

**Attorney for** \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

**DATED:** \_\_\_\_\_

**SO ORDERED:** \_\_\_\_\_

J.S.C.