

(Revised July 8, 2009)
(See Italicized Portions)

SUPREME COURT, COUNTY OF _____

INDIVIDUAL ASSIGNMENT PART, Justice Teresi

Plaintiff(s)

-against-

**PRELIMINARY CONFERENCE
STIPULATION AND ORDER**
(Sections 202.8 and 202.12 of the
Uniform Rules)
INDEX NO. _____

Defendant(s)

(All items on this form must be completed unless inapplicable).

It is hereby STIPULATED and ORDERED that disclosure shall proceed as follows:

(1) **Insurance Coverage:** If not already provided, shall be furnished by each defendant and third-party defendant on or before _____.

(2) **Bill of Particulars:**

(a) Demand for bill of particulars/interrogatories and discovery demand shall be served by _____ on or before _____.

(b) Bill of particulars/interrogatory answers and discovery response shall be served by _____ on or before _____.

(c) A supplemental bill of particulars shall be served by _____ as to Items _____ on or before _____.

(3) **Medical Reports and Authorizations:**

Shall be served as follows: _____

Plaintiff shall send defendant(s) copies of all medical Records obtained within ten (10) days of receipt.

Defendant(s) may use any authorization to obtain Medical records and if it does, copies of those Records shall be supplied to plaintiff within ten (10) days of receipt.

(4) **Physical Examination:**

- (a) Examination of _____ shall be held _____
- (b) A copy of the physician's report shall be furnished to plaintiff within _____ days of the examination.

(5) **Depositions:** Depositions of { } Plaintiff(s) { } Defendant(s) { } All Parties and non-party Witness
 shall be completed by: _____

(6) **Other Disclosure:**

(7) **End Date for All Disclosure {must be within 12 months}:**

(8) **Impleader:** Shall be completed on or before _____.

A copy of this order shall be served with any third-party summons, and shall apply to any added parties. If the added party wishes a modification of this order, it must schedule a conference or submit an amended schedule signed by all parties. Any conference shall be scheduled by phoning chambers to select a date. The conference shall be held or the amended schedule submitted to the Court within thirty (30) days of service of the third-party summons.

(9) **Motions:** Any dispositive motion(s) shall be made returnable on or before _____. All motions and answering papers are to be filed with the Supreme Court Clerk.

(a) *Motions: The filing of any motion shall follow the following procedure.*

All original motion (or cross-motion) papers, including any order to show cause shall be filed with the County Supreme Court Clerk,, after paying the required motion fee to the County Clerk. All answering papers shall be filed with the Supreme Court Clerk.

(10) **Note of Issue:** _____ shall file a note of issue/certificate of readiness on or before _____. A copy of this stipulation and order, an affirmation stating that the terms of the stipulation and order have been complied with, and an affidavit of service of the affirmation and note of issue shall be served and filed with the note of issue on or before said date.

(11) **Discovery disputes or issues:** If there is a discovery issue (at any time), the parties agree as follows:

To comply with 22 NYCRR 202.07 to resolve the dispute and if it cannot be resolved, then to immediately telephone chambers and schedule a conference on a date convenient to all counsel for the purpose of resolving any discovery dispute before filing any discovery motion. Every effort shall be made to select a date convenient to all counsel.

At least two days before the conference, each party shall deliver to the Court a statement outlining the dispute and stating its position.

(12) The final pre-trial conference shall be held at the chambers of the Hon. Joseph C. Teresi at a time to be noticed by this court, at which time counsel for each party must be present and certify to the court that:

- a. discovery has been completed
- b. settlement discussions have been unsuccessful
- c. the case is ready for trial

(13) EXPERT DISCLOSURE: Except as otherwise directed by the Court, a party who has the burden of proof on a claim, cause of action, damage or defense shall serve its response to an expert demand served pursuant to CPLR 3101(d) on or before the filing of the note of issue, and sixty (60) days after receipt of that response, any opposing party shall serve its answering response pursuant to CPLR 3101(d). Any amended or supplemental expert disclosure shall be allowed only with the permission of the Court. Unless the Court directs otherwise, a party who fails to comply with this rule is precluded from offering the testimony and opinions of the expert for whom a timely response has not been given.

The word “expert” shall include, but is not limited to, any physician, dentist, chiropractor, psychiatrist, psychologist, other health care provider of any speciality, economist, engineer, architect, lawyer, accountant, appraiser, rehabilitation counselor or other person who will testify concerning his/her qualifications and give opinions concerning the issues in the case. However, “expert” shall not include a treating physician or other treating health care provider whose records(s), and report(s) have been timely provided.

Any motion to preclude, or limit expert testimony under this rule must be returnable as soon as practicable but no later than forty-five(45) days of its receipt or the motion will be waived.

(14) It is further ordered that any objections concerning the propriety of questions or other applications made during the course of the examinations provided for herein shall be immediately presented orally and ruled upon by this Court, or to a Judicial Hearing Officer designated to entertain such objections, with all attorneys physically present or by telephone conference call, at the Court's discretion.

(15) EXTENSIONS: Extensions of this stipulation are granted only if necessary. An Application may be made by (1) submitting an explanation outlining the discovery completed and outstanding together with an amended schedule on a "consent letter" showing all dates to be affected, (2) or by phoning chambers and scheduling a conference on a date convenient to all counsel. Any application must be received by the Court before the last date in the stipulation to be amended.

In extending discovery, all discovery shall be completed within twelve (12) months of the filing of the Request for Judicial intervention (RJI) form. See 22 NYCRR 202.12.

(16) Failure to comply with any of these directives may result in the imposition of costs or sanctions or other action authorized by law.

(17) In the event a note of issue is not timely filed, the Court will declare this case ready for trial and schedule a final conference. If that occurs, no extensions of any deadlines will be granted, and any discovery not requested will be deemed waived.

(18) Conferences: Any conferences requested by counsel shall be scheduled by telephoning chambers, and giving date(s) on which all counsel are available. The conference will be scheduled on a date convenient to counsel and the Court.

DATED:

Attorney for Plaintiff(s)

Attorney for Defendant(s)

Attorney for Defendant(s)

Dated:

, New York

SO ORDERED!

J.S.C.

ADDITIONAL DIRECTIVES

In addition to the directives set forth on the annexed pages, it is further **ORDERED** as follows:

Dated:

SO ORDERED!

Joseph C. Teresi, J.S.C.