

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X Present: Shirley Werner Kornreich
Justice
IAS: Part 54

Plaintiff(s),

Index No.: _____

-against-

**PRELIMINARY CONFERENCE
ORDER
COMMERCIAL DIVISION**

Defendant(s).

-----X

APPEARANCES:

Plaintiff(s): _____

Defendant(s): _____

It is hereby ORDERED that disclosure shall proceed as follows:

**THE DEADLINES SET FORTH IN THIS ORDER MAY NOT BE ADJOURNED OR
EXTENDED WITHOUT A COURT ORDER**

(1) Paper Discovery Demands:

(a) Demand for a bill of particulars, demand for discovery and inspection, and interrogatories shall be served by all parties on or before _____. Interrogatories are not limited to Commercial Division Rule 11 subjects and contention interrogatories pursuant to that Rule will not be permitted later. Interrogatories are limited to 25 questions, including subparts.

(b) Written responses and non-ESI (electronically stored information) documents shall be served by all parties on or before _____. General objections to demands are not permitted. Privilege objections shall be raised by following the procedure set

forth under *Discovery* in the court's individual *Practices in Part 54* available at the following link: http://www.nycourts.gov/courts/comdiv/ny/PDFs/Practices_in_Part_54.pdf. Categorical logging requires prior leave of the court or a stipulation signed by all parties.

(c) Third party subpoenas, requests for commissions and letters rogatory shall be served or submitted by _____.

(d) Only in extraordinary circumstances may the parties submit on summary judgment motions, or put in evidence at trial, documents that were not produced with bates-stamps prior to the close of fact discovery.

(2) Electronic Discovery:

Have all parties met and conferred about how electronic discovery will be conducted?

Yes_____ No_____

Have the parties entered into a stipulation governing electronic discovery?

Yes_____ No_____

The parties will attempt to enter into and e-file a stipulation governing electronic discovery by _____. Any disputes regarding the ESI stipulation and a deadline for ESI production will be decided at a telephone conference on _____ at _____.

(3) Impleader:

(a) Impleader must be completed within 20 days of the disclosure giving rise to the impleader.

(4) Compliance Conferences:

(a) A Compliance Conference shall be held on _____.

(b) The parties must bring copies of all disclosure orders to all conferences.

(c) Discovery disputes between conferences shall be resolved by calling Chambers on Monday through Thursday between 4:00 and 5:30 at 646-386-3363. The attorneys for all parties who have appeared and all pro se litigants must be on the line.

(5) Depositions:

(a) Party depositions to be completed by: _____.

(b) Non-party depositions to be completed by: _____.

(c) Post-deposition document demands must be served within 20 days of the deposition giving rise to the demand.

(6) End of Fact Discovery:

(a) All fact discovery to be completed by: _____.

(7) Expert Discovery:

(a) Expert reports to be exchanged by: _____.

(b) Rebuttals to be exchanged by: _____.

(c) Expert depositions to be completed by: _____.

(8) Note of Issue:

(a) Plaintiff shall file a note of issue/certificate of readiness by: _____.

(b) A copy of the order setting the note of issue filing date shall be served and filed with the note of issue.

(9) Motions:

(a) All discovery motions **must** be made by order to show case (including motions to compel, motions for a protective order, and motions to seal).

(b) Nothing may be filed by the parties under seal unless a motion to seal has been granted. Motions to seal are rarely granted and the party moving to seal must establish good cause. The parties must move to seal and follow the Rule in *Practices in Part 54* regarding *Confidentiality Agreements* with respect to the motion.

(c) All dispositive motions shall be made no later than 60 days after the note of issue is filed.

(d) Service of motions pursuant to CPLR 3211 or 3212, settlement negotiations and referrals to mediation shall not stay discovery absent further court order.

SO ORDERED:

Dated: _____, J.S.C.

