

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D30326
G/kmb

_____AD3d_____

Submitted - February 1, 2011

MARK C. DILLON, J.P.
THOMAS A. DICKERSON
L. PRISCILLA HALL
SHERI S. ROMAN, JJ.

2010-06194

DECISION & ORDER

Janet Callaghan, appellant, v W. Robert Curtis,
etc., et al., respondents.

(Index No. 20136/04)

Jeffrey Levitt, Amityville, N.Y., for appellant.

Curtis & Associates, P.C., New York, N.Y. (W. Robert Curtis, respondent pro se of
counsel), respondent pro se.

In an action to recover damages for legal malpractice, the plaintiff appeals from an order of the Supreme Court, Westchester County (Scheinkman, J.), entered June 8, 2010, which, upon the defendants' motion pursuant to CPLR 3126 to strike her reply to their counterclaims, inter alia, precluded her from offering any documents at trial.

ORDERED that the order is affirmed, with costs.

“[A] trial court is given broad discretion to oversee the discovery process” (*Castillo v Henry Schein, Inc.*, 259 AD2d 651, 652). Here, the plaintiff clearly violated a prior order of the Supreme Court by failing to bring certain documents to her deposition. Her attorney also made extensive “speaking objections” during the deposition, and the plaintiff herself repeatedly refused to answer clear questions. We conclude that the Supreme Court providently exercised its discretion, upon the defendants' motion pursuant to CPLR 3126 to strike her reply to their counterclaims, by, inter alia, precluding the plaintiff from offering any documents at trial (*see e.g. O'Neill v Ho*, 28 AD3d 626, 627).

March 8, 2011

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The plaintiff's remaining contentions are without merit.

DILLON, J.P., DICKERSON, HALL and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court