

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

D33997
C/kmb

_____AD3d_____

Submitted - February 1, 2012

PETER B. SKELOS, J.P.
THOMAS A. DICKERSON
L. PRISCILLA HALL
SHERI S. ROMAN
JEFFREY A. COHEN, JJ.

2011-07591

DECISION & ORDER

Jennifer J. Rhodes, respondent, v Suzanne M.
Stoddard, appellant.

(Index No. 7462/07)

Eisenberg & Kirsch, Liberty, N.Y. (Robert M. Lefland of counsel), for appellant.

William Pager, Brooklyn, N.Y., for respondent.

In an action to recover damages for personal injuries, the defendant appeals from an order of the Supreme Court, Nassau County (Brandveen, J.), dated March 9, 2011, which denied her motion to compel the plaintiff to provide authorizations for the release of certain medical and employment records and to stay the trial of the action until the defendant has obtained and reviewed the subject records.

ORDERED that the order is affirmed, with costs.

The Supreme Court providently exercised its discretion in denying the defendant's motion, made on the eve of trial and more than one year after the note of issue and certificate of readiness had been filed, inter alia, to compel the plaintiff to provide authorizations for the release of certain medical and employment records. The defendant failed to make any showing that "unusual or unanticipated circumstances" developed subsequent to the filing of the note of issue and certificate of readiness requiring additional pretrial proceedings to prevent substantial prejudice (22

NYCRR 202.21[d]; *Meadow Lane Equities Corp. v Hill*, 63 AD3d 701, 701; *Silverberg v Guzman*, 61 AD3d 955, 956; *Gomez v New York City Tr. Auth.*, 19 AD3d 366, 366; *Blankenship v Schwartz*, 127 AD2d 624, 624).

SKELOS, J.P., DICKERSON, HALL, ROMAN and COHEN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court