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HON. _____

Plaintiff (s),

- against -

**Preliminary Conference
Order for Medical, Dental
and Podiatric Malpractice
Actions**

- (1)
- (2)
- (3)

Index No. _____

Defendant (s).

-----X

APPEARANCES:

Plaintiff: _____

Firm: _____

By: _____ Phone: _____ Fax:* _____

Defendant 1: _____

Firm: _____

By: _____ Phone: _____ Fax:* _____

Defendant 2: _____

Firm: _____

By: _____ Phone: _____ Fax:* _____

Defendant 3: _____

Firm: _____

By: _____ Phone: _____ Fax:* _____

* Not for service purposes

THIS ACTION having come on for a Preliminary Conference pursuant to Rule 202.56 of the Uniform Rules for the New York State Trial Courts in order to establish a schedule for the completion of Disclosure and other

related matters, it is hereby

ORDERED that the action is entitled to a preference pursuant to CPLR § 3403(a)(5), and it is further

ORDERED that each of the Items I, II, III and IV below is to be complied with within the time set forth unless the time is extended by a "so ordered" written stipulation, but in no event may the attorneys extend any deadline more than **one month** except upon application to the Court.

I. INSURANCE INFORMATION

Insurance coverage to be provided with respect to each defendant for all applicable periods in writing within _____ days as follows:

Check applicable box:

- Primary coverage, including policy number and policy coverage periods
- Excess coverage
- Declaration sheets

II. BILL OF PARTICULARS

(a) A Further Verified Bill of Particulars shall be served upon each defendant _____ on or before _____ as to the following items:

(b) Defendants _____ to serve upon plaintiff a Verified Bill of Particulars as to Affirmative Defenses and/or Counterclaims asserted in Answer (where demanded) on or before _____.

III. MEDICAL RECORDS/AUTHORIZATIONS

(a) To be furnished by plaintiff within _____ days:

(b) To be furnished by defendants _____ within _____ days:

Check where applicable:

1. ___ Office records, including reports and correspondence (specify): _____

2. ___ Hospital records (specify): _____
3. ___ Billing records (specify): _____
4. ___ Autopsy report _____
5. ___ Incident report (specify): _____
6. ___ X-ray report/film (specify): _____
7. ___ Curriculum vitae of defendant physician (specify): _____
8. ___ Hospital rules and regulations (specify): _____

9. ___ Other (specify): _____

(c) If not available, Affidavit shall be supplied by defendant or records custodian with personal knowledge which shall set forth a statement concerning the general record keeping practices of the physician/hospital, the date and nature of the search conducted, including efforts undertaken to locate such records, by _____.

(d) If the records described in paragraph (c) above are subsequently located, they shall be promptly supplied to all parties. Any party who fails to produce such item(s) within 30 days prior to trial shall be precluded from introducing the item(s) into evidence, unless good cause is demonstrated.

IV. PHYSICAL EXAMINATIONS

To be held on or before: _____.

Defendants to advise plaintiff in writing of name and address of examining physician within 30 days after plaintiff's deposition. Examination of plaintiff must be conducted within 30 days after such notice has been received and in no event greater than 60 days after deposition of the plaintiff.

Specialty: _____.

Place of Examination: _____.

Defendants shall exchange written reports of their respective examining physician(s) within _____ days of examination.

Plaintiff shall provide defendant with a written report within _____ days of examination of any non-treating physician who examines the plaintiff.

V. DEPOSITIONS

Dates:

(a) Plaintiff, on or before _____.

If not conducted by this date, then plaintiff will be deposed on _____.*

Defendant _____, on or before _____.

If not conducted by this date, then this defendant will be deposed on _____.**

Defendant _____, on or before _____.

If not conducted by this date, then this defendant will be deposed on _____.**

Defendant _____, on or before _____.

If not conducted by this date, then this defendant will be deposed on _____.**

* Inability to obtain all medical records shall not be cause for adjournment. If records subsequently obtained reveal a need for additional information, a further limited deposition may be held.

**This is a date certain and may not be adjourned without approval by the Court upon a showing of good cause.

The deposition of each defendant shall be conducted on the date set forth above even if an earlier scheduled deposition of a defendant was not conducted.

(b) **Depositions of Institutional Defendants:** Within thirty (30) days hereof, plaintiff shall serve its first demand for identification of no more than five (5) health care providers who are referred to or whose names or signatures appear in the medical records. Such demand will enumerate, in order of priority, those individuals whom the plaintiff wishes to depose. Within forty-five (45) days of service of the demand, defendant hospital/entity shall provide the full name, employment status and last known whereabouts of such designated individual(s). Thereafter, where still employed, defendant will produce for deposition: (a) the first designated individual as prioritized by plaintiff, or (b) if no longer employed, defendant shall produce the next such enumerated witness as designated by plaintiff in descending priority.

Those individuals shall be deposed on or before _____.

If not conducted by this date, then those individuals shall be deposed on _____.

(c) **Non-Party Depositions:** In those cases brought on behalf of infant/incompetent, plaintiff shall produce parent/spouse on or before _____, unless within _____ days hereof plaintiff supplies attorney's affidavit as to plaintiff's inability to produce said individual.

(d) **Time and Place:** At 10:00 AM at the Courthouse unless otherwise agreed or ordered.

(e) All questions asked at the deposition must be answered unless they infringe upon a privilege or are patently irrelevant.

VI. OTHER DISCLOSURE*

(a) **Witnesses:** Parties are to exchange names and addresses of all liability and eye-witnesses (other than expert witnesses), adverse party's statement, and photographs within _____ days after the date hereof.

(b) **Employment:** Authorizations for plaintiff's employment records (including a W-2 or income tax return for a period of _____) to be provided within _____ days.

(c) **Collateral Sources:** Plaintiff shall provide authorizations for the following collateral source providers within _____ days:

(Specify): _____

(d) **Discovery Notices:** Responses to the following outstanding Discovery and Inspection **Noti** shall be furnished within _____ days:

(Specify): _____

* This disclosure demand shall be considered ongoing and continuous. If requested items subsequently become available, these are to be supplied immediately, upon receipt of same, to all parties to this action.

VII. EXPERT EXCHANGE

All parties to provide expert witness disclosure pursuant to CPLR § 3101 (d).

VIII. DEATH ACTIONS

In **wrongful death** actions, the plaintiff shall provide the following, as necessary, if it is in the plaintiff 's possession and, if not, authorizations therefor, within _____ days: death certificate, letters of administration or letters testamentary, marriage certificate of surviving spouse, and **atpy** report.

IX. ADDITIONAL DIRECTIVES

APPEARANCE SHEET FOR ADDITIONAL DEFENDANTS

_____ vs. _____
Plaintiff First Named Defendant

Index No. _____ / _____

ADDITIONAL APPEARANCES:

Defendant 4: _____
Firm: _____
By: _____ Phone: _____ Fax:* _____

Defendant 5: _____
Firm: _____
By: _____ Phone: _____ Fax:* _____

Defendant 6: _____
Firm: _____
By: _____ Phone: _____ Fax:* _____

Defendant 7: _____
Firm: _____
By: _____ Phone: _____ Fax:* _____

Defendant 8: _____
Firm: _____
By: _____ Phone: _____ Fax:* _____

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