

INSTRUCTIONS: PLEASE TYPE OR PRINT NEATLY MAKING SURE ALL WRITING IS CLEAR AND LEGIBLE ON EACH COPY

If the parties submit this form 3 business days prior to the scheduled preliminary conference date, completed and executed by all parties, and the Court finds no problems, counsel need not appear. This form may be uploaded to the NYSCEF file in NYSCEF matters, or in other matters where NYSCEF is not available or a party has opted out of NYSCEF, it may be sent by mail, facsimile to (914)995-2194 or by email to PreliminaryConferenceWestchester@nycourts.gov.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

PRELIMINARY CONFERENCE PART

**PRELIMINARY CONFERENCE
STIPULATION AND ORDER FOR
MEDICAL, DENTAL AND PODIATRIC
MALPRACTICE ACTIONS**

Plaintiff(s)

-against-

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

Defendants.

INDEX NO: _____

R.J.I. DATE: _____

**PRELIMINARY CONFERENCE
DATE:** _____

-----X

BRIEF CASE DESCRIPTION:

APPEARANCES:

Plaintiff(s):	
Firm:	
By:	
Phone:	
Fax:*	
E-mail:*	

*not for service purposes

Defendant 1:	
Firm:	
By:	
Phone:	
Fax:*	
E-mail:*	

*not for service purposes

Defendant 2:	
Firm:	
By:	
Phone:	
Fax:*	
E-mail:*	

*not for service purposes

Defendant 3:	
Firm:	
By:	
Phone:	
Fax:*	
E-mail:*	

*not for service purposes

If there are Defendants #4 or #5 or others in this case, please insert pages for additional parties.

THIS ACTION having come on for a Preliminary Conference pursuant to Section 202.56 of the Uniform Rules of the New York State Trial Courts in order to establish a schedule for the completion of disclosure and other related matters. The parties stipulate and it is hereby:

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

ORDERED that there is to be timely compliance with each of the items below within the time set forth unless the time is extended by a **“so-ordered” OR court-approved written stipulation.**

I. INSURANCE INFORMATION

Insurance coverage information shall be provided in writing with respect to each defendant for all applicable periods within thirty (30) days as follows [check applicable spaces]:

- _____ Primary coverage, including insurance carrier, policy number(s) and policy coverage periods;
- _____ Excess coverage, including insurance carrier, policy number(s) and policy coverage periods; and

II. BILLS OF PARTICULARS

- (a) Plaintiff shall serve a Verified Bill of Particulars upon defendant(s) within twenty (20) days;
- (b) Defendant(s) shall serve upon plaintiff a Verified Bill of Particulars as to the affirmative defenses and/or counterclaims in the Answer(s) (when demanded) within twenty (20) days.

III. MEDICAL RECORDS AND AUTHORIZATIONS

(a) To be provided by the plaintiff:

(1) HIPAA compliant medical authorizations shall be furnished to defendant(s) within twenty (20) days for all medical providers who have treated the plaintiff for the alleged injuries including: _____

(2) HIPAA compliant medical authorizations shall be furnished to defendant(s) within twenty (20) days for all plaintiff's medical insurance providers (including Medicare, Medicaid and any private health insurance carriers) listing the name of the insurance carrier and member identification number;

(3) HIPAA compliant authorizations shall be furnished to defendant(s) within twenty (20) days for all plaintiff's radiographic studies;

(4) HIPAA compliant authorizations shall be furnished to defendant(s) within twenty (20) days for all plaintiff's medical providers' billing records.

(b) To be provided by the defendant(s):

(1) Within twenty (20) days of receipt of a HIPAA compliant authorization each defendant shall exchange with the plaintiff and all co-defendants a **complete certified** copy of all of the defendant's records pertaining to the plaintiff including all written and electronic records. Any request for payment shall be made within twenty (20) days of receipt of the authorization including the payment option of providing the records on a disc, if available. Failure to demand payment shall not delay the exchange of the records.

VIII. COMPLIANCE CONFERENCE

There will be a First Compliance Conference on _____.
(within five (5) months of the date of this Order).

IX. NOTE OF ISSUE

The Note of Issue and Certificate of Readiness shall be filed on or before _____.
(Pursuant to 22 NYCRR §202.19, all disclosure must be completed and the Note of Issue filed within 15 months of the filing of the Request for Judicial Intervention).

X. SUMMARY JUDGMENT AND/OR OTHER DISPOSITIVE MOTIONS

Motions for Summary Judgment and/or other dispositive motions shall be made pursuant to the Westchester County Supreme Court Differentiated Case Management Protocol. This stipulation supercedes the statutory stay in CPLR 3214 for dispositive motions made pursuant to CPLR 3211, 3212 or 3213.

XI. FURTHER DIRECTIVES: It is

ORDERED that attorneys seeking rulings on objections or making application for any other relief pertaining to the depositions shall communicate with the Compliance Part by email to arrange a conference call with a Court Attorney-Referee in an attempt to resolve disputes and shall make no motion in the absence of a conference with the Court and a good faith effort to resolve the matter without unnecessary motion practice; and it is further

ORDERED that once begun, a deposition shall continue until completed and shall not be adjourned without further order of the Court, unless all parties agree that the adjournment of such deposition does not delay or otherwise impede any party's ability to perform or enforce any of the terms of this Stipulation; and it is further

ORDERED that pursuant to 22 NYCRR §202.28, defendant is directed to file a stipulation or statement of discontinuance with the Court within (a) 30 days of the making of the payment required as a condition of the discontinuance; or (b) 30 days of the discontinuance in the event no payment is required as a condition of the discontinuance; and it is further

ORDERED that no adjournments of any time directive above shall be permitted without the permission of the Court; and it is further

ORDERED that the failure of any party to perform any of the requirements contained in this Stipulation shall not excuse any other party from performing any other requirement contained herein. Failure to comply with any provision of this Stipulation may result in sanctions as authorized by CPLR 3126.

Dated: _____

SO STIPULATED:

Plaintiff: _____

Defendant #1: _____

Printed Name: _____

Printed Name: _____

Firm Name: _____

Firm Name: _____

Defendant #2: _____

Defendant #3: _____

Printed Name: _____

Printed Name: _____

Firm Name: _____

Firm Name: _____

Defendant #4: _____

Defendant #5: _____

Printed Name: _____

Printed Name: _____

Firm Name: _____

Firm Name: _____

SO ORDERED:

HON. JOAN B. LEFKOWITZ, J.S.C.