

**SUPREME COURT OF THE STATE OF NEW YORK,  
COUNTY OF NEW YORK: PART 3**

-----X

**Present:**  
**Hon. Joel M. Cohen**

**Plaintiff(s)**

- against -

**Index No:** \_\_\_\_\_

**RJI Filing Date:** \_\_\_\_\_

**DCM Track:**

**Defendant(s)**

-----X

- Expedited**
- Standard**
- Complex**

**PRELIMINARY CONFERENCE ORDER**

**I. APPEARANCES:**

**Plaintiff:**

\_\_\_\_\_  
\_\_\_\_\_

**Defendant(s):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**II. CONFIDENTIALITY AGREEMENT AND ORDER**

Do the parties anticipate the need for a Confidentiality Order?  Yes  No

If yes, have the parties entered into a Confidentiality Agreement?  Yes  No

If needed, the parties are directed to use the Model Confidentiality Agreement found in Attachment B of the Rules of the Trial Courts found at:

[https://www.nycourts.gov/rules/trialcourts/202.70\(g\)%20-%20Rule%2011-g%20\(attachment\).pdf](https://www.nycourts.gov/rules/trialcourts/202.70(g)%20-%20Rule%2011-g%20(attachment).pdf)

### III. PRE-ANSWER MOTIONS

Have any Pre-Answer Motions been filed?  Yes  No

If yes, has a Decision been rendered by the Court?  Yes  No

If yes, has the Decision been appealed?  Yes  No

What Causes of Action remain:

\_\_\_\_\_  
\_\_\_\_\_

### IV. FACT DISCOVERY

**This Part strictly adheres to all discovery end dates. Parties should be prepared to complete discovery and file Note of Issue by the date provided herein absent extraordinary circumstances and upon good cause shown.**

**Parties confirm that they understand this:**

**Plaintiff(s)**  Yes  No

**Defendant(s)**  Yes  No

1. The End Date for Fact Discovery is: \_\_\_\_\_ (For “expedited track” cases, absent extraordinary circumstances and a showing of good cause, this date shall be no more than **3 months** from today’s conference date; For and “standard track” cases, absent extraordinary circumstances and a showing of good cause, this date shall be no more than **4 months** from today’s conference date for “complex cases”, absent extraordinary circumstances and a showing of good cause this date shall be no more than **6 months** from today’s conference date.
2. All parties, on or before, \_\_\_\_\_, shall serve Demands for discovery, including document demands, Notices to Admit, and Interrogatories (if applicable).
3. All parties, on or before \_\_\_\_\_, are to provide written responses, document production and/or objections to all discovery demands.
4. All parties and non-parties are to be deposed by \_\_\_\_\_.

## V. EXPERT DISCOVERY

Parties are to serve CPLR 3101(d) expert disclosure by \_\_\_\_\_  
(absent extraordinary circumstances and a showing of good cause date not to exceed 45  
Days following the close of Fact Discovery).

## VI. END DATE FOR ALL DISCOVERY

Parties are to complete all discovery no later than \_\_\_\_\_  
(absent extraordinary circumstances and a showing of good cause date not to exceed 14  
days following close of Expert Discovery).

Parties may stipulate to modify the *intermediate* deadlines set forth in Sections III and IV  
above. However, any proposed extension of the End Date for All Discovery must be  
requested by Order to Show Cause and must demonstrate good cause for the requested  
extension. If stipulated extensions to intermediate deadlines have created the proposed  
need for an extension of the End Date, the request for such an extension is unlikely to be  
granted. In other words, parties who stipulate to extension of intermediate discovery  
deadlines do so at their own risk.

## VII. NOTE OF ISSUE

Parties are to file Note of Issue by \_\_\_\_\_ (for “expedited”  
matters absent extraordinary circumstances and a showing of good cause this date shall be  
no later than **7 months** from the RJI filing; for “standard track” matters absent  
extraordinary circumstances and a showing of good cause this date shall be no later than **8  
months** from the RJI filing for “complex track” matters absent extraordinary circumstances  
and a showing of good cause this date shall be no later than **10 months** from the RJI filing).

**NOTE: Absent extraordinary circumstances and with good cause shown, the Note of  
Issue filing deadline will NOT be adjourned.**

## VIII. DISPOSITIVE MOTION PRACTICE

Parties are to file Motions for Summary Judgment by \_\_\_\_\_ (absent  
extraordinary circumstances and a showing of good cause this date shall be no more than

\_\_\_\_\_ v. \_\_\_\_\_  
Index No: \_\_\_\_\_

Page: \_\_\_\_\_ of \_\_\_\_\_  
Date: \_\_\_\_\_

30 days following the filing of Note of Issue).

**IX. COMPLIANCE CONFERENCE**

Parties are to return for a Compliance Conference on \_\_\_\_\_ (to be set by Court).

**FAILURE TO COMPLY WITH ANY OF THESE DIRECTIVES MAY RESULT IN THE IMPOSITION OF COSTS OR SANCTIONS OR OTHER ACTION AUTHORIZED BY LAW. WHILE DISCOVERY END DATES, NOTE OF ISSUE FILING DATES AND DISPOSITIVE MOTION FILING DEADLINES MAY NOT BE ADJOURNED EXCEPT WITH ADVANCE APPROVAL OF THE COURT, INTERIM DEADLINES (I.E. DEPOSITION DATES AND EXCHANGE OF DOCUMENT DISCOVERY) MAY BE AMENDED ONLY IF ALL PARTIES CONSENT.**

**Plaintiff:** \_\_\_\_\_

**Defendant:** \_\_\_\_\_

**Defendant:** \_\_\_\_\_

**Defendant:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**SO ORDERED:**

\_\_\_\_\_  
**J.S.C.**