

**Bronx County Supreme Court
COMPLIANCE CONFERENCE ORDER**

Present: Hon. Raymond P. Fernandez

_____X

Index No. _____

Plaintiff(s),

~against~

Date RJI filed: _____

Defendant(s),

_____X

UPON the Preliminary Conference Order dated _____, and following a Compliance Conference held on _____, and it appearing that disclosure was previously ordered herein and has not been completed, or that additional disclosure is warranted, it is hereby

ORDERED that disclosure shall proceed and be completed in accordance herewith; and it is further

ORDERED that proceedings directed herein shall be completed on or before the dates set forth. No adjournments, postponements or alterations of this order are permitted without the Court's written approval, and none may be had upon the stipulation of the parties alone; and it is further

ORDERED that disclosure demands now known to be necessary which are not raised at this conference are deemed to be waived, unless otherwise ordered by the Court; and it is further

ORDERED that any statutory stays of disclosure due to the pendency of motions pursuant to CPLR §§ 3211, 3212 and 3213 are vacated; and it is further

ORDERED that any parties failing to appear at this conference shall be bound by the terms of this order; and it is further

ORDERED that the outstanding discovery shall be provided as follows:

1. INSURANCE COVERAGE: To be provided by _____.

2. BILL OF PARTICULARS: ☐ A. Response to be provided by _____.

Dated: _____

☐ B. Supplemental Bill of Particulars as to items:

to be served by _____.

☐ C. D & I by _____ to be served by _____.

☐ D. Responses to _____'s D & I dated _____
to be served by _____.

3. AUTHORIZATIONS: ☐ A. For Medical Records (specifically for _____
_____)

to be served by _____.

☐ B. Authorizations for Plaintiffs:

☐ Employment Records.

☐ W-2 Records for Period _____.

☐ Other (specify) _____.

to be served by _____.

☐ C. For _____

to be served by _____.

4. EXAMINATION
BEFORE TRIAL:

☐ Plaintiff

☐ Defendant

☐ All Parties

☐ A. To be held on _____ at _____ ☐am / ☐pm
at _____ or unless otherwise

agreed, the Bronx Supreme Court Building, room 118.

Any EBT's not completed on said date will be continued

on _____.

☐ B. Limitations: _____
_____.

☐ C. Post EBT demands to be served by _____

and must be responded to by _____.

NOTE:
NO POSTPONEMENTS
ARE PERMITTED
WITHOUT COURT
APPROVAL

FAILURE TO COMPLY WITH THIS SCHEDULE WILL RESULT IN THE PRECLUSION OF THE
OFFENDING PARTY OR WAIVER OF EBT BY NON-APPEARING PARTY, UNLESS
OTHERWISE ORDERED BY THE COURT.

5. PHYSICAL
EXAMINATION:

- ☐ A. Defendant to designate physician(s) in writing by _____.
 - ☐ B. Examination to be held by _____.
 - ☐ C. Copy of physician's report to be furnished within 30 days of examination.
- **FAILURE TO TIMELY DESIGNATE WILL RESULT IN A WAIVER OF SUCH EXAMINATION, UNLESS OTHERWISE ORDERED BY THE COURT.**
 - **FAILURE TO COMPLY WILL RESULT IN PLAINTIFF'S PRECLUSION FROM OFFERING ANY EVIDENCE AT TRIAL REGARDING THEIR PHYSICAL CONDITION, UNLESS OTHERWISE ORDERED BY THE COURT.**

6. OTHER
DISCLOSURE:

- ☐ A. None.
- ☐ B. All parties to exchange names and addresses of all witnesses, opposing parties' statements and photographs. If none, an affirmation to that effect shall be exchanged by _____.
- ☐ C. Other: _____

_____ to be served by _____.

and it is further

ORDERED that plaintiff _____ shall serve and file a Note of Issue and Certificate of Readiness on or before _____. The failure to file a Note of Issue as required by this order may subject the plaintiff to fines. Plaintiff may not file a Note of Issue unless all discovery due by plaintiff has been completed pursuant to this order. A party that files a Note of Issue where that party has not complied with this order may be subject to costs and/or sanctions; and it is further

ORDERED that the Court will require strict adherence to 22 NYCRR 202.20-f and any motion not supported by an affidavit or affirmation in conformance with Section 202.20-f(b) will be denied with leave to renew upon proper papers.

ORDERED that failure to comply with the directives and schedule detailed herein will result in either *a waiver of the item requested or the preclusion of items or testimony of the offending party's evidence at the time of trial* and/or *the imposition of costs and sanctions*, unless otherwise ordered by the Court.

DATED: _____

ENTER: _____

Hon. Raymond P. Fernandez, AJSC