

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

**PRESIDING: HON.** \_\_\_\_\_  
-----X

Index No. \_\_\_\_\_

Plaintiff(s),

**SUMMARY JURY TRIAL**

-against-

**PRE-TRIAL ORDER**

Defendant(s).  
-----X

The Court hereby orders as follows in accordance with the procedures for Summary Jury Trials in this County:

I

NATURE OF ACTION AND JURISDICTION

This is an action for personal injuries allegedly sustained by the plaintiff(s) as a result of an accident which occurred on \_\_\_\_\_.

The jurisdiction of the Court is not disputed and is invoked pursuant to the Stipulation for a Summary Jury Trial entered into by and between the parties herein dated \_\_\_\_\_, which is annexed as Exhibit A.

II

EXHIBITS TO THE ORDER

The following have been submitted and are made a part of this Order:

- 1) Marked copies of the pleadings are annexed as Exhibit B.
- 2) A written statement of the stipulated or uncontested facts signed by the attorneys for the parties is annexed as Exhibit C.

3) A written waiver of claims and defenses which have been abandoned by the parties is annexed as Exhibit D.

4) A written statement as to the contested issues of fact or law is annexed as Exhibit E.

5) Separate lists of the witnesses whom the plaintiff(s) and defendant(s) will call at the trial of the action on that party's (s') case or defense are annexed as Exhibit F and Exhibit G, respectively.

6) Separate lists identifying exhibits, documents, and photographs that each party will rely upon at the trial of the action on that party's (s') case are annexed as Exhibit H and Exhibit I for plaintiff(s) and defendant(s), respectively.

7) Separate lists of the medical records or reports that each party will rely upon at trial, together with an identification of each expert and a statement of his or her field of expertise, are annexed as Exhibit J and Exhibit K for plaintiff(s) and defendant(s), respectively.

8) An itemized statement of all special damages claimed on behalf of plaintiff(s) is annexed as Exhibit L.

9) Annexed as Exhibit M is \_\_\_\_\_.

10) Additional Directives: \_\_\_\_\_

\_\_\_\_\_.

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

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

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

-----X

Index No. \_\_\_\_\_

Plaintiff(s),

-against-

**SUMMARY JURY TRIAL  
STIPULATION**

Defendant(s).

-----X

IT IS HEREBY STIPULATED AND AGREED BY THE PARTIES AND THEIR ATTORNEYS THAT THIS MATTER SHALL BE TRANSFERRED TO THE SUMMARY JURY TRIAL PROGRAM FOR TRIAL IN ACCORDANCE WITH THE PROCEDURES THEREOF AND THAT:

1. The signatories hereto represent that they have the authority of their respective clients and/or insurance carriers to enter into this stipulation.
2. The jury's finding in this matter will be final and irrevocably binding and there is no right to appeal nor, except as provided in the Statement of Procedures with respect to a mistrial, any right to request the trial judge to change or modify the jury's verdict.
3. The amount of the defendant's (s') insurance coverage is \_\_\_\_\_.
4. [Cross out any inapplicable portion of this paragraph]:
  - (a) There is no right to recover any amount of money in excess of the defendant's (s') insurance policy (policies) regardless of the amount of money that the jury awards in its verdict.

OR

- (b) It has been agreed between the parties that, no matter what the jury may award in its verdict, the plaintiff(s) shall receive no more than \$ \_\_\_\_\_ as the highest possible award and that defendant(s) shall have to pay at least \$ \_\_\_\_\_.

EXHIBIT A

5. The date that will be assigned for the Summary Jury Trial is a date certain and counsel and parties must be present on that date in order to participate in the trial.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Phone Number(s)

\_\_\_\_\_  
Phone Number(s)

Attorneys for Plaintiff(s)

Attorneys for Defendant(s)

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Client Signature

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

## **PLEADINGS**

**EXHIBIT B**

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

-----X

Index No. \_\_\_\_\_

Plaintiff(s),

-against-

Defendant(s).

**SUMMARY JURY TRIAL**

**STATEMENT OF  
STIPULATED OR  
UNCONTESTED FACTS**

-----X

The parties to this action hereby stipulate and agree to the following uncontested facts:

1. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

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4. \_\_\_\_\_

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number(s)

Attorneys for Plaintiff(s)

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number(s)

Attorneys for Defendant(s)

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

-----X

Index No. \_\_\_\_\_

Plaintiff(s),

-against-

Defendant(s).

-----X

**SUMMARY JURY TRIAL**

**WAIVER OF  
CLAIMS AND DEFENSES**

The parties to this action hereby stipulate and agree to waive claims and defenses herein as follows:

1. \_\_\_\_\_

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

2. \_\_\_\_\_

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



3. \_\_\_\_\_

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4. \_\_\_\_\_

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_  
Phone Number(s)

Attorneys for Plaintiff(s)

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_  
Phone Number(s)

Attorneys for Defendant(s)

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

-----X

Plaintiff(s),

-against-

Defendant(s).

-----X

Index No. \_\_\_\_\_

**SUMMARY JURY TRIAL**

**STATEMENT OF  
CONTESTED ISSUES OF  
FACT AND LAW - -  
MOTOR VEHICLE CASE**

The Parties to this action hereby stipulate and agree to the following Statement of Contested Issues of Fact and Law:

1. Was the defendant(s) negligent?
2. What is the amount of the defendant's (s') negligence as a proximate cause of plaintiff's (s') injuries?
3. Did the plaintiff sustain significant limitation of use of body function or system ?
4. Did the plaintiff(s) sustain a permanent consequential limitation of use of body organ or member ?
5. Did the plaintiff(s) sustain a non-permanent, medically-determined injury that prevents performance of usual and customary daily activities for 90 of 180 days immediately subsequent to injury?

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Attorney for Plaintiff(s)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Attorney for Defendant(s)

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

EXHIBIT E

Case: \_\_\_\_\_

Index No. \_\_\_\_\_

**PLAINTIFF'S (S') LIST OF WITNESSES**

Pursuant to the Pre-Trial Order in the case captioned above, the plaintiff(s) states (state) that the plaintiff(s) will call the following witnesses:

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

Case: \_\_\_\_\_

Index No. \_\_\_\_\_

**DEFENDANT'S (S') LIST OF WITNESSES**

Pursuant to the Pre-Trial Order in the case captioned above, the defendant(s) states (state) that the defendant(s) will call the following witnesses:

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

Case: \_\_\_\_\_

Index No. \_\_\_\_\_

**PLAINTIFF'S (S') LIST OF EXHIBITS, DOCUMENTS, AND PHOTOGRAPHS**

Pursuant to the Pre-Trial Order in the case captioned above, the plaintiff(s) states (state) that the following constitute the exhibits, documents, and photographs that the plaintiff(s) will rely upon at trial:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

EXHIBIT H

7/24/09

Case: \_\_\_\_\_

Index No. \_\_\_\_\_

**DEFENDANT'S (S') LIST OF EXHIBITS, DOCUMENTS, AND PHOTOGRAPHS**

Pursuant to the Pre-Trial Order in the case captioned above, the defendant(s) states (state) that the following constitute the exhibits, documents, and photographs that the defendant(s) will rely upon at trial:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

EXHIBIT I

7/24/09

Case: \_\_\_\_\_

Index No. \_\_\_\_\_

**PLAINTIFF'S (S') LIST OF MEDICAL RECORDS AND REPORTS  
(WITH EXPERT IDENTIFICATION)**

Pursuant to the Pre-Trial Order in the case captioned above, the plaintiff(s) states (state) that the following constitute (i) the medical records and reports that the plaintiff(s) will rely upon at trial and (ii) the identification of each expert required by said Order:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

EXHIBIT J

7/24/09

Case: \_\_\_\_\_

Index No. \_\_\_\_\_

**DEFENDANT'S (S') LIST OF MEDICAL RECORDS AND REPORTS  
(WITH EXPERT IDENTIFICATION)**

Pursuant to the Pre-Trial Order in the case captioned above, the defendant(s) states (state) that the following constitute (i) the medical records and reports that the defendant(s) will rely upon at trial and (ii) the identification of each expert required by said Order:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

EXHIBIT K



Case: \_\_\_\_\_

Index No. \_\_\_\_\_

**PLAINTIFF'S (S') ITEMIZED STATEMENT OF ALL  
SPECIAL DAMAGES CLAIMED ON BEHALF OF  
PLAINTIFF FROM THE DATE OF ACCIDENT  
TO THE PRESENT**

Pursuant to the Pre-Trial Order in the case captioned above, the plaintiff(s) states (state) that the following constitute all special damages claimed on behalf of plaintiff(s) from the date of the accident to the present:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

EXHIBIT L

7/24/09