

Parties may avoid an appearance by completing and submitting this form at least two (2) business days prior to the scheduled preliminary conference date. This form may be uploaded to NYSCEF and a courtesy copy sent by email to ChambersRMuller@nycourts.gov. In non-NYSCEF matters, or where a party has opted out of NYSCEF, it may be sent by mail or by email to ChambersRMuller@nycourts.gov.

Actions that qualify for Presumptive Alternative Dispute Resolution (ADR) may require an appearance (see page 2).

STATE OF NEW YORK
SUPREME COURT COUNTY OF

Plaintiff(s),

v.

Defendant(s).

**PRELIMINARY CONFERENCE
STIPULATION and ORDER**
(Uniform Rules §§ 202.8 and 202.12)

Index No.
RJI No.

Presiding: HON. ROBERT J. MULLER, J.S.C.

*Print Actual Date
(Not "30 days" etc.) or
"N/A" if Not Applicable*

It is hereby Stipulated and Ordered that disclosure shall proceed as follows:

(1) Nature of Case:

(a) Plaintiff(s) claims: _____

(b) Defendant(s) claims/defenses: _____

**IT IS PRESUMED THAT ALL CIVIL CASES WILL PARTICIPATE IN ADR
UNLESS GOOD CAUSE IS SHOWN WHY A PARTICULAR CASE SHOULD BE
EXEMPTED.**

To that end, an appearance will be required at the preliminary conference unless a proposed ADR Order is submitted simultaneous with this form.

Information on ADR is available online at <https://ww2.nycourts.gov/courts/4JD/ADR.shtml>.
A list of the Fourth Judicial District's roster of neutrals is available upon request.

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(2) Electronic Discovery (*see* 22 NYCRR § 202.12 [c] [3])

Check either box (a), (b) or (c):

- (a) ☐ There is no Electronic Discovery required; or
- (b) ☐ The parties have prepared and attached a separate Electronic Discovery Stipulation and Order establishing the method and scope of any electronic discovery pursuant to 22 NYCRR § 202.12(c)(3); or
- (c) ☐ An Electronic Discovery Conference shall be held on _____ at _____

(To be filled in by Court)

(3) Insurance Coverage:

Amount _____

If not yet provided, _____ shall disclose in writing the existence and contents of any insurance agreement as described in CPLR 3101 (f) on or before _____.

- ☐ Not applicable ☐ Previously provided

(4) Demands for Bill of Particulars shall be served on or before _____.

(5) Bills of Particulars shall be served on or before _____.

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(6) Medical Reports and Authorizations shall be served on or before _____.

(7) Physical Examination of _____
shall be completed on or before _____.

A copy of the Physician's Report shall be furnished to Plaintiff within _____ days of the examination.

(8) Check either box (a) or (b):

(a) ☐ Depositions shall be held as follows:

Deponent	Place
_____	on _____.
_____	on _____.
_____	on _____.

or

(b) ☐ The parties shall set a schedule for Depositions, which are to be held no later than _____.

The parties shall provide the Court with the schedule.

(Check box if it applies)

☐ If one deposition fails to take place as scheduled, the remaining parties' depositions shall nonetheless proceed as scheduled, except that the priorities between the plaintiff and defendant shall be preserved.

(9) All parties shall exchange names and addresses of all eyewitnesses and notice witnesses, statements of opposing parties and photographs, or if none, provide an affirmation to the effect, by _____.

(10) Authorizations for Plaintiff's employment records for the period _____ to _____ shall be furnished on or before _____.

*Print Actual Date
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(11) Demands for Discovery and Inspection and Interrogatories shall be served on or before _____.

The items sought shall be produced to the extent not objected to, and objections, if any, shall be stated on or before _____.

(12) Accident Reports prepared in the regular course of business shall be exchanged pursuant to CPLR 3101(g) on or before _____.

(13) Plaintiff shall provide authorizations for the following collateral source of payment providers pursuant to CPLR 4545 as follows:

_____	by _____.
_____	by _____.
_____	by _____.
_____	by _____.

(14) Motion(s) to Amend Pleadings or to Add Party(ies) shall be filed with the Court no later than _____.

(15) END DATE FOR ALL DISCLOSURE, other than Expert Disclosure, shall be within 12 months of date of Preliminary Conference _____.

(16) Expert Disclosure shall be provided by Plaintiff 90 days before Trial.
Expert Disclosure shall be provided by Defendant 60 days before Trial.

(17) A Compliance Conference shall be held on _____.
(To be filled in by Court)

At least three days prior to the conference, each party shall have delivered to the Court a summary (no longer than two pages) of your contentions of the facts, liability, damage and defenses. **Please note that the conference will not proceed in the absence of a summary from each party.**

(If all of the disclosure requirements have been complied with and each attorney submits a letter to that effect to be received by the Court at least two (2) business days before the scheduled date, no appearance will be necessary.)

And it is further Stipulated and Ordered that

*Print Actual Date
(Not "30 days" etc.) or
"N/A" if Not Applicable*

- (18) A Trial Note of Issue and Certificate of Readiness, together with a copy of this Preliminary Conference Stipulation and Order, an Affirmation stating that the terms and conditions of this Preliminary Conference Stipulation and Order have been complied with, and an Affidavit of Service of the same upon the other parties shall be filed by _____ on or before _____.
(Must be within thirty (30) days of End Date for All Disclosure)
- (19) Any Dispositive Motion(s) pursuant to CPLR 3211 or 3212 shall be filed with the Court no later than (Must be within ninety (90) days of the date for filing of the Trial Note of Issue) and it is further Stipulated and Ordered that
- (20) Should any discovery disputes arise, prior to making a motion pursuant to CPLR 3042, 3124 and/or 3126, the parties shall (a) comply with the good faith requirements of 22 NYCRR § 202.7 and (b) the parties shall contact this Court's Principal Law Clerk, Jennifer P. Jeram, Esq., and conclude a conference with the Law Clerk in an attempt to resolve any such issues;
- (21) The failure of a party to prepare or timely share any of the documents required under this stipulation shall warrant a review of the conduct of that party and/or that party's attorney pursuant to 22 NYCRR Part 130;
- (22) Any failure to comply with any of the directives in this stipulation and order may result in the imposition of costs or sanctions or other action authorized by rule or law, including preclusion, or other sanctions as provided for in CPLR § 3126;
- (23) Where applicable, the parties shall comply with the dates set forth herein concurrently with the dates set forth in the Alternative Dispute Resolution (ADR) Order and any subsequent amendments thereto.
- (24) The parties shall ensure that a Stipulation of Discontinuance shall be promptly filed if the case settles before the next appearance before the Court.

(25) It is further Stipulated and Ordered that (print additional directives):

Attorneys for Plaintiff(s)

Attorneys for Defendant(s)

Attorneys for Defendant(s)

It is SO ORDERED.

Dated: _____, 20__
_____, NY

Hon. Robert J. Muller, J.S.C.