

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

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**Preliminary Conference Order
Part 45**

Plaintiff(s)

Index No. _____

-against-

RJI Filing Date _____

Track: Expedited
 Standard
 Complex

Defendant(s).

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RATHOD PATEL, J.

Counsel and/or parties having appeared before this Court on _____ at a preliminary conference on this matter:

Appearances (Attorney Name, Firm Name, Phone, and Email Address)

Counsel for Plaintiff(s):

Counsel for Defendant(s):

The Court having conducted a Preliminary Conference in the above-entitled action, it is hereby ORDERED as follows, pursuant to the Rules of the Commercial Division and this Court's Practices and Procedures:

1. Confidentiality Agreement and Order

- a. The parties are directed to Commercial Division Rule 11-g and [Appendix B](#) thereto for the form Stipulation and Order for the Production and Exchange of Confidential Information. If the parties propose to deviate from the form Stipulation, the parties shall file (1) a copy of the parties' proposed confidentiality order; (2) a redline of the parties' proposed order to the form Stipulation; and (3) a letter to the Court articulating the reasons for such deviations.

2. Document Production and Interrogatories

- a. Demands for Discovery and Interrogatories shall be served on or before: _____.
- b. Responses to Demands for Discovery with objections and Interrogatories shall be served on or before: _____.
- c. The parties shall produce all documents on a rolling basis and shall complete all document productions, including the production of privilege logs, on or before: _____.
- d. Pursuant to Commercial Division Rule 11-a (a) and (b), the parties are advised that the interrogatories shall be limited both in terms of the topics to be covered and the number of interrogatories permitted (*i.e.*, 25 including subparts). Pursuant to Commercial Division Rule 11-a (d), the Court hereby orders that there shall be no additional interrogatories permitted concerning the claims and contentions of the parties.

3. Exchange of Electronically Stored Information (ESI)

- a. The parties shall execute a stipulation reflecting their agreement as to exchanging ESI by _____, or if there is no agreement or only partial agreement the parties shall notify the Court.

4. Deposition of Oral Questions

- a. All party depositions shall be completed by: _____.
- b. Non-party depositions shall be completed by: _____.

5. Expert Discovery

- a. Parties shall serve expert disclosure on or before: _____.
- b. Expert Discovery shall be completed on or before: _____.

6. Impleader shall be completed on or before: _____.

7. All discovery shall be completed by _____, and any discovery not then completed may be considered waived, precluded, or otherwise as appropriate pursuant to Commercial Division Rule 13(a) and CPLR 3126. The failure to provide a document, or to otherwise provide discovery, may result in preclusion at trial.

8. Trial Readiness Conference and Note of Issue

- a. A Trial Readiness Conference will be held on _____ at _____ in person in Courtroom 428. On this date, a Trial Readiness Order (TRO) will be issued directing that Plaintiff serve and file a Note of Issue and within ten (10) days of the date of the TRO.
- b. The Note of Issue/ Certificate of Readiness shall be filed on or before: _____.

9. Discovery Disputes

- a. Counsel shall comply with this Court’s Practices and Procedures and Commercial Division Rule 14. If counsel, after good faith consultation, cannot resolve a discovery dispute, counsel shall promptly notify the Court *via* letter filed on NYSCEF to schedule a virtual conference, otherwise the issue(s) will be waived. No motion relating to discovery shall be made without the permission of the Court. Neither the existence of any discovery dispute nor the making of any discovery motion shall result in, or justify, any change or adjustment in the dates set forth herein.

10. Motions

- a. Pre-motion conferences are required before making any application to the Court.
 - b. Any dispositive motions shall be served within forty-five (45) days of the filing of the Note of Issue, unless otherwise directed by the Court.
11. The dates set forth herein of the discovery deadline, Trial Readiness Conference, and filing of the Note of Issue may not be adjourned except with the prior approval of the Court.
12. There is no stay of discovery pending motion practice, settlement proceedings, or alternative dispute resolution.

Dated: _____

New York, New York

So Ordered.

Hon. Anar Rathod Patel, A.J.S.C.