

Index No(s): \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)/Petitioner(s)*

-against-

Track: \_\_\_\_\_

\_\_\_\_\_  
*Defendant(s)/Respondent(s)*

Preliminary Conference Order

Appearances:

Counsel for Plaintiff(s)/Petitioner(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Counsel for Defendant(s)/Respondent(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

It is ORDERED that disclosure shall proceed, pursuant to the Rules of the Commercial Division (CD) and the Rules of Commercial Division Part 48 (Part Rules), as follows:

(1) BILL OF PARTICULARS (see CPLR 3130 [1]) and/or Interrogatories (CD Rule 11-a):

(a) Demand for a bill of particulars and/or interrogatories shall be served by \_\_\_\_\_ on or before \_\_\_\_\_;

(b) A responsive bill of particulars and/or answers to interrogatories shall be served by \_\_\_\_\_ on or before \_\_\_\_\_, with any production simultaneous with privilege logs, on a rolling basis, completed no later than \_\_\_\_\_.

(2) DOCUMENT PRODUCTION (See CD Rule 11 et seq., as modified/supplemented by the Part Rules):

(a) Demand for discovery and inspection shall be served by \_\_\_\_\_ on or before \_\_\_\_\_;

(b) Responses to demands shall be served by \_\_\_\_\_ on or before \_\_\_\_\_, with any production of documents simultaneous with privilege logs, conducted on a rolling basis, completed no later than \_\_\_\_\_.

(3) EXCHANGE OF ELECTRONICALLY-STORED INFORMATION (ESI) (See Part Rules, CD Rule 11-c & Appendix A):

The parties will execute a stipulation reflecting their agreement as to exchanging ESI by \_\_\_\_\_ or, if there is no agreement or only partial agreement, an ESI conference will be requested pursuant to the Part Rules.

(4) DEPOSITION ON ORAL QUESTIONS:

(a) All party depositions noticed or agreed to by stipulation on or before \_\_\_\_\_;

(b) Plaintiff(s)/Petitioner(s) deposition(s) shall be held on or completed by \_\_\_\_\_;

(c) Defendant(s)/Respondent(s) deposition(s) shall be held on or completed by \_\_\_\_\_;

(d) Non-Party Depositions, if any, and all fact depositions completed by \_\_\_\_\_.

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(5) OTHER DISCLOSURE AND/OR EXPERT DISCOVERY:

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(6) If any dispute over discovery arises, the parties shall immediately consult and comply with the Part Rules.

(7) DISCOVERY MOTIONS: In order to streamline the discovery process, and to prioritize good faith cooperation over motion practice, the parties hereby stipulate that the prevailing party in any discovery related motion may, subject to the Court's discretion, recover from the non-prevailing party its reasonable attorneys' fees and costs incurred in litigating the motion.

(8) IMPLAIDER: Shall be completed on or before: \_\_\_\_\_.

(9) END DATE FOR ALL DISCLOSURE: \_\_\_\_\_.

(10) MOTIONS: Any dispositive motion(s) shall be made no more than 30 days after the Note of Issue has been filed. There will be no extension of the prescribed 30-day period without extraordinary good cause. ADR does not stay the prescribed period.

(11) NOTE OF ISSUE: The note of issue/certificate of readiness shall be filed by \_\_\_\_\_ with a copy of this order. A note of issue cannot be filed until expert discovery is complete.

(12) Compliance Conference shall be held \_\_\_\_\_.

The dates in this order are final and may not be adjourned absent further order of the court.

ORDERED:

DATE: \_\_\_\_\_

ENTER: \_\_\_\_\_

Hon. Andrea Masley, J.S.C.

ADDITIONAL DIRECTIVES

In addition to the above schedule, it is further ORDERED that:

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DATE: \_\_\_\_\_

ENTER: \_\_\_\_\_

Hon. Andrea Masley, J.S.C.