

**SUPREME COURT OF THE STATE OF NEW YORK,
COUNTY OF NEW YORK: PART 3**

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Present:
Hon. Joel M. Cohen

Plaintiff(s)

- against -

Index No: _____

RJI Filing Date: _____

DCM Track:

Defendant(s)

-----X

- Expedited**
- Standard**
- Complex**

PRELIMINARY CONFERENCE ORDER

I. APPEARANCES:

Plaintiff:

Defendant(s):

II. CONFIDENTIALITY AGREEMENT AND ORDER

Do the parties anticipate the need for a Confidentiality Order? Yes No

If yes, have the parties entered into a Confidentiality Agreement? Yes No

If a Confidentiality Order is needed, subject to the provisions of Commercial Division Rule 11-g, the parties are directed to use: (i) the Stipulation and Order for the Production and Exchange of Confidential Information found in Appendix B of the Commercial Division Rules

(https://www.nycourts.gov/LegacyPDFS/RULES/trialcourts/Appendix%20B_Redacted.p)

df); or (ii) the Standard Form of Confidentiality Order with Attorney’s Eyes-Only Designated found in Appendix F of the Commercial Division Rules ([https://www.nycourts.gov/LegacyPDFS/RULES/trialcourts/202.7\(g\)%20-%20Appendix%20F%20-%20Exhibit%201.pdf](https://www.nycourts.gov/LegacyPDFS/RULES/trialcourts/202.7(g)%20-%20Appendix%20F%20-%20Exhibit%201.pdf)).

III. ACCELERATED ADJUDICATION

Do the parties wish to elect an accelerated adjudication proceeding under Commercial Division Rule 9? Yes No

IV. PRE-ANSWER MOTIONS

Have any Pre-Answer Motions been filed? Yes No

If yes, has a Decision been rendered by the Court? Yes No

If yes, has the Decision been appealed? Yes No

What Causes of Action remain:

V. FACT DISCOVERY

This Part strictly adheres to all discovery end dates. Parties should be prepared to complete discovery and file Note of Issue by the date provided herein absent extraordinary circumstances and upon good cause shown.

Parties confirm that they understand this:

Plaintiff(s) Yes No

Defendant(s) Yes No

1. The End Date for Fact Discovery is: _____ (For “expedited track” cases, absent extraordinary circumstances and a showing of good cause, this date shall be no more than **3 months** from today’s conference date; For and “standard track” cases, absent extraordinary circumstances and a showing of

good cause, this date shall be no more than **4 months** from today's conference date for "complex cases", absent extraordinary circumstances and a showing of good cause this date shall be no more than **6 months** from today's conference date. If an **accelerated adjudication proceeding** is elected, the time period in Commercial Division Rule 9 will govern unless adjusted by the Court.)

2. All parties, on or before, _____, shall serve Demands for discovery, including document demands, Notices to Admit, and Interrogatories (if applicable).
3. All parties, on or before _____, are to provide written responses, document production and/or objections to all discovery demands.
4. All parties and non-parties are to be deposed by _____.

VI. EXPERT DISCOVERY

Parties are to serve CPLR 3101(d) expert disclosure by _____ and Expert Discovery shall be completed by _____ (absent extraordinary circumstances and a showing of good cause date not to exceed 45 Days following the close of Fact Discovery).

VII. END DATE FOR ALL DISCOVERY

Parties are to complete all discovery no later than _____ (absent extraordinary circumstances and a showing of good cause date not to exceed 14 days following close of Expert Discovery).

Parties may stipulate to modify the *intermediate* deadlines set forth in Sections III and IV above. However, any proposed extension of the End Date for All Discovery must be requested by Order to Show Cause and must demonstrate good cause for the requested extension. If stipulated extensions to intermediate deadlines have created the proposed need for an extension of the End Date, the request for such an extension is unlikely to be granted. In other words, parties who stipulate to extension of intermediate discovery deadlines do so at their own risk.

VIII. 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.

IX. NOTE OF ISSUE

Parties are to file Note of Issue by _____ (absent extraordinary circumstances and a showing of good cause this date shall be no later than **2 weeks** from the End Date For All Discovery).

NOTE: Absent extraordinary circumstances and with good cause shown, the Note of Issue filing deadline will NOT be adjourned.

X. DISPOSITIVE MOTION PRACTICE

Parties are to file Motions for Summary Judgment by _____ (absent extraordinary circumstances and a showing of good cause this date shall be no more than 30 days following the filing of Note of Issue).

XI. COMPLIANCE CONFERENCE

Parties are to return for a Compliance Conference on _____ (to be set by Court).

FAILURE TO COMPLY WITH ANY OF THESE DIRECTIVES MAY RESULT IN THE IMPOSITION OF COSTS OR SANCTIONS OR OTHER ACTION AUTHORIZED BY LAW. WHILE DISCOVERY END DATES, NOTE OF ISSUE FILING DATES AND DISPOSITIVE MOTION FILING DEADLINES MAY NOT BE ADJOURNED EXCEPT WITH ADVANCE APPROVAL OF THE COURT, INTERIM DEADLINES (I.E. DEPOSITION DATES AND EXCHANGE OF DOCUMENT DISCOVERY) MAY BE AMENDED ONLY IF ALL PARTIES CONSENT.

_____ v. _____
Index No: _____

Page: _____ of _____
Date: _____

Plaintiff: _____

Defendant: _____

Defendant: _____

Defendant: _____

Dated: _____

SO ORDERED:

Hon. Joel M. Cohen, J.S.C.