

**SUPREME COURT, COUNTY OF SUFFOLK**

**COMMERCIAL DIVISION: IAS PART 44**

**PRESENT:**

**HON. ELIZABETH H. EMERSON**  
**JUSTICE**

\_\_\_\_\_

INDEX NO. \_\_\_\_\_

**against**

**Plaintiff(s),**

**Preliminary Conference  
Stipulation and Order**  
(Section 202.8 [f] and 202.12 of  
the Uniform Rules)

**Defendant(s).**

\_\_\_\_\_

**(All items on the form must be completed unless inapplicable.)**

(1) **Nature of case:**

(a)

(i) Plaintiff's Claims

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

(ii) Amount Demanded

\$ \_\_\_\_\_

(b)

(i) Defendant's Claims/Defenses

\_\_\_\_\_

(ii) Defendant's Claims/Defenses

\_\_\_\_\_

\_\_\_\_\_

- (c)  
(i) Defendant's Claims/Defenses

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

- (ii) Defendant's Claims/Defenses

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

(Add additional sheets, if needed)

It is hereby STIPULATED and ORDERED that disclosure shall proceed as follows:

- (2) **Insurance Coverage (CPLR 3101 [f])** : If not provided, shall be furnished by \_\_\_\_\_ on or before \_\_\_\_\_. Not Applicable \_\_\_\_\_.

- (3) **Bill of Particulars:** (If Relevant) shall be served by \_\_\_\_\_ on or before \_\_\_\_\_.

- (4) **Discovery and Inspection:**

(a) All Demands for Discovery and Inspection (CPLR 3120) shall be served not later than \_\_\_\_\_ days from the date of this Order.

(b) All responses to Discovery and Inspection demands shall be served not later than \_\_\_\_\_ days after receipt of the opposing party(ies) demand(s).

- (5) **Depositions:**

(a) Depositions shall be held as follows:  
(Priority shall be in accordance with CPLR 3106 unless otherwise agreed or ordered)

	<u>Party</u>	<u>Date</u>	<u>Time</u>	<u>Place</u>
(i)	_____	_____	_____	_____
(ii)	_____	_____	_____	_____
(iii)	_____	_____	_____	_____
(iv)	_____	_____	_____	_____
(v)	_____	_____	_____	_____

(Add additional sheets, if needed)

- (b) Unless otherwise agreed or ordered, if a party fails or refuses to be deposed, he/she may not utilize the deposition of the adverse party(ies) at trial in addition to such other sanctions as may be available (CPLR 3126).
- (c) Depositions of non-party witnesses shall not be noticed until the conclusion of all party depositions unless otherwise agreed by all party(ies) or ordered by the Court.

(6) **Other Disclosure:**

- (a) Expert disclosure shall be provided pursuant to CPLR 3101[d]
- (b) Other \_\_\_\_\_.

(7) **Motions:**

- (a) All dispositive motion(s) (CPLR 3211 and 3212) shall be made pursuant to applicable provisions of the CPLR.
- (b) Impleader motion(s) to amend pleadings or to add parties shall be completed on or before \_\_\_\_\_.

(8) **End Date for All Disclosure**, other than expert disclosure \_\_\_\_\_.  
(Set by Court or Part Clerk)

(9) **Compliance/Certification Conference** shall be held on \_\_\_\_\_ (set by Court or Part Clerk).

(10) **Confidentiality/Nondisclosure Agreement:**

- (a) In the event that there is a need for a Confidentiality/Nondisclosure Agreement prior to disclosure, the party(ies) demanding same shall prepare and circulate the proposed agreement. If the party(ies) cannot agree as to same, they shall promptly notify the Court. The failure to promptly seek a confidentiality agreement may result in a waiver of same.

(b) \_\_\_\_\_ anticipates the need for a

Confidentiality Agreement as to the following issues:

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

(11) **Miscellaneous:**

(a) If the matter settles, the Court shall be promptly notified and a courtesy copy of the Stipulation of Discontinuance shall be promptly forwarded to the Court. Failure to comply with any of these directions may result in the imposition of costs, sanctions or other actions authorized by law.

(b) The failure of any party(ies) to perform any of the requirements contained in this Order shall not excuse any other party(ies) from performing any other requirement contained herein.

(c) Each counsel/party acknowledges receipt of the Commercial Division Rules.

(12) This Order includes the attached \_\_\_\_page(s) which is/are incorporated herein by reference.

Attorney for Plaintiff(s) \_\_\_\_\_  
\_\_\_\_\_

Attorney for Defendant(s) \_\_\_\_\_  
\_\_\_\_\_

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

**SO ORDERED:**

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

