

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: CIVIL TERM: PART 12

-----X
IN RE 91ST STREET CRANE COLLAPSE LITIGATION:

Index No. 771000/2010E
Date: 5/3/2011

-----X
THIS DOCUMENT RELATES TO: ALL CASES

-----X

CASE MANAGEMENT ORDER NO. 14

PAUL G. FEINMAN, J.:

EBT Scheduling Order Revisions

Since the court issued CMO #13 on April 22, 2011, several parties have written the court seeking further revisions of the schedule. In revising the deposition schedule, the court has reviewed, in no particular order, letters submitted by the Group 1 Wrongful Death Plaintiffs (Docs. 804 and 809), Sorbara (Docs. 807, 812 and 813), DeMatteis and the City of New York (Doc. 816). In addition, the court has also taken into consideration the various issues brought to its attention at the last compliance conference, on April 7, 2011, by the Group 1 Wrongful Death Plaintiffs, the New York Crane defendants, Brady Marine Repair Co., Howard I. Shapiro & Associates Consulting Engineers, P.C., DeMatteis, Group 2 Plaintiffs, the City of New York and non-party Michael Carbone. The court has balanced the needs of the various parties against the desire to complete these depositions as expeditiously as possible. In the event a party's requests have been overlooked, those issues need not be brought to the court's attention until the next compliance conference, which will be held at 10:00 a.m., on Thursday, May 12, 2011.

The court is assuming that on April 27, 2011 the NY Crane Defendants produced Ron Ledder for the first day of two days of depositions and the on May 2, the New York City Educational

Construction Fund produced Jaime Smarr for the second of two days of depositions.

Accordingly, the deposition schedule set forth in CMO #13 shall be amended as follows, subject to future modifications that this court may make:

Track 1

May 4: NY Crane Defendants - Ron Ledder (day 2)
May 9: Michael Carbone (non-party) (fourth and final date)
May 11: TES, Inc. - Tom Guzzi (day 1)
May 13: City of New York - John Filingeri
May 16: TES, Inc. - Tom Guzzi (day 2)
May 18: Brady Marine Repair Co. - Person #1 (day 1)
May 20: Brady Marine Repair Co. - Person #1 (day 2)
May 23: Brady Marine Repair Co. - Person #2 (day 1)
May 25: City of New York - Ashraf Omran (day 1)
May 27: Brady Marine Repair Co. - Person #2 (day 2)
May 30: No depositions scheduled (Memorial Day)
June 1: City of New York - Ashraf Omran (day 2)
June 6: Testwell, Inc. (day 1)
June 8: Testwell, Inc. (day 2)
June 13: Branch Radiographic Laboratories, Inc. (day 1)
June 15: Branch Radiographic Laboratories, Inc. (day 2)
June 20: 1765 First Associates, LLC (day 1)
June 22: 1765 First Associates, LLC (day 2)
June 27: Leon D. DeMatteis Construction Corp. (day 1)
June 29: Leon D. DeMatteis Construction Corp. (day 2)
July 4: No deposition scheduled (Independence Day)
July 6: Day set aside for depositions that need to be rescheduled
July 11: Sorbara Construction Corp. (day 1)
July 13: Sorbara Construction Corp. (day 2)
July 18: Mattone Group Construction Co. Ltd., Mattone Group Ltd., and Mattone Group LLC (day 1)
July 20: Mattone Group Construction Co. Ltd., Mattone Group Ltd., and Mattone Group LLC (day 2)
July 25: Howard I. Shapiro & Associates Consulting Engineers, P.C. (day 1)
July 27: Howard I. Shapiro & Associates Consulting Engineers, P.C. (day 2)
August 1: New York Rigging Corp. (day 1)
August 3: New York Rigging Corp. (day 2)

August 8: Lucius Pitkin, Inc. (day 1)
August 10: Lucius Pitkin, Inc. (day 2)
August 15: McLaren Engineering Group and M.G., McLaren, P.C. (day 1)
August 17: McLaren Engineering Group and M.G., McLaren, P.C. (day 2)
August 22: Total Safety

The parties remain free to alter this deposition schedule so long as all parties execute a stipulation clearly detailing any such changes and provided that the court is furnished with a copy of such stipulation at least one week in advance of any such amendments. Attached to the stipulation should be a complete revised schedule reflecting the changes. Even where an agreement cannot be reached, any future request for an alteration of a deposition scheduling order must be accompanied by a proposed revised schedule, and an affidavit that the parties have consulted in good faith to work out the issue presented without court intervention or the request will not be considered by the court.

This constitutes the order of the court.

Dated: May 3, 2011
New York, New York



J.S.C.

(91st St. Crane Litigation_CMO 14.wpd)