

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

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IN RE 91ST STREET CRANE COLLAPSE LITIGATION:

Index No. 771000/2010E
Date: 3/22/2012

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THIS DOCUMENT RELATES TO: ALL CASES
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CASE MANAGEMENT ORDER NO. 21

PAUL G. FEINMAN, J.:

I. Next compliance conference:

The next compliance conference is scheduled for Thursday, April 5, 2012, at 2:15 p.m.

II. Hysen Kurtaj's address

At the March 8, 2012 compliance conference, counsel for Group 1 Wrongful Death Plaintiff Kurtaj was directed to provide within 5 days Hysen Kurtaj's last-known address for the six-month period during which he lives in the United States each year, to the extent known. The court has received a copy of a letter providing such notice, and considers this matter resolved.

III. In camera inspection

At the compliance conference held March 8, 2012, counsel for Group 1 Wrongful Death Plaintiff Leo was directed to provide the retainer agreement she entered into with plaintiff in order for the court to conduct an *in camera* review to determine the date of her retention. As of today's date, the court has not received this information. Therefore, Leo's counsel is hereby ordered to produce to the court a copy of the retainer letter for *in camera* inspection by no later than 5:00 p.m. on Thursday, March 29, 2012. The mere fact of Leo's attorney's retention is not privileged and is relevant to the Construction defendants' argument that they believe there is a

potential claim of spoliation of evidence by plaintiff.

IV. The WDPs' request for criminal trial exhibits from New York Crane defendants

Counsel for the New York Crane defendants (including Lomma) agreed that at the end of the criminal trial, they would promptly produce copies of all exhibits from the criminal trial that appear not to have been produced in this action.

V. April 4, 2011 Demands (Doc. 780)

On April 4, 2011, the WDPs served demands on New York Crane and Lomma seeking several categories of documents to the extent they showed the presence or inspection of the New York Crane's Kodiak cranes # 84-052 and # 84-053, from January 1, 2007, through June 6, 2008. The court is unable to discern from the record the extent of the New York Crane defendant's prior responses, if any. If defendants New York Crane and Lomma have not yet formally responded to this set of document demands, it shall do so by Friday, April 13, 2011.

VI. Deposition scheduling

The parties have requested various modifications to the deposition schedule previously set forth in CMO #20. The court finds that the distinction previously used by the court in its case management orders in scheduling depositions between Track 1, Track 2 and Track 3 depositions is no longer necessary. Whether a deposition was previously grouped under one track or another should no longer be determinative of scheduling priority. Therefore, the schedule is now amended as follows, subject to future modifications as the parties may agree to on their own or as may be decided by the court at future compliance conferences:

March 26:	Doran (damages only)
April 6:	No depositions - <i>Good Friday/Passover begins at sundown</i>
April 18:	Mattone Group - Douglas MacLaury (Day #1)
April 20:	Brady Marine - Jose Ramos (Day #1)

April 23: Brady Marine - Jose Ramos (Day #2)
April 25: Rizzocasio (damages only)
May 4: Calabro
May 18: *Odermatt* - Ohayen

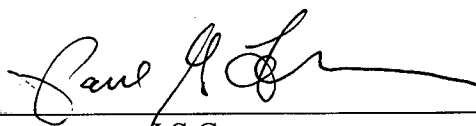
The following party and non-party depositions have been held in abeyance until further notice either due to the ongoing criminal trial, or because of scheduling issues which the parties have identified at a compliance conference:

James Lomma
Tibor Varganyi
Maria Leo
Joe Conneely
Claire Conneely
Summer Lee
Catherine M. Pflieger
Reto Rauschenberg
Matthew Bryant
Wellens & Barnes

In the proposed agenda for the next compliance conference, liaison counsel shall propose a single, jointly drafted schedule for completion of these party and non-party depositions after consultation with liaison counsel for ALL groups.

This constitutes the order of the court.

Dated: March 22, 2012
New York, New York



J.S.C.

(91st St. Crane Litigation_CMO 21.wpd)