

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: 8/8/2011

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THIS DOCUMENT RELATES TO: ALL CASES

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CASE MANAGEMENT ORDER NO. 15

PAUL G. FEINMAN, J.:

Since the last compliance conference was held before the court on July 7, 2011, counsel for the New York Crane defendants, Glenn J. Fuerth, Esq., has written the court to request an adjournment of the August compliance conference, currently scheduled for this Thursday, August 11, 2011, at 2:15 p.m. Mr. Fuerth attaches a so-ordered letter by the judge in the related criminal proceedings setting August 11, and August 12, 2011, as the dates on which criminal defense counsels' expert inspection of the Kodiak crane at issue was to continue. The only parties to object to the requested adjournment are the Wrongful Death Plaintiffs. Because the parties are unable to stipulate to resolve this scheduling dispute, they seek resolution from the court.

Accordingly, it is

ORDERED that the compliance conference previously scheduled for August 11, 2011, is adjourned to Thursday, September 1, 2011 at 2:15 p.m. In the meantime, the parties are strongly encouraged to undertake genuine, good faith efforts to resolve outstanding discovery disputes amongst themselves without requiring judicial intervention; and it is further

ORDERED that the parties must, in addition and prior to e-filing the regular pre-conference agendas, submit a list of all outstanding discovery demands which are in need of a judicial ruling. The list should refer to the specific item claimed to be at issue, and include

references to the applicable e-filing document numbers for all relevant demands, objections, and responses, whether formal or informal. The failure to upload this list to the general litigation's e-filing website by 5:00 p.m. on August 24, 2011, absent a showing of good cause, will result in waiver of such discovery or any otherwise applicable objection; and it is further

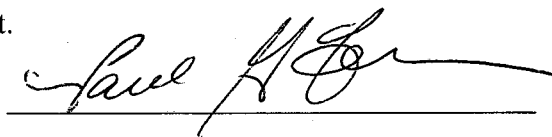
ORDERED that the parties must submit a list of all outstanding party depositions that have not yet been held, along with a proposed schedule for their completion, including those parties whose depositions have previously been adjourned due to the pending criminal case. The parties are expected, as always, to engage in good faith efforts to resolve any scheduling issues prior to drafting their proposals. The proposed schedules should be e-filed no later than 5:00 p.m. on August 24, 2011; and it is further

ORDERED that a separate list of potential nonparty deponents must also be provided. The list should provide a basic description of the proposed nonparty deponent's relation to the issues involved in this matter. For any nonparty deposition that has previously been the subject of a court order or otherwise discussed at a compliance conference held on the record, specific reference must be made to the applicable court order or conference transcript. This information should be e-filed no later than 5:00 p.m. on August 24, 2011. The court cautions, however, that nothing in this decision and order is intended to alter the applicable procedures found in the CPLR concerning noticing and/or objecting to nonparty depositions.

This constitutes the order of the court.

Dated: August 8, 2011

New York, New York



J.S.C.