

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: 10/17/2011

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THIS DOCUMENT RELATES TO: ALL CASES

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CASE MANAGEMENT ORDER NO. 17

PAUL G. FEINMAN, J.:

I. Next Compliance Conference:

The next compliance conference shall be held at 2:15 p.m. on Thursday, November 3, 2011.

II. Deposition Scheduling Order Revisions

At the compliance conference held before the court on October 6, 2011, the parties raised various issues regarding the schedule for any remaining party depositions. For example, certain defendants requested that the court push back the deposition dates for particular Group 2 Plaintiffs that have not yet complied with defendants' discovery requests. In revising the deposition schedule, the court has attempted to take all of the issues raised by the parties into consideration. The schedule provided in Case Management Order #16 is now amended as follows, subject to future modifications that this court may deem fit:

Track 1

- October 12: Lucius Pitkin, Inc. (Day #1)
- October 17: Lucius Pitkin, Inc. (Day #2)
- October 19: Lucius Pitkin, Inc. (Day #3)
- October 24: International Union of Operating Engineers, Local 14-14B (at 12:00 p.m)

Track 2:

October 26: Allstate Insurance Company (subrogors #1, #2 & #3)
 October 28: Allstate Insurance Company (subrogors #4, #5)
 October 31: Allstate Insurance Company (subrogors #6, #7)
 November 2: Doran
 November 4: First & 91st Street LLC
 November 7: Greater New York Mutual Insurance (day #1)
 November 9: Greater New York Mutual Insurance (day #2)
 November 11: *No depositions scheduled - Veterans Day*
 November 14: Greater New York Mutual Insurance (day #3)
 November 16: Odermott - John Odermott
 November 18: Odermott - Noel Allum
 November 28: Taylor
 November 30: Berman
 December 2: Burch - Richard Burch
 December 5: Burch - Stuart Burch and Shannon Toohey
 December 7: Calabro
 December 9: Uke Kurtaj (day #1) (beneficiary in *Sinanaj* case)
 December 12: Conneely - Summer Lee (a.m) and Joshua Nuckols
 December 14: Conneely - Cathie M. Pflieger (a.m) and Tara Price
 December 16: Conneely - Reto Rauschenberger (a.m) and Gil & Sharon Rachlin
 December 19: Conneely - Joe Conneely (a.m) and Claire Conneely
 January 4: Leino
 January 6: Oddo
 January 9: Rizzocasio
 January 11: Wellens
 January 13: Bryant
 January 16: *No depositions scheduled - Martin Luther King Day*

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, or risk not being considered by the court.

III. Additional party and nonparty depositions:

Various parties have requested that additional, specific individuals be produced on behalf of certain parties that have already put forth their designated individual for examination before trial. In some instances, defendants have agreed to produce the requested individual. In other instances, defendants have opposed any further party depositions absent an order from the court. In any case, these additional party deponents will be included in a new deposition track, Track 3. Below the court provides dates for additional party deponents where the parties have agreed to produce the requested individual.

Track 3:

January 18:	Leon D. DeMatteis Construction Corporation - Anthony Corrado (Day #1)
January 20:	<i>No Track 3 depositions - Open date for any necessary Track 2 depositions</i>
January 23:	Leon D. DeMatteis Construction Corporation - Anthony Corrado (Day #2)
January 25:	Sorbara Construction Corp. - William Kell (Day #1)
January 27:	Sorbara Construction Corp. - William Kell (Day #2)
January 30:	Sorbara Construction Corp. - John Boitz (Day #1)
February 1:	Sorbara Construction Corp. - John Boitz (Day #2)
February 3:	Sorbara Construction Corp. - John Sanders (Day #1)
February 6:	Sorbara Construction Corp. - John Sanders (Day #2)
February 8:	Sorbara Construction Corp. - Carmelo Sorbara (Day #1)
February 10:	Sorbara Construction Corp. - Carmelo Sorbara (Day #2)
February 13:	<i>to be determined by subsequent case management order</i>
February 15:	<i>to be determined by subsequent case management order</i>
February 17:	<i>to be determined by subsequent case management order</i>
February 20:	<i>No depositions scheduled - Washington's Birthday</i>
February 22:	<i>to be determined by subsequent case management order</i>

As to those individuals where a party has refused to offer an additional deponent as requested, the court, in subsequent case management orders, will issue rulings on the propriety of the requested deposition and supplement the Track 3 schedule as needed. The schedule for Track


3 shall be independent of the schedules of Track 1 and Track 2. Furthermore, unless otherwise agreed by the parties or ordered by the court, if a deposition of an individual is not completed by the dates allotted for it, then that deposition will continue on the next consecutive date allotted for a deposition within Track 3. The parties are 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.

IV. Other issues

The parties are directed to upload a copy of the transcript from the October 6, 2011, compliance conference as soon as it becomes available. At that time, the court will address any additional issues marked for a ruling but not addressed in this case management order.

This constitutes the order of the court.

Dated: October 17, 2011
New York, New York



J.S.C.

(91st St. Crane Litigation_CMO 17.wpd)