

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

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IN RE 91<sup>ST</sup> STREET CRANE COLLAPSE LITIGATION:

Index No. 771000/10E  
Date: 2/17/2011

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THIS DOCUMENT RELATES TO: ALL CASES  
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**CASE MANAGEMENT ORDER NO. 9**

**PAUL G. FEINMAN, J.:**

Upon consultation with the parties at the compliance conference held February 7, 2011, Case Management Orders No. 4 and No. 6 are modified to the extent that the court unintentionally overrode CPLR 3106(d) and specified which individuals had to be produced by the Lomma entities in the first instance. Thus, while James Lomma himself must appear as previously directed on February 23, 2011 because he is a named individual defendant, the court's CMO No. 6 is amended to delete the direction that the other individually listed Lomma employees (Varganyi, Upton, Quaranta, Signorelli, Marino, Ledder, Hoffman and Isola ) must appear on the dates indicated. Of course, if they are the persons with knowledge proffered by the various Lomma or other corporate entities named in these actions, they can be deposed. For example, the court's recollection is that at the February 7, 2011, the Lomma entities agreed to produce as a person with knowledge, Salvatore Isola. If that is still the case, the deposition of Mr. Isola should be slotted into the first available Lomma slot. After the witness initially proffered by various Lomma entities are deposed, the plaintiffs may renew any request for these or other particular individuals either at a compliance conference or by motion.

All other issues were ruled upon on the record, and the transcript of February 7, 2011 is

deemed incorporated as part of this order.

The parties are reminded that the next compliance conference is currently scheduled for March 10, 2011.

This constitutes the order of the court.

Dated: 2/17/2011  
New York, New York

  
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J.S.C.

(91st St. Crane Litigation\_CMO 9)