

<b>Arner v Derf Cab Corp.</b>
2020 NY Slip Op 32906(U)
May 14, 2020
Supreme Court, New York County
Docket Number: 151731/19
Judge: Adam Silvera
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. ADAM SILVERA PART IAS MOTION 22

Justice

-----X

ANDREW ARNER,
Plaintiff,
- v -
DERF CAB CORP. and NAZMUL HUQUE,
Defendants.

INDEX NO. 151731/19
MOTION DATE 1/9/2020
MOTION SEQ. NO. 001
DECISION/ORDER

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 001) 14, 15, 16, 17, 18, 19, 21, 22, 23, 24

were read on this motion to/for PRECLUDE.

After oral arguments, plaintiff's motion is granted to the extent that defendants deposition shall take place on or before July 22, 2020 by virtual conference. Should defendants fail to appear for such virtual deposition, defendants shall be precluded from testifying at trial and from offering an affidavit in support of, or opposition to, substantive motion practice. This Order is self-executing. Should defendants fail to comply as ordered herein, plaintiff need not make another motion.

Plaintiff hereby voluntarily withdraws his claim for loss of enjoyment of life from the Bill of Particulars.

Plaintiff shall file the Note of Issue on or before August 19, 2020.

Accordingly, it is

ORDERED that plaintiff's motion is granted to the extent that defendants shall appear for a deposition as ordered above or be precluded as specified above; and it is further

ORDERED that within 60 days of entry, plaintiff shall serve a copy of this decision/order upon all parties with notice of entry.

This constitutes the Decision/Order of the Court.

5/14/2020

[Handwritten signature]

DATE

ADAM SILVERA, J.S.C.

CHECK ONE: [ ] CASE DISPOSED [X] NON-FINAL DISPOSITION [X] GRANTED [ ] DENIED [ ] GRANTED IN PART [ ] OTHER
APPLICATION: [ ] SETTLE ORDER [ ] SUBMIT ORDER
CHECK IF APPROPRIATE: [ ] INCLUDES TRANSFER/REASSIGN [ ] FIDUCIARY APPOINTMENT [ ] REFERENCE