

Ai Bee Lim v Cui

2020 NY Slip Op 32930(U)

May 7, 2020

Supreme Court, Queens County

Docket Number: 714516/2018

Judge: Peter J. O'Donoghue

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This opinion is uncorrected and not selected for official publication.

FILED

Index No. 714516 2018 Lim V Cui (May 7, 2020) Justice O’Donoghue

5/12/2020

Short Form Order

12:22 PM

NEW YORK SUPREME COURT - QUEENS COUNTY

**COUNTY CLERK
QUEENS COUNTY**

Present: HONORABLE PETER J. O’DONOGHUE
Justice

IA Part MD

Ai Bee Lim,

x Index
Number 714516 2018

Plaintiff

V

Motion
Date December 11, 2019

James Jian Cui,

Defendant

Motion Seq. No. 1

X

The following papers read on this motion by plaintiff for an order compelling a videotaped deposition of defendant James Jian Cui, M.D. , pursuant to CPLR 3107 and for an award of costs. Defendant Cui cross moves in opposition and seeks a protective order vacating plaintiff’s Amended Notice To Take Video Deposition, pursuant to CPLR 3103.

Papers
Numbered

Notice of Motion-Affirmations-Exhibits.....	EF 10-19
Notice of Cross Motion-Affirmations-Exhibits.....	EF 20-30
Reply/Opposing Affirmation-Exhibits.....	EF 31-32


Upon the foregoing papers the motion and cross motion are determined as follows:

Plaintiff’s motion to compel defendant James Jian Cui, M.D. to appear at a videotaped deposition is granted. Plaintiff is entitled to take a videotaped deposition of said defendant, pursuant to CPLR 3113 and 22 NYCRR 202.15, and the amended notice served

on said defendant complies with 22 NYCRR 202.15 (c). Defendant’s objections to said videotaped deposition are without merit. However, as the date on which said deposition was to be held has long since passed, plaintiff is directed to serve a new notice on said defendant setting forth a date on which to take the videotaped deposition, no later than 45 days from the date of this order. Said deposition may be conducted and taped via a video teleconference, if necessary. That branch of plaintiff’s motion which seeks a one bill of costs is granted.

Defendant’s cross motion for an order of protection is denied in its entirety.

Dated: May 7, 2020


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J.S.C.

FILED

5/12/2020

12:22 PM

**COUNTY CLERK
QUEENS COUNTY**