

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX – PART 4

-----X

PRELIMINARY CONFERENCE ORDER
AND CASE SCHEDULING ORDER

Plaintiff(s),

– against –

Hon. Andrew J. Cohen, J.S.C.

Defendant(s).

Index Number _____

Conference Date _____

-----X

APPEARANCES:

Plaintiff: _____

Firm: _____

By Attorney: _____ Phone: _____

Carrier: _____ Phone: _____ Coverage Amount: _____

Defendant 1: _____

Firm: _____

By Attorney: _____ Phone: _____

Carrier: _____ Phone: _____ Coverage Amount: _____

Defendant 2: _____

Firm: _____

By Attorney: _____ Phone: _____

Carrier: _____ Phone: _____ Coverage Amount: _____

Defendant 3: _____

Firm: _____

By Attorney: _____ Phone: _____

Carrier: _____ Phone: _____ Coverage Amount: _____

**I INSURANCE
COVERAGE:**

To be furnished within _____ days.

**II BILL OF
PARTICULARS:**

1. Not submitted; Bill of Particulars to be served by _____

2. Served: 2(a). Satisfactory 2(b). Unsatisfactory

3. Supplemental Bill of Particulars to be served _____

4. Bill of Particulars for affirmative defenses to be served _____

**III MEDICAL REPORTS
AND HOSPITAL
AUTHORIZATIONS:**

1. Furnished (Except: _____)

2. Medical reports or authorizations for records to be served.

3. Hospital authorizations to be served _____

**IV PHYSICAL
EXAMINATION:**

1(a). Held 1(b). Waived

1(c). Examination of _____
to be held _____
Defendant to designate physician(s) within 21 days of plaintiff's EBT.

2(a). Physician's report furnished.

2(b). Copy of physician's report to be furnished to plaintiff
within _____ days of examination.

V **EXAMINATION BEFORE TRIAL:** 1. Plaintiff Defendant(s) All Parties
 2. To be held at _____
Date _____ Time _____
 3. Held (Except: _____) Waived

VI **OTHER DISCLOSURE:** 1. None
 2. All parties to exchange names and addresses of all witnesses, opposing parties' statements and photographs. If none, an affirmation to that effect shall be exchanged.
 3. Authorizations for plaintiff's employment records (IRS) including W-2 for period(s) _____

 4. _____

 5. To be completed within _____

VII **IMPLEADER ACTIONS:** 1(a). None 1(b). To be commenced _____ days after all EBT's.

VIII **DESIGNATED FOR TRANSFER:** 1(a). CPLR 325(c)
 1(b). CPLR 325(d)

IX **ADDITIONAL DIRECTIVES:** See below for additional directives.

X **ALL PARTIES:** Are directed to complete discovery on or before _____.

XI **MANDATORY COMPLIANCE CONFERENCE.** Will be held on _____.

Absent an extenuating circumstance, a compliance conference ("CC") will be scheduled no later than four (4) months after the so-ordered PC order. Extensions of deadlines set forth by PC order must be requested at a compliance conference and will only be granted upon a showing of good cause.

At least forty-eight (48) hours prior to the compliance conference, the parties may jointly submit a completed proposed compliance conference order ("Part 4-Proposed CCO-fillable.pdf"), **in lieu of appearance**, using the Part's standard form which is available on the Bronx County Supreme Court – Part Rules webpage. The proposed CC order should be filed on NYSCEF by uploading it as Document Type "ORDER (PROPOSED)" with "Request to So Order" in the notes section followed by an email to the part email BxSupCiv-IA4@nycourts.gov, copying all parties and Chambers Staff. The subject line of the e-mail shall read "Proposed CCO: Index Number, Caption." The parties must use this Part's current standard compliance conference form as posted on the website or provided by Chambers Staff.

Parties must appear if the proposed compliance conference order is not filed on NYSCEF at least forty-eight (48) hours in advance of the scheduled compliance conference, if there are any disputes regarding the proposed compliance order, or if there are any pending discovery motions. Failure to appear, reasonably negotiate proposed compliance conference orders, or repeated non-compliance with discovery orders or to disclose may result in the imposition of an appropriate sanction against that party or for other relief pursuant to CPLR § 3126, including dismissal of the action or default against the disobedient party.

XII. NOTE OF ISSUE. The date to file the Note of Issue shall be determined at the final compliance conference. If all parties agree that discovery is complete prior to any scheduled compliance/status conference date, the parties shall submit a stipulation signed by all parties certifying that discovery is complete and providing for the filing of the NOI. The stipulation shall be uploaded to NYSCEF using document type “**STIPULATION-TRIAL READINESS (REQUEST TO SO ORDER)**” and must be emailed with the NYSCEF Confirmation Notice to BxSupCiv-IA4@nycourts.gov at least two (2) days before the said conference. If approved, the Court will “so order” the stipulation and provide a date by which the NOI must be filed. The so ordered stipulation will be processed by the clerk and uploaded to NYSCEF. **Parties MAY NOT file a Note of Issue without court order.** A Note of Issue filed without court order may be stricken *sua sponte*. Plaintiff shall not file a note of issue until all discovery is complete and certified as such by order of this court. Premature filing may result in the note of issue being vacated or the imposition of other sanctions.

XIII. SUMMARY JUDGMENT MOTIONS. Summary judgment motions shall be made no later than 60 days after filing the Note of Issue (CPLR 3212[a]). Motions made before filing the note of issue do not stay the discovery ordered herein.

XIV. TRIAL AUTHORIZATIONS. Properly executed HIPAA-compliant authorizations shall be served on all defendants 120 days before trial.

Parties are encouraged to place their case on e-track at nycourts.gov.

The forgoing constitutes the decision and order of the court.

Dated: _____

Enter: _____
Hon. Andrew J. Cohen, J.S.C.