

**SUPREME COURT OF THE STATE OF NEW YORK
QUEENS COUNTY: COMPLIANCE SETTLEMENT AND CONFERENCE PART**

COMPLIANCE CONFERENCE STIPULATION AND ORDER

PRESENT:

Justice

-----X

Index Number: _____

Conference Cal. No:

-against-

Date RJI Filed: _____

-----X

IS THIS ACTION READY FOR TRIAL? _____ YES _____ NO

APPEARANCES:

Plaintiff/Petitioner: _____

Firm/Attorney of Record: _____

Assigned Attorney: _____

Address: _____

Email: _____

Telephone: _____ Fax: _____

Defendant/Respondent: _____

Firm/Attorney of Record: _____

Assigned Attorney: _____

Address: _____

Email: _____

Telephone: _____ Fax: _____

Defendant/Respondent: _____
Firm/Attorney of Record: _____
Assigned Attorney: _____
Address: _____
Email: _____
Telephone: _____ Fax: _____

Defendant/Respondent: _____
Firm/Attorney of Record: _____
Assigned Attorney: _____
Address: _____
Email: _____
Telephone: _____ Fax: _____

Upon the Preliminary Conference Order dated _____, and following a Compliance Conference held on _____, and it appearing that disclosure previously ordered herein has not been completed, or that additional disclosure is warranted, it is hereby

ORDERED *that all pending discovery-related motions shall be brought to the attention of the Court*, and it is further

ORDERED that disclosure demands now known to be necessary which are not raised in this Order are deemed to be waived, and it is further

ORDERED that disclosure shall proceed and be completed in accordance herewith, and it is further

ORDERED that all proceedings directed herein shall be completed on or before the dates set forth. *No adjournments of the dates set forth herein are to be had without the Court's written approval*, and it is further

ORDERED that any failure to comply strictly with the terms of this order shall be grounds for the striking of pleadings or other relief pursuant to CPLR § 3126, and it is further

STIPULATED and ORDERED as follows:

DOCUMENTS, AUTHORIZATIONS and OTHER DISCOVERY AND INSPECTION:

Bill of Particulars was served	<input type="checkbox"/> YES	<input type="checkbox"/> NO	(If no, Plaintiff / Defendant shall serve on or before: _____.
Supplemental Bill of Particulars required	<input type="checkbox"/> YES	<input type="checkbox"/> NO	(If yes, Plaintiff / Defendant shall serve on or before: _____.
Insurance Coverage was served	<input type="checkbox"/> YES	<input type="checkbox"/> NO	(If no, Plaintiff / Defendant shall serve on or before: _____.
Lien information was served	<input type="checkbox"/> YES	<input type="checkbox"/> NO	(If no, Plaintiff / Defendant shall serve on or before: _____.
Authorizations served	<input type="checkbox"/> YES	<input type="checkbox"/> NO	(If no, Plaintiff / Defendant shall serve on or before: _____.
Specific Authorizations Required _____.			

DEPOSITIONS:

Plaintiff has been deposed	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Defendant has been deposed	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Non-party witness has been deposed	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Parties not yet deposed: _____		

All parties not yet deposed shall appear for deposition on: _____ at _____ o'clock virtually, or as otherwise agreed among the parties. (The date for deposition must be no more than 30 days from the date hereof. Insert any further provisions regarding depositions):

PHYSICAL EXAMINATIONS:

Independent Medical Examination [IME] held ☐ YES ☐ NO

Further IME required ☐ YES ☐ NO

If no Independent Medical Examination has been held, all defendants and other parties desiring to take the physical examination of any plaintiff shall designate, in writing, the physician(s) to take such examination within 30 days of the completion of the plaintiff's deposition, or within 20 days of the date hereof in the event plaintiff's deposition has already occurred.

All physical examinations shall be completed within 60 days of the designation of examining physician(s). Pursuant to 22 NYCRR § 202.17 (c), copies of the reports of the examining physician(s) shall be served on all parties within 45 days after the completion of the examination.

(Insert any further provisions regarding physical examinations below):

and it is further

ORDERED that any further third-party actions shall be commenced promptly upon discovery of the identity of the third-party defendant(s), but not more than 30 days after the completion of depositions, unless for good cause shown, and it is further

ORDERED that parties aggrieved by failures to disclose *must seek prompt relief* or be deemed to have waived the outstanding discovery, and it is further

ORDERED *No motion for discovery shall be made without an Affirmation from the movant that a conference with the Court was first requested and either held or denied; the absence of such an Affirmation shall result in denial of the motion,* and it is further

ORDERED that if plaintiff is a Medicare recipient or Medicare eligible, he/she shall within 30 days provide defendant with copies of all correspondence to Medicare, as evidence of plaintiff's efforts to determine the outstanding claim against said plaintiff/beneficiary should one exist, e.g. final demand or conditional summary from the Centers for Medicare and Medicaid Services, and it is further

ORDERED *that plaintiff(s) shall provide fresh HIPAA-compliant authorizations for release of medical records not later than 60 days before trial,* and it is further

ORDERED that summary judgment motions shall be filed no later than 120 days after filing the Note of Issue unless otherwise directed by the Court, and it is further

ORDERED that a Note of Issue shall not be filed until the Court directs or the parties certify, via stipulation and/or Certification Order, that all discovery is complete, and it is further

ORDERED that any statutory stays for disclosure due to the pendency of motions pursuant to CPLR 3211, 3212 and 3213 are vacated, and all parties are stayed from moving for summary judgment pending the filing of a Note of Issue as directed herein, and it is further

ORDERED that any parties failing to appear for this Conference shall be bound by the terms of this Order, and it is further

ORDERED as follows:

If disputes arise about compliance with this Order, the parties shall promptly confer in good faith in an effort to resolve those disputes. If that effort fails, the parties or any party aggrieved shall, in advance of deadlines and prior to initiating motion practice, bring the dispute to the attention of the Court, which will schedule a conference shortly thereafter to resolve the dispute.

Absent good cause, failure to comply with this order may result in the imposition of penalties upon the offending party and, where warranted, upon counsel. Such penalties may include waiver of the discovery, preclusion, dismissal, striking of an answer, costs, sanctions, and attorney's fees.

SO ORDERED:

J.S.C.

Dated: _____

Attorney for Plaintiff/Petitioner:

E-mail address: _____

Attorney for Defendant/Respondent:

E-mail address: _____

Attorney for Defendant/Respondent:

E-mail address: _____

Attorney for Defendant/Respondent:

E-mail address: _____

FOR COURT USE ONLY:

A virtual conference shall be held on _____.

ADDITIONAL REQUESTS

1.REQUEST FOR REFERRAL TO ALTERNATIVE DISPUTE RESOLUTION (ADR):

_____ YES _____ NO (Parties seeking Court-referred ADR shall email the ADR Coordinator at gscadr@nycourts.gov and follow instructions.)

2.REQUEST FOR CONFERENCE WITH COURT:_____ YES _____ NO (*All conferences with the Court shall be held at a date and TIME CERTAIN. All conferences with the Court shall be limited to thirty (30) minutes.*) Parties shall submit a completed Compliance Conference Order to the Court at csep@nycourts.gov no less than two (2) business days before the scheduled conference and indicate whether a conference with the Court is necessary.

(If 'YES', any discovery issues that the parties cannot agree to shall be noted below for resolution by the Court):

3.REQUEST FOR REFERRAL TO:

Summary Bench Trial	_____ YES	_____ NO
Summary Jury Trial	_____ YES	_____ NO

Dated: _____

Attorney for Plaintiff/Petitioner:

E-mail address: _____

Attorney for Defendant/Respondent:

E-mail address: _____

Attorney for Defendant/Respondent:

E-mail address: _____

Attorney for Defendant/Respondent:

E-mail address: _____