

PRELIMINARY CONFERENCE ORDER
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX PART IA-3

325 (d) _____

x **Comp. Conf.** ____ / ____ / ____

N.O.I. due ____ / ____ / ____

Plaintiff(s)

- against -

Index Number: _____

PC Date: _____

Defendant(s)

Hon.: _____

1. **INSURANCE COVERAGE:**

(a) Defendant: City of New York _____ Amt: _____
Defendant: _____ Amt: _____
Defendant: _____ Amt: _____
Defendant: _____ Amt: _____

(b) Defendant(s) _____ to provide evidence of all insurance within 60 days, to extent not previously provided.

1. **BILL OF PARTICULARS:**

A verified bill of particulars for affirmative defenses shall be served by _____ within 60 days of this order or receipt of the demand therefore, whichever is later.

II. **MEDICAL REPORTS AND AUTHORIZATIONS (TO BE PROVIDED WITHIN 60 DAYS):**

- (a) Plaintiff(s) shall provide authorizations to obtain records of all treating and examining health care providers, including diagnostic tests, x-rays, MRIs, EMGs, CT Scans, for injuries specified in the bill of particulars.
- (b) Plaintiff(s) shall provide an authorization for collateral source information, if any.
- (c) If plaintiff is claiming a loss of income or wages, if plaintiff is self-employed, authorizations for IRS records, or if employed, then authorizations for employment records, shall be provided for the year of, year before and year after the date of the alleged accident, as well as authorizations for the period of time lost from work as a result of the alleged accident.
- (d) If, plaintiff was a student at the time of the alleged accident, plaintiff shall provide an authorization for school records for the day of the accident and for the period of time lost from school as a result of the alleged accident.
- (e) For cases alleging police assault or false arrest, plaintiff shall provide an authorization for unsealing of the Criminal Court file and for Police Department records.

C-1 Rev. 8/02

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IV. DEPOSITIONS: (check applicable box)

- (a) The depositions of the following parties shall take place on _____ at _____ a.m./p.m. within the Office of the Corporation Counsel located at 198 East 161st Street, Bronx, New York, or as otherwise agreed:
____ All parties
____ Plaintiff(s) _____
____ Defendant(s) _____
____ Waived by _____ as to _____
- (b) Defendant(s) reserve the right to a further deposition of plaintiff(s), as to any new injuries or damages claimed in any supplemental bill of particulars served by plaintiff(s) following the plaintiff's deposition.

V. PHYSICAL EXAMINATION:

- (a) A physical examination of the plaintiff shall be scheduled within 60 days after plaintiff's examination before trial.
- (b) A copy of the physician's report shall be furnished to plaintiff(s) within 60 days after the examination.
- (c) Defendant(s) reserve the right to a further physical as to any new injuries claimed in any supplemental bill of particulars served by plaintiff(s).

VI. OTHER DISCLOSURE:

- (a) All parties shall provide the names and addresses of any witnesses to the occurrence and notice witnesses; accident reports; party statements; photographs taken in the ordinary course of business within 60 days.
- (b) The City of New York and/or other defendants represented by Corporation Counsel, if any, shall provide the following information to all parties within 60 days, subject to the date and location specified in the notice of claim (check if applicable).

1. Premises Liability Cases:

- i. Departmental accident/incident report from respective City agency;
- ii. For non-transitory conditions, maintenance and repair records and written complaints regarding the condition complained of for 2 years prior to and including the date of occurrence.
- iii. For transitory conditions, maintenance and written complaints regarding the condition complained of for 2 months prior to and including the date of the occurrence.
- iv. Lease and or sublease for the City-owned building, if applicable.

2. Slip and Fall Cases (Department of Sanitation):

To be produced at EBT of defendant City of New York:

- i. District Operation Log (carting book) for the period of 2 weeks prior to and including the date of the occurrence.
- ii. District Snow Operation Book for the above period of time.
- iii. Snow Removal Operation Report (SR-2) and spreading or plowing operation card for the above time period, if the occurrence took place in the roadway.

3. Trip and Fall Cases (Department of Transportation (DOT):

- i. Applications for permits and permits for 2 years prior to and including the date of occurrence;
- ii. Cut forms and repair orders for 2 years prior to and including the date of occurrence;
- iii. Violations issued for 2 years prior to and including the date of occurrence;
- iv. Contracts and all related contract documents (e.g., progress reports) for 2 years prior to and including the date of occurrence will be made available for inspection at either the Office of the Corporation Counsel located at 198 East 161st Street, Bronx, New York, or the appropriate City agency, upon appointment;
- v. Complaints made for 2 years prior to and including the date of occurrence;
- vi. Copy of the most recent Big Apple Pothole and Sidewalk Protection Corporation map, filed at least 15 days prior to the date of occurrence, if incident occurred on a sidewalk or in a crosswalk.

4. Cases involving allegations of defective traffic signals (DOT):

- i. Maintenance and repair records for 2 months prior to and including date of occurrence;
- ii. Complaints made for 2 months prior to and including date of occurrence;
- iii. The name and address of the contractor responsible for maintenance of the traffic signals on date of the occurrence and for 2 months prior thereto;
- iv. A copy of the contract(s) in effect at the time of occurrence and for 2 months prior thereto will be made available for inspection at either the Office of the Corporation Counsel located at 198 East 161st Street, Bronx, New York, or the appropriate City agency, upon appointment.

5. Cases involving allegations of defective traffic signs (DOT):

- i. Maintenance and repair records for 2 months prior to and including the date of occurrence;
- ii. Complaints for 2 months prior to and including the date of occurrence.

6. Cases involving allegations of police misconduct:

The City will provide the following within 60 days after the receipt from plaintiff, of an authorization and "so-ordered" unsealing order described in III (e) above:

- i. Complaint report;
- ii. Complaint follow-up report(s);
- iii. Arrest report;
- iv. Memo book entries for incident in question;
- v. On-line booking sheet.

7. Inmate assault cases (Department of Correction (DOC):

- i. Department of Correction incident report, subject to redaction of privileged information, including any information regarding criminal acts of other inmates and/or personal information regarding DOC employees;
- ii. Injury to inmate report (within 60 days after receipt of an authorization from plaintiff).

8. Motor vehicle accidents involving city-owned vehicles:

- i. Departmental accident report form respective city agency
- ii. Maintenance and repair records for the department vehicle involved for one year prior to and including the date of the occurrence, if a vehicular defect is alleged in either the departmental accident report or the MV-104.

9. Board of Education cases:

- i. Accident report: The defendant shall notify the parents of student(s) named in the accident report as to the release of those students names and/or addresses within 30 days of the date herein. Within 45 days of that notification, the defendant shall release the information to the other parties, absent an objection from the notified persons. Board of Education comprehensive accident report(s) for the occurrence is subject to redaction of privileged information pursuant to the Family Education and Privacy Act, U.S. Code Ann., Title 20, Ch. 31;
- ii. Witnesses: The defendant shall notify the parents of student witnesses as to the release of those students names and/or addresses within 30 days of the date herein. Within 45 days of that notification, the defendant shall release the information to the other parties, absent an objection from the notified persons. Witness statements are subject to redaction of privileged information pursuant to the Family Education and Privacy Act, U.S. Code Ann., Title 20, Ch. 31;
- iii. For non-transitory conditions, maintenance and repair records, written complaints, and to the extent applicable, related contracts for the site of plaintiff's accident, regarding the condition complained of for 2 years prior to and including the date of occurrence;
- iv. For transitory conditions, maintenance and written complaints regarding the condition complained of for 2 months prior to and including the date of the occurrence.

- (c) Any party who wishes to obtain prior notices of claim, pursuant to GML§ 50-g, may do so by contacting the Bureau of Law and Adjustment at (212) 669-3422 to obtain an appointment to search the index maintained at 1 Centre Street, New York, New York.
- (d) Any party who wishes to obtain an MV-104, be advised that the New York City Police Department no longer maintains MV-104s beyond 30 days for accidents occurring after April 15, 1995.
- (e) All searches shall be conducted based upon the date and location as described in the notice of claim.

VII. CO-DEFENDANT(S) AND/OR THIRD-PARTY(IES) TO PROVIDE THE FOLLOWING TO ALL PARTIES:

VIII. THIRD-PARTY ACTIONS/IMPLEADER:

Shall be completed on or before _____

IX. ADDITIONAL DIRECTIVES:

This Preliminary Conference Order Shall Supersede Any Demands for Discovery Previously Served upon Parties Represented by the Office of the Corporation Counsel.

Failure to comply with any of these directives may result in the imposition of costs or sanctions or other actions authorized by law.

A copy of this order was received on the date hereof.

Attorney for Plaintiff(s)_____

Attorney for Plaintiff(s)_____

Attorney for Plaintiff(s)_____

Attorney for Plaintiff(s)_____

Attorney for Defendant: City of New York

Attorney for Defendant_____

Attorney for Defendant_____

Attorney for Defendant_____

Attorney for Defendant_____

Attorney for Defendant_____

This constitutes the decision and order of the court.

Dated: _____

J.S.C.