

Parties may avoid an appearance by completing and submitting this form 3 business days before the scheduled preliminary conference date. This form may be uploaded to NYSCEF. In non-NYSCEF matters, or where a party has opted out of NYSCEF, it may be sent by mail, fax to (914) 995-2194 or email to PreliminaryConferenceWestchester@nycourts.gov. Pursuant to 22 NYCRR §202.19, all disclosure must be completed within 8, 12 or 15 months in expedited, standard and complex cases, respectively.

Actions that qualify for Presumptive ADR may require an appearance (see page 2).

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER
PRELIMINARY CONFERENCE PART

-----X

Plaintiff(s),

PRELIMINARY
CONFERENCE
STIPULATION

-against-

Index No.: _____

Date RJI Filed:

Defendant(s).

-----X

It is hereby STIPULATED by and between all parties to the within action that disclosure shall proceed and be completed as follows:

(1) Nature of Case:

a. DCM track: Standard (12 mos.) Complex (15 mos.) Expedited (8 mos.)

b. Plaintiff(s) claims:

c. Defendant(s) claims/defenses:

THIS ACTION MAY QUALIFY FOR PRESUMPTIVE ADR

Please check any boxes that apply:

- This is a personal injury action (includes motor vehicle accidents) and involves a claim or insurance coverage of \$50,000.00 or less;
- This is a collection case involving a claim of \$50,000.00 or less;
- This is a breach of contract action related to home improvement or a real estate matter involving a claim of \$50,000.00 or less;
- This is a subrogation action seeking recovery of \$25,000.00 or less;
- This is a partition action;
- The parties stipulate to early ADR.

2) Insurance Coverage:

Amount _____

If not yet provided, _____ shall disclose in writing the existence and contents of any insurance agreement as described in CPLR §3101(f) on or before _____.

N/A Previously provided

(3) Bill of Particulars:

a. A Demand for a Bill of Particulars shall be served by _____

on or before _____.

b. A Bill of Particulars shall be served by _____

on or before _____.

c. A Supplemental Bill of Particulars shall be served by _____

as to items _____

on or before _____.

(4) Medical Records and authorizations:

On or before _____, duly executed written authorizations shall be furnished by _____ for the following:

____ Physician, and/or hospital, and/or autopsy records;

____ Employment records for the period _____;

____ No-fault file;

____ Other (specify) _____

(5) Physical Examinations:

a. Physical examination(s) shall be held on or before _____.

b. Pursuant to 22 NYCRR §202.17(b), at least 20 days before such examination, copies of

medical reports of physicians shall be served upon all parties.

c. A copy of the examining physician's report shall be furnished to all parties within _____ days of the examination.

(6) Depositions:

a. Examinations before trial shall be conducted as follows (priority shall be in accordance with CPLR §3106 unless otherwise agreed or ordered):

Plaintiff(s) shall appear for examination before trial at _____, on _____, at _____ a.m./p.m. and shall produce all relevant books, papers, records, and other material for use at the deposition, including _____.

Defendant(s) shall appear for examination before trial at _____, on _____, at _____ a.m./p.m. and shall produce all relevant books, papers, records, and other material for use at the deposition, including _____.

b. Attorneys seeking rulings on objections or making application for any other relief pertaining to the depositions shall communicate with the Preliminary Conference Part by email or telephone conference call for a determination and shall make no motion in the absence of a conference with the Court and a good faith effort to resolve the matter without unnecessary motion practice.

c. Once begun, a deposition shall continue until completed and shall not be adjourned without further order of the Court, unless all parties agree that the adjournment of such deposition does not delay or otherwise impede any party's ability to perform or enforce any of the terms of this Stipulation.

d. The transcript of an examination before trial shall be delivered to the party deposed within forty-five (45) days of the deposition, and shall be returned, duly executed thereafter pursuant to CPLR 3116 (a).

e. Depositions of all parties shall be completed on or before _____.

f. Depositions of all non-party witnesses shall be completed on or before _____.

(7) Other Disclosure:

a. On or before _____, all parties shall exchange names and addresses of all witnesses, and shall exchange statements of opposing parties and photographs, or if none, shall so state in writing.

b. All parties shall exchange information relating to expert witnesses in compliance with CPLR §3101 and the governing case law.

c. Demands for Discovery and Inspection (CPLR §3120) shall be served on or before _____.

d. All responses to Discovery and Inspection demands shall be served no later than _____ after receipt of the opposing party's demands.

e. Objections to disclosure, inspection or examination shall be made in conformity with the provisions of CPLR §3122.

f. Supplemental Demands for Discovery and Inspection may be served with respect to items as to which the demanding party could not reasonably have demanded in such party's prior Demand(s) for Discovery and Inspection, provided such Supplemental Demands are served at least twenty (20) days (or if service is by mail twenty-five [25] days) prior to the expiration of the time herein set forth for the completion of disclosure. Responses to such Supplemental Demands shall be served within the time provided by CPLR §3120, except that objections to Supplemental Demands shall be interposed sufficiently in advance of the time hereinafter set forth for the completion of disclosure so as to permit the demanding party a reasonable time to seek, and obtain a conference with the Court with respect to such objections and to request an extension of the time to complete disclosure.

g. All demands for production of books, documents, records and other writings relevant to the issues in this case shall be deemed to include a demand for production of any photograph, audiotape, videotape, computer disk or program and e-mail.

h. All Interrogatories shall be served on or before _____. Responses shall be served in conformity with CPLR §3133.

(8) Additional Disclosure issues:

With respect to additional disclosure issues, the parties shall comply with the following agreement: _____

(9) Impleaders:

All third-party actions shall be commenced on or before _____.

Joinder of a third-party action beyond this date without leave of Court may result in a severance.

(10) Confidentiality/Non-Disclosure Agreement:

a. In the event that there is a need for a Confidentiality/Non-Disclosure Agreement prior to disclosure, the part(y) demanding same shall prepare and circulate the proposed agreement. If the parties cannot agree as to same, they shall promptly notify the Court. The failure to promptly seek a confidentiality agreement may result in a waiver of same (22 NYCRR §216.1). Any Confidentiality/Non-Disclosure Agreement will be "so ordered" or entered as an Order of the Court only upon compliance with 22 N.Y.C.R.R. §216.1.

b. _____ anticipates the need for a Confidentiality Agreement and will prepare and circulate same on or before _____ as to the following issues: _____.

Pursuant to 22 NYCRR §202.28, the attorney for defendant is directed to file a stipulation or statement of discontinuance with the Court within (a) 30 days of the making of the payment required as a condition of the discontinuance; or (b) 30 days of the discontinuance in the event no payment is required as a condition of the discontinuance.

The failure of any party to perform any of the requirements contained in this Stipulation shall not excuse any other party from performing any other requirement contained herein. Failure to comply with any provision of this Stipulation may result in the imposition of costs, or sanctions, or other action authorized by law, including but not limited to contempt, dismissal and the striking of pleadings.

No adjournments of any time directive above shall be permitted without the permission of the Court. **This stipulation supercedes the statutory stay in CPLR §3214 for dispositive motions made pursuant to CPLR §§3211, 3212, or 3213.**

The contents and provisions of the foregoing proposed stipulation are agreed to, and the parties request that the Court order same.

Dated: _____

Attorneys for Plaintiff:
(Print Name) _____
(Signature) _____
Mailing Address:

Attorneys for Defendant:
(Print Name) _____
(Signature) _____
Mailing Address:

Phone/Facsimile Number:

E-mail Address:

Phone/Facsimile Number:

E-mail Address:

Attorneys for/or *pro se* party:
(Print Name) _____
(Signature) _____
Mailing Address:

Attorneys for/or *pro se* party:
(Print Name) _____
(Signature) _____
Mailing Address:

Phone/Facsimile Number:

E-mail Address:

Phone/Facsimile Number:

E-mail Address:

SO ORDERED:

Hon. Joan B. Lefkowitz, J.S.C.

[To be filled in by Court]

COMPLETION OF DISCLOSURE:

ALL DISCLOSURE SHALL BE COMPLETED ON OR BEFORE _____.

Compliance Conference: Counsel for all parties shall appear at a compliance conference which shall be held in the Compliance Part on _____.