

Plaintiff,

v

Defendant.

**ORDER OF REFERENCE AND
ALTERNATE DISPUTE RESOLUTION
(ADR) SCHEDULE AND SCHEDULE FOR
COMPLETION OF DISCLOSURE**

Index No.:
RJI No.:

Presiding: Hon. Martin D. Auffredou

Upon consultation with counsel and examination of the case, it is hereby Stipulated and Ordered that the following ADR Plan is established:

1. ADR TRACK: The case is assigned to the following ADR Track:

Compulsory Arbitration

Mediation

Court Attorney-Referee. Name: _____

Part 146 Neutral. Name: _____

Privately Retained Neutral. Name: _____

Neutral Evaluation. Name of Evaluator: _____

Settlement Conferencing

Court Attorney. Name: _____

Judicial Hearing Officer. Name: _____

Assigned Judge

Summary Jury Trial. Date: _____

2. ADR SCHEDULING: The first ADR session is to be scheduled on or before _____ and _____ to be conducted on or before _____.

3. COMPENSATION OF NEUTRAL None (for assigned neutrals who are court employees)
 Plaintiff
 Defendant
 Shared equally by the parties

4. EXPEDITED DISCLOSURE TIMETABLES FOR ADR:

5. STATUS CONFERENCE: A status conference will be held on _____ at _____ AM/PM. This conference must be attended by counsel, the parties and any other person who has settlement authority.

It is hereby further Stipulated and Ordered that all other disclosure shall proceed as follows:

6. Electronic Discovery (see NYCRR §202.12 [b] and [c][3])

Check either box

- (a) There is no Electronic Discovery required; or
- (b) The parties have prepared and attached a separate Electronic Discovery Stipulation and Order establishing the method and scope of any electronic discovery pursuant to 22 NYCRR §202.12(c)(3).

7. Insurance Coverage (CPLR 3101[f]), if not already provided, shall be furnished on or before _____.

8. Demands for Bill of Particulars shall be served on or before _____.

9. Bills of Particulars shall be served on or before _____.

10. Medical reports and authorizations shall be served on or before _____.

11. Physical Examination of _____ shall be completed on or before _____.

A copy of the physician's report shall be furnished to Plaintiff(s) within _____ days of the examination.

12. Check either box (a) or (b):

(a) Depositions shall be held as follows:

Deponent	Date and Time	Place
_____	_____	_____
_____	_____	_____
_____	_____	_____

or

(b) The parties shall set a schedule for Depositions, which are to be held no later than _____.

The parties shall provide the Court with the schedule.

(Check box below if it applies)

If one deposition fails to take place as scheduled, the remaining parties' depositions shall nonetheless proceed as scheduled, except that the priorities between the plaintiffs and defendants shall be preserved.

13. All parties shall exchange names and addresses of all eyewitnesses and notice witnesses, statements of opposing parties and photographs or, if none, provide an affirmation to that effect, on or before _____.

14. Authorizations for Plaintiff(s)'s employment records for the period _____ to _____ shall be furnished on or before _____.

15. Demands for Discovery and Inspection and Interrogatories shall be served on or before _____.

The items sought shall be produced to the extent not objected to and objections, if any, shall be stated on or before _____.

16. Accident reports prepared in the regular course of business shall be exchanged pursuant to CPLR 3101(g) on or before _____.

17. Plaintiff(s) shall provide authorizations for the following collateral source providers pursuant to CPLR 4545 as follows:

_____ on or before _____
_____ on or before _____
_____ on or before _____
_____ on or before _____

18. Motion(s) to amend pleadings or to add party(ies) shall be filed with the Court on or before _____.

19. All disclosure (other than expert disclosure) shall be completed, and plaintiff shall file a Note of Issue and Certificate of Readiness, on or before _____ *(must be within twelve [12] months of the date of the filing of the RJI).*

20. Plaintiff(s) shall provide expert disclosure no later than 60 days before trial.
Defendant(s) shall provide expert disclosure no later than 30 days before trial.

21. A Compliance Conference shall be held on _____
at _____.

(To be filled in by Court)

If all of the terms of this Preliminary Conference Stipulation and Order have been complied with and each attorney submits a letter to that effect, to be received by the Court at least two (2) business days before the scheduled conference date, no appearances will be necessary.

- 22. Any dispositive motion(s) pursuant to CPLR 3211 or 3212 shall be filed with the Court no later than _____ (must be within one-hundred twenty [120] days of the date for filing of the trial Note of Issue).
- 23. Should any discovery disputes arise, prior to making a motion pursuant to CPLR 3042, 3124 and/or 3126, the parties shall (a) comply with the good faith requirements of the Uniform Rules of Trial Courts (22NYCRR) §202.7; and (b) contact the Court’s Principal Law Clerk, Jill E. O’Sullivan, Esq., to schedule a conference with her in an attempt to resolve the issues. Any motion filed before the conference is held shall be adjourned by the Court pending the outcome of the conference.
- 24. Failure to comply with the directives of this Stipulation and Order may result in the imposition of costs or sanctions, or other action authorized by law.
- 25. If the case settles, the parties shall ensure that a Stipulation of Discontinuance is promptly filed prior to the next appearance before the Court. A copy of the filed Stipulation of Discontinuance shall be provided to Chambers.
- 26. The original of this Stipulation and Order shall be filed by the Court.
- 27. Additional Directives: _____

Attorney for Plaintiff(s)

Attorney for Defendant(s)

Attorney for Defendant(s)

SO ORDERED.

Dated:

HON. MARTIN D. AUFFREDOU, J.S.C.