
Defendant's Claims/Defenses

(Add additional sheets, if needed)

(2) **Insurance Coverage (CPLR 3101[f]):** If not provided, shall be furnished by on or before _____. Not applicable _____.

(3) **Bill of Particulars:** (If relevant) shall be served by _____.

(4) **Discovery and Inspection:**

(a) All Demands for Discovery and Inspection (CPLR 3120) shall be served not later than _____ days from the date of this Order.

(b) All responses to Discovery and Inspection demands shall be served not later than _____ days after receipt of the opposing party(ies) demand(s).

(c) 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(s), audio tape(s), video tape(s), computer disk(s) or program(s) and e-mail. The failure to comply herewith may result in preclusion from the introduction of such evidence.

(5) **Depositions:**

(a) Depositions shall be held as follows:

(Priority shall be in accordance with CPLR 3106 unless otherwise agreed or ordered.)

| <u>Party</u> | <u>Date</u> | <u>Time</u> | <u>Place</u> |
|--------------|-------------|-------------|--------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

(Add additional sheets, if needed)

(b) Unless otherwise agreed or ordered, if a party fails or refuses to be deposed, he/she may not utilize the deposition of the adverse party(ies) at trial in addition to such other sanctions as may be available (CPLR 3126).

(c) Depositions of non-party witnesses shall not be noticed until the conclusion of all party depositions unless otherwise agreed by all party(ies) or ordered by the Court.

- (d) Any disputes with regard to the propriety of questions at a deposition shall be promptly resolved via an application to the Court either in person, if the deposition is conducted in the Courthouse, or via telephone, if the deposition is conducted elsewhere. In the event the Justice presiding or his/her law secretary is not available, such applications shall be addressed to the Justice presiding in Special Term Part II.
- (6) **A Status Conference** shall be held on _____.
- (7) **Other disclosure:**
- (a) Commissions or letters rogatory (CPLR 3108): identify and set forth the location of each witness.
- _____
- _____
- (b) Expert disclosure (CPLR 3101[d]):
- Plaintiff(s) shall provide expert disclosure by _____
- Defendant(s) shall provide expert disclosure by _____
- (c) Interrogatories (CPLR 3130 - 3133): Each party shall serve no more than _____ interrogatories, inclusive of subdivisions and subparts.
- (8) **End Date for All Disclosure**, other than expert disclosure _____.
(Set by Court or Part Clerk)
- (9) **Motions:**
- (a) All dispositive motion(s) (CPLR 3211 and 3212) shall be made on or before _____. (Not more than 60 days after the Certification Order is granted or conclusion of discovery.)
- (b) All other motions, including those for impleader and amendment of pleading(s) shall not be made until compliance with Commercial Division Rule 24.
- (10) **Compliance/Certification Conference** shall be held on _____.
(Set by Court or Part Clerk)
- (11) **Confidentiality/Non-Disclosure Agreement:**
- (a) In the event that there is a need for a Confidentiality/Non-Disclosure Agreement prior to disclosure, the party(ies) demanding same shall prepare and circulate the proposed agreement. If the party(ies) 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.
- (b) _____ anticipates the need for a Confidentiality Agreement as to the following issues: _____

(12) **Preservation of Electronic Evidence:**

- (a) For the relevant periods relating to the issues in this litigation, each party shall maintain and preserve all electronic files, other data generated by and/or stored on the party's computer system(s) and storage media (i.e. hard disks, floppy disks, backup tapes), or other electronic data. Such items include, but are not limited to, e-mail and other electronic communications, word processing documents, spreadsheets, data bases, calendars, telephone logs, contact manager information, internet usage files, offline storage or information stored on removable media, information contained on laptops or other portable devices and network access information.
- (b) When electronically stored documents are produced, they are to be produced in Native Format with MetaData intact and Bates stamped on the CD and/or other media upon which they are produced, in a searchable format, unless the parties agree otherwise.

(13) **Miscellaneous:**

- (a) If the matter settles, the Court shall be promptly notified and a courtesy copy of the Stipulation of Discontinuance shall be promptly forwarded to the Court. Failure to comply with any of these directions may result in the imposition of costs, sanctions or other actions authorized by law.
- (b) The failure of any party(ies) to perform any of the requirements contained in this Order shall not excuse any other party(ies) from performing any other requirement contained herein.
- (c) Any dates established herein shall not be changed or adjourned without the prior approval of the Court.
- (d) Each counsel/party acknowledges receipt of the Commercial Division Rules.

(14) **Trial:**

- (a) Plaintiff anticipates his/her/its case on the trial of this matter to be ____ days.

Defendant _____ anticipates the trial of this matter to be _____ days.

Defendant _____ anticipates the trial of this matter to be _____ days. (Add additional sheets, if needed)

- (b) The matter is hereby set down for trial on _____.
 - (c) All pre-trial filings and submissions (including trial notebooks), jury selection, if appropriate, and marking exhibits shall be on _____, at _____ A.M./P.M.
 - (d) A pre-trial conference of this matter shall be held on _____, at _____ A.M./P.M.
- (15) This Order includes the attached _____ page(s) which is/are incorporated herein by reference.

Attorney for Plaintiff(s) _____

Attorney for Defendant(s) _____

Attorney for Defendant(s) _____

Attorney for Defendant(s) _____

Attorney for Defendant(s) _____

Attorney for Defendant(s) _____

Dated: _____
Riverhead, New York

Emily Pines
J. S. C.