

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X

**Preliminary Conference Order  
Part 45**

Plaintiff(s)

Index No. \_\_\_\_\_

-against-

RJI Filing Date \_\_\_\_\_

Track:     Expedited  
           Standard  
           Complex

Defendant(s).

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**HON. ANAR RATHOD PATEL:**

Counsel and/or parties having appeared before this Court on \_\_\_\_\_ at a preliminary conference on this matter:

**Appearances** (Attorney Name, Firm Name, Phone, and Email Address)

Counsel for Plaintiff(s):

Counsel for Defendant(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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The Court having conducted a Preliminary Conference in the above-entitled action, it is hereby ORDERED as follows, pursuant to the Rules of the Commercial Division and this Court's Practices and Procedures:

**1. Confidentiality Agreement and Order**

- a. The parties are directed to Commercial Division Rule 11-g and [Appendix B](#) thereto for the form Stipulation and Order for the Production and Exchange of Confidential Information. If the parties propose to deviate from the form Stipulation, the parties shall file (1) a copy of the parties' proposed confidentiality order; (2) a redline of the parties' proposed order to the form Stipulation; and (3) a letter to the Court articulating the reasons for such deviations.

**2. Document Production and Interrogatories**

- a. The parties shall comply with Commercial Division Rule 11-h (Initial Disclosures) notwithstanding the dates as set forth herein.
- b. Demands for Discovery and Interrogatories shall be served on or before: \_\_\_\_\_.
- c. Responses to Demands for Discovery with objections and Interrogatories shall be served on or before: \_\_\_\_\_.
- d. The parties shall produce all documents on a rolling basis and shall complete all document productions, including the production of privilege logs, on or before: \_\_\_\_\_.
- e. Pursuant to Commercial Division Rule 11-a (a) and (b), the parties are advised that the interrogatories shall be limited both in terms of the topics to be covered and the number of interrogatories permitted (*i.e.*, 25 including subparts). Pursuant to Commercial Division Rule 11-a (d), the Court hereby orders that there shall be no additional interrogatories permitted concerning the claims and contentions of the parties.

**3. Exchange of Electronically Stored Information (ESI)**

- a. The parties shall execute a stipulation reflecting their agreement as to exchanging ESI by \_\_\_\_\_, or if there is no agreement the parties shall notify the Court.

**4. Depositions**

- a. All party depositions shall be completed by: \_\_\_\_\_.
- b. Non-party depositions shall be completed by: \_\_\_\_\_.

**5. Expert Discovery**

- a. Parties shall serve CPLR § 3101(d) expert disclosure on or before: \_\_\_\_\_.
- b. Expert Discovery shall be completed on or before: \_\_\_\_\_.

**6. End Date for All Discovery**

- a. All discovery shall be completed by \_\_\_\_\_, and any discovery not then completed may be considered waived, precluded, or otherwise as appropriate pursuant to Commercial Division Rule 13(a) and CPLR 3126. The failure to provide a document, or to otherwise provide discovery, may result in preclusion at trial.

**7. Trial Readiness Conference and Note of Issue**

- a. A remote Trial Readiness Conference will be held on \_\_\_\_\_ at \_\_\_\_\_ via Microsoft TEAMS.

- b. The Note of Issue/ Certificate of Readiness shall be filed on or before: \_\_\_\_\_. Absent extraordinary circumstances and with good cause shown, the Note of Issue filing deadline will NOT be adjourned.

**8. Discovery Disputes**

- a. Counsel shall comply with this Court’s Practices and Procedures and Commercial Division Rule 14. If counsel, after good faith consultation, cannot resolve a discovery dispute, counsel shall promptly notify the Court *via* letter filed on NYSCEF to schedule a conference, otherwise the issue(s) will be waived. No motion relating to discovery shall be made without the permission of the Court. Neither the existence of any discovery dispute nor the making of any discovery motion shall result in, or justify, any change or adjustment in the dates set forth herein.

**9. Motions**

- a. Pre-motion conferences are required before making any application to the Court.
- b. To streamline the discovery process, and to prioritize good faith cooperation over motion practice, the **parties hereby stipulate** that the prevailing party in any discovery-related motion may, subject to the Court’s discretion, recover from the non-prevailing party its reasonable attorneys’ fees and costs incurred in litigating the motion.
- c. Any dispositive motions shall be served within forty-five (45) days of the filing of the Note of Issue, unless otherwise directed by the Court.

**10. Discovery Deadlines / Stays**

- a. The parties may stipulate to modify the intermediate deadlines set forth in Sections 2–5. However, any request for an extension of the End Date for All Discovery must demonstrate extraordinary circumstances and good cause for the requested extension. If stipulated extensions to intermediate deadlines have created the proposed need for an extension of the End Date for All Discovery, the request for such an extension is unlikely to be granted.
- b. The dates set forth herein of the End Date for All Discovery, Trial Readiness Conference, and the Note of Issue may not be adjourned except with the prior approval of the Court.
- c. There is no stay of discovery pending motion practice, settlement proceedings, or alternative dispute resolution, unless specifically ordered by the Court.

**11. Additional Directives**

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**The parties hereby stipulate to comply with the deadlines and directives as set forth herein:**

\_\_\_\_\_  
Counsel for Plaintiff(s) (Print Name)

\_\_\_\_\_  
Counsel for Defendant(s) (Print Name)

\_\_\_\_\_  
Counsel for Plaintiff(s) (Signature)

\_\_\_\_\_  
Counsel for Defendant(s) (Signature)

\_\_\_\_\_  
Counsel for Plaintiff(s) (Print Name)

\_\_\_\_\_  
Counsel for Defendant(s) (Print Name)

\_\_\_\_\_  
Counsel for Plaintiff(s) (Signature)

\_\_\_\_\_  
Counsel for Defendant(s) (Signature)

*\*Attach additional signature page(s) as needed.*

Dated: \_\_\_\_\_  
New York, New York

**So Ordered.**

\_\_\_\_\_  
**Hon. Anar Rathod Patel, A.J.S.C.**