

APPENDIX (1)

SUPREME COURT COUNTY OF NASSAU  
IAS JUSTICE HON. Libert

PRESENT:

INDEX NO. 613549/17

D'Avanzo

Plaintiff(s),

against

Planned Parenthood, et al

Defendant(s).

Preliminary Conference  
Stipulation and Order

(sections 202.8 and 202.12 & 202.19  
of the Uniform Rules)

*Std*

(All items on the form must be completed unless inapplicable.)

It is hereby STIPULATED and ORDERED that disclosure shall proceed as follows:

(1) Insurance Coverage (CPLR 3101 (f) If not already provided, shall be furnished by AS,  
on or before 30 days.

(2) Bill of Particulars:

(a) Demand for a bill of particulars shall be served by \_\_\_\_\_ on or before \_\_\_\_\_.

(b) Bill of particulars shall be served by PI on or before PI's ebt

(3) Medical Report and Authorizations:  
for all tests summary with special demands being claimed and amt of earnings for 1yr prior to D/E  
Shall be served as follows: PI to provide az's for all treating Drs/Hospitals  
& Diagnostics w/in 30 days, to extent not done see add'l directive

(4) Physical Examination:

(a) Examination of PI shall be held w/in 45 days  
after PI's EBT

(b) A copy of the physician's report shall be furnished to plaintiff(s) within 45 days of the examination.

(5) Depositions: Choose (a) or (b) - Do not use both

(a) Deponent	Date and Time	Place
<u>PI Planned Parenthood by</u>	<u>on or before 12/14/18</u>	<u>Courthouse</u> <u>or as agreed</u>
<u>Dr. Goldstein</u>	<u>on or before 1/18/19</u>	
<u>NIMC - at least 30 days prior</u>	<u>on or before 1/31/19</u>	
<u>+ will produce &amp; still employed</u>	<u>on or before 2/14/19</u>	

(b) The parties shall set forth a schedule for depositions to be held no later than \_\_\_\_\_ and shall provide the court with the schedule.  
LI Objyn Assoc - PI to depose 30 days prior on or before 2/28/19  
(Attach additional sheet if necessary)

Optional:

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

- (6) Other Disclosure: All to the extent not previously provided:
  - (a) All parties, on or before 30 days, 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.
  - (b) Authorizations for plaintiff(s) employment records for the period 2014-present shall be furnished on or before 30 days.
  - (c) Demand for discovery and inspection shall be served by parties on or before per CPLR. The items sought shall be produced to the extent not objected to, and objections, if any, shall be stated on or before per CPLR.
  - (d) Accident reports prepared in the regular course of business shall be exchanged pursuant to CPLR 3101(g) by 30 days.
  - (e) Other (interrogatories (CPLR 3130, 3101 (d) Etc.):  
All parties to respond to outstanding Demands w/in 30 days

All such disclosure, unless otherwise noted herein, shall be completed by \_\_\_\_\_

  - (f) Plaintiff shall provide authorizations for ~~the following~~ <sup>all</sup> collateral source providers (CPLR 4545) within 30 days \_\_\_\_\_
- (7) The parties shall ensure that a stipulation of discontinuance shall be promptly filed if the case settles before the next meeting with the Court. Failure to comply with any of these directions may result in the imposition of costs or sanctions or other action authorized by law.
- (8) Motion: any dispositive motions(c) (CPLR 3211 and 3212) shall be made on or before 90 days from NOI filing.
- (9) Impleader Motion(s) to amend the pleadings or to add parties: Shall be completed on or before 30 days from EBT's
- (10) End Date for all Disclosure 5/17/2019
- (11) Compliance Certification Conference shall be held on 2/13/19 @ 9<sup>30</sup> (To be set by clerk)

I. Affirmation of Injuries: (if applicable)

The most serious injury alleged in this action is :

continued presence of ectopic pregnancy ; ruptured fallopian tube , scar tissue in reproductive organs

- (12) Summary Judgment Motions:  
Pursuant to CPLR 3214(b), service of a notice of motion under rule 3211, 3212 or 3213 shall NOT stay disclosure pending the determination of that motion.

ADDITIONAL DIRECTIVES

In addition to the directives as set forth on the annexed pages, it is further ORDERED as follows:

a) Counsel shall contact the Court by conference call or appear for conference prior to making any motions other than those for Summary Judgement. The failure to do so shall serve as the basis for a denial of any motion not made in accordance with this directive.

OTHER ADDITIONAL DIRECTIVES (AS NEEDED)

①

addendum to #3: Authorizes to include:  
- His current tax Ob/gyn; all ob/gyn's seen or treated  
by prior to 2016; all <sup>Obstetrical</sup> surgeons he has seen, been evaluated by  
or treated prior and Subseq to 2016; all mental health care <sup>unless</sup> mental  
providers including therapists, SW's, psychiatrists or psychologists; <sup>anguish</sup> claim  
tax returns and w-2's 2014-2017; his labor and delivery <sup>is</sup>  
records for birth of her son several months prior; employment <sup>w/d</sup>  
authorizations for MAC cosmetics and Trinity Hair Dressing and  
Makeup Academy

② he to provide a proper Certificate of merit w/in 30 days

Dated: 9/17/18

SO ORDERED:

\_\_\_\_\_  
J.S.C.

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(13) ORDERED, that all parties shall provide upon request of another party additional authorizations for production of records maintained by health care providers and/or facilities.

Attorney for Plaintiff(s) Rappaport, Glass, Levine & Jullo  
by Mindy Mollins  
Mindy Mollins

Attorney for Plaintiff(s) \_\_\_\_\_  
\_\_\_\_\_

Attorney for Defendant(s) Planned Parenthood of Nassau County, Inc.  
McDermott & Friedman, P.C. by Kenneth R Fox

Attorney for Defendant(s) ~~Planned P~~ N.H.C.C. dba N.C.M.C.  
Rosemary Cinguomani; Kelley Walsh, Mattern + Cinguomani;

Attorney for Defendant(s) Dr Goldstein + LE OB/GYN ASSOC.  
HPH+B by Jesse Lubin

Attorney for Defendant(s) \_\_\_\_\_  
\_\_\_\_\_

Dated: 9/17/18

SO ORDERED

Jack L. Libert  
J.S.C.  
HON. JACK L. LIBERT  
J.S.C.

**ENTERED**

SEP 20 2018

NASSAU COUNTY  
COUNTY CLERK'S OFFICE