

0001

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

PRESENT: HON. CAROL EDMOND
Justice

PART 35

Jasmine Curtis

INDEX NO. 100785/08

MOTION DATE X

MOTION SEQ. NO. X

MOTION CAL. NO. X

- v -

Planned Parenthood, et al.

The following papers, numbered 1 to _____ were read on this motion to/for _____

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits _____

Replying Affidavits _____

PAPERS NUMBERED _____

Cross-Motion: ☐ Yes ☐ No

Upon the foregoing papers, it is ordered that this motion

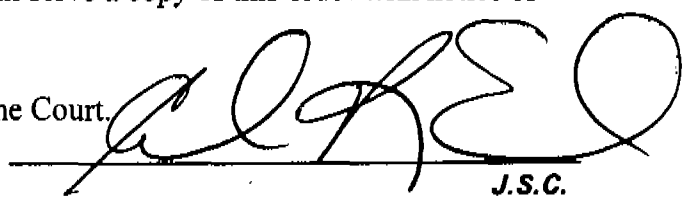
Counsel for defendants appeared in court for the preliminary conference as directed in the Court's order dated July 22, 2008. However, by 4:30 p.m. this date, plaintiff Jasmine Curtis failed to appear or notify this Court or defendants as to the reason for her nonappearance. Former counsel for plaintiff has provided proof of notice to the plaintiff of today's scheduled preliminary conference. Former counsel further represents that he has not been in possession of a working telephone number for plaintiff for some time. This is not an instance where the party was not given notice of the court date (*cf. Jones v New York City Transit Auth.*, 293 AD2d 322 [2002]), or was given any conflicting or confusing information about the preliminary conference (*cf. Allstate Ins. Co. v Puleo*, 289 AD2d 89 [1st Dept 2001]). "If the credibility of court orders and the integrity of our judicial system are to be maintained, a litigant cannot ignore court orders with impunity" (*Kilh v Pheffer*, 94 NY2d 118, 123 [1999]). Therefore, plaintiff's blatant and flagrant disregard of this Court's order directing the preliminary conference warrants a dismissal of plaintiff's complaint (*see* 22 NYCRR 202.27). Accordingly, upon oral application and based on the foregoing, it is hereby

ORDERED that the action is dismissed as to defendants; and it is further

ORDERED that counsel for defendants shall serve a copy of this order with notice of entry upon plaintiff within 20 days of entry.

This constitutes the decision and order of the Court.

Dated: 10-29-2008


J.S.C.

HON. CAROL EDMOND

Check one: ☒ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION

Check if appropriate: ☐ DO NOT POST

☐ REFERENCE

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):