

CC Calendar # _____

Review By _____

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This box for Court use only

**Supreme Court of the State of New York
Queens County: Compliance Settlement and Conference Part
Commercial Part**

Present:

_____ Index Number: _____

Plaintiff(s)/Petitioner(s)

-against-

Date RJI filed: _____

Defendent(s)/Respondent(s)

Compliance Conference Order

Appearances:

Plaintiff(s)/Petitioner(s) _____ :

Defendant(s)/Respondent(s) _____ :

_____ :

_____ :

_____ :

Upon the Preliminary Conference Order dated _____, and following a Compliance Conference held on _____, and it appearing that disclosure previously ordered herein has not been completed, or that additional disclosure is warranted, it is hereby

ORDERED, that disclosure shall proceed and be completed in accordance herewith, and it is further

ORDERED that plaintiff/_____ shall serve and file a Note of Issue and Certificate of Readiness on or before (Court use only) _____, **and shall furnish to the Compliance Settlement and Conference Part, Commercial Part within ten (10) days thereafter a copy of the filed Note of Issue and Certificate of Readiness, together with an affidavit of service, and that the failure to do so shall be grounds for dismissal for failure to prosecute pursuant to CPLR 3216, as set forth in the Demand below, and it is further**

ORDERED that all proceedings directed herein shall be completed on or before the dates set forth. No adjournments are to be had without the Court's written approval, and adjournments MAY NOT be had upon the stipulation of the parties alone, and it is further

ORDERED that any failure to comply strictly with the terms of this order shall be grounds for the striking of pleadings or other relief pursuant to CPLR 3126, and it is further

ORDERED that disclosure demands now known to be necessary which are not raised at this conference are deemed to be waived, and it is further

DOCUMENTS, AUTHORIZATIONS and OTHER DISCOVERY AND INSPECTION:

ORDERED that, on or before twenty days from the date hereof, the following documents, authorizations and other items for discovery and inspection shall be produced:

(Any items left outstanding from those directed by prior orders must be **specifically** identified or are deemed waived)

by the Plaintiff(s)/Petitioner(s):

by the Defendant(s)/Respondent(s)

and it is further

DEPOSITIONS:

ORDERED that all parties not yet deposed shall appear for deposition on:

date _____ at time _____ o'clock at: place _____

(The date set for depositions must be no more than 30 days from the date hereof. Insert any further provisions regarding depositions)

and it is further

ORDERED that depositions shall continue from day to day until completed, and it is further

ORDERED that 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. _____

anticipates the need for a Confidentiality Agreement as to the following issues: _____

and it is further

ORDERED that 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. 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 media upon which they are produced, in a searchable format, unless the parties agree otherwise.

MISCELLANEOUS:

It is further **ORDERED** that any further third-party actions shall be commenced promptly upon discovery of the identity of the third-party defendants, but not more than thirty days after the completion of depositions, unless for good cause shown, and it is further

ORDERED that parties aggrieved by failures to disclose must move promptly for relief or be deemed to have waived the outstanding items, and it is further

ORDERED that any statutory stays of disclosure due to the pendency of motions pursuant to CPLR 3211, 3212 and 3213 are vacated, and all parties are stayed from moving for summary judgment pending the filing of a note of issue as directed herein, and it is further

ORDERED that any parties failing to appear at this Conference shall be bound by the terms of this order, and it is further

ORDERED as follows:

(Any items left outstanding from those directed by prior orders must be specifically identified or are deemed waived)

SO ORDERED:

_____, JSC

DEMAND PURSUANT TO CPLR 3216

PLEASE TAKE NOTICE that demand is hereby made pursuant to CPLR 3216 that Plaintiff(s)/Petitioner(s) _____ serve and file a Note of Issue and Certificate of Readiness on or before the date set forth above for doing so, and furnish to the Compliance Settlement and Conference Part, within ten (10) days thereafter, a copy of the filed Note of Issue and Certificate of Readiness, together with an affidavit of service.

PLEASE TAKE FURTHER NOTICE that a default in complying with the foregoing demand may result in dismissal of the action for unreasonably neglecting to proceed, without further notice. Prior to the date set forth above, the court may, in its discretion, advise the plaintiff of the impending deadline.

Dated: _____, JSC

Receipt of a copy of this order and demand is acknowledged:

Attorney for Plaintiff(s)/Petitioner(s)

Attorney for Defendant(s)/Respondent(s)

Attorney for Defendant(s)/Respondent(s)

Attorney for Defendant(s)/Respondent(s)

Attorney for Defendant(s)/Respondent(s)