

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

P R E S E N T :

Hon. Alan D. Scheinkman
Justice Supreme Court

-----X
SUPERIOR GUNITE,

Plaintiff,

-against-

YONKERS CONTRACTING COMPANY, INC. AND
ZURICH AMERICAN INSURANCE COMPANY,

Index No. 54272/2013

Defendants.
-----X

~~PROPOSED~~
PRELIMINARY CONFERENCE
ORDER – COMMERCIAL CASE

SCHEINKMAN, J.:

Counsel having appeared for a Preliminary Conference on July 25, 2013 :

Plaintiff:

Superior Gunite

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Defendants:

Yonkers Contracting Company, Inc. and
Zurich American Insurance Company

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JUL 24 2013
ALAN D. SCHEINKMAN
JUSTICE OF THE
SUPREME COURT

and the Court having conducted a Preliminary Conference in the above-entitled action, it is hereby ORDERED as follows, pursuant to Rule 8 of the Rules of Practice for the Commercial Division:

1. Any Demand for a Bill of Particulars shall be served on or before N/A and any Bill of Particulars shall be served on or before _____.
- 2A. Defendants' Demands for Discovery and Inspection shall be served on or before 8/26/2013 and all Responses to such Demands shall be served on or before 9/26/2013.
- 2B. Defendants' Responses to Plaintiff's Demands for Discovery and Inspection shall be served on or before 8/14/2013.
3. Any Interrogatories shall be served on or before 8/26/2013 and all Answers to Interrogatories shall be served on or before 9/26/2013.
4. Any deposition on Oral Questions to be taken of Plaintiff shall be held on or before 10/31/2013 at a location to be determined by the parties.
5. Any deposition on Oral Questions to be taken of Defendants shall be held on or before 10/31/2013 at a location to be determined by the parties.
6. Any deposition on Oral Questions to be taken of any non-parties shall be held on or before 11/29/2013 at a location to be determined.
7. Other Disclosure, including Expert Disclosure, shall be:
completed on or before 11/29/2013.

8. Electronic Discovery shall be:
completed on or before 10/1/2013.

9. Discovery shall be limited to the following issues:

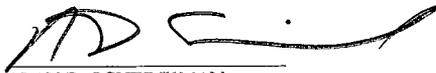
Breach of contract issues and resulting damages.

10. Impleader shall be completed on or before 8/25/2013.
11. All discovery shall be completed by 12/10/2013 and any discovery not then completed may be considered waived. The failure to provide a document, or to otherwise provide discovery, may result in preclusion.
12. A Trial Readiness Conference will be held on 8/12/13 at 9:30. On this date a Trial Readiness Order will be issued to the Plaintiff to which Plaintiff shall serve and file a Note of Issue and Certificate of Readiness within (10) days of the date of the Trial Readiness Order.
13. Absent an order of the Court to the contrary, the making of any dispositive motion will NOT stay discovery and will NOT result in, or justify, any change or adjustment in the dates set forth hereinabove.
14. THE DATES SET FORTH ABOVE MAY NOT BE ADJOURNED EXCEPT WITH THE PRIOR APPROVAL OF THE COURT.
15. In the event of a discovery dispute, counsel shall comply with Rule 14 of the Rules of Practice in the Commercial Division. In furtherance thereof, in the event that counsel, after good faith consultation, cannot resolve a discovery dispute, counsel shall promptly contact the Court at 914-824-5419 and arrange for either an in-court or telephonic conference. No motion relating to discovery shall be made without the prior 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 above, unless otherwise permitted by the Court.
16. All motions (including any discovery motions permitted by the Court) shall be governed by Rules 16 through 24 of the Rules of Practice in the Commercial Division. No sur-reply (which includes reply in further support of a cross-motion) or post-submission papers will be considered by the Court, except as authorized by the Court or by Rule 18. All motions shall be made returnable on Fridays. No motion shall, absent the permission of the Court, be made returnable on any other day.
17. Counsel shall not copy the Court on correspondence between them.
18. No document, including correspondence, shall be sent to the Court without prior authorization from Chambers to do so.

19. Absent the express permission of the Court, copies of all papers filed with the Court shall be transmitted to all opposing counsel in such fashion as to be received by counsel prior to, or contemporaneously with, receipt by the Court.

Dated: White Plains, New York

July 25, 2013



ALAN D. SCHEINKMAN
Supreme Court Justice